**Fair and Impartial Policing:
Recommendations for the City and
Police Department
of San Francisco**

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Fair and Impartial Policing:
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by Lorie Fridell, Ph.D.

EXECUTIVE SUMMARY

Two articles published by the *San Francisco Chronicle* (*SFC*)–one in December 2006 and another in March 2007–brought the national issue of racially biased policing back to the fore in San Francisco. The Mayor, Police Chief and Police Commission expressed concerns about the *SFC* report that the African American arrest rate in San Francisco was two to four times higher than the corresponding rates in other large California cities (Sward, 2006). I was asked to assist the City by completing the following tasks:
- Conduct briefings with a group of community stakeholders and with a group of police personnel in which I would present a framework for ongoing discussions in the city about fair and impartial policing.
- Review and comment on the information presented in the *SFC* regarding the high African American arrest rate and review and comment on a subsequent article on officer compliance with the vehicle stop data collection program of the San Francisco Police Department (SFPD).
- Conduct a preliminary review of the efforts on the part of the SFPD to promote fair and impartial policing.

These tasks culminate in this report that summarizes my reviews above and sets forth a plan for the city of San Francisco that would facilitate full fair and impartial policing.

Following the introduction of the report, I provide in Section II, a framework for discussing and thinking about fair and impartial policing. I address the various ways that racially biased policing might manifest, the nature of the national discussion, the challenge of measuring racial bias in policing, and the elements of a comprehensive response to achieve fair and impartial policing. In Sections III and IV, I comment on the two articles published by the *San Francisco Chronicle*. Section III discusses the article published on 12/17/2006 that reported that San Francisco had the highest rate of African American arrests (relative to residential population) compared to seven other large California cities.   Section IV discusses the article published on 3/7/2007 regarding the vehicle stop data collected by the SFPD in an effort to measure racial bias. Section V contains my recommendations for the City and the Police Department. In that section I provide a rationale for the direction I propose for the City and SFPD, recommend a structure/process for implementation, and then present a series of recommendations using as a framework the elements of a comprehensive program for achieving fair and impartial policing.

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A Framework for Discussing Fair and Impartial Policing

Chiefs and sheriffs need to think about and respond to the various ways that actual and perceived racially biased policing might manifest. Specifically, the law enforcement agency executive needs to think about (1) how to identify and deal with any racist officers, (2) how to guide the overwhelming majority of well-meaning officers who may not be fully cognizant of the extent to which race/ethnicity are used in their decision making, and (3) how to identify and fix institutional practices that contribute to the problems.

Supporting the view that well-meaning people might be biased is a considerable and growing literature on what is variously called "unconscious bias" or "implicit bias." Social psychologists working in this realm point to the "implicit system" of our brain that is designed to be "reactive rather than reasoned." It was designed for, and indeed specializes in, quick generalizations, not subtle distinctions. It produces mental shortcuts that can be very valuable for facilitating human thinking and producing human reactions. Researchers have found that these associations or mental "shortcuts" include "automatic associations between social groups and concepts" and one of these is the automatic or implicit association between minorities (particularly African Americans) and crime. Considerable research has identified this implicit bias linking minorities and crime even in people who test as "non prejudiced" and are otherwise "consciously tolerant." This association, research over six decades shows, impacts on both perceptions and behavior (e.g., in laboratory studies). The research also indicates that people who are aware of their implicit biases can reduce or eliminate their impact on behavior.

The national discussion has not attended to the possibility that well-meaning individuals may act in a biased fashion. Instead and unfortunately, much of the national discussion on racially biased policing has pointed to racist officers as *the* cause. In many jurisdictions the charge on the part of resident stakeholders is that there is "widespread racism" among police. It is hardly surprising that this has led to law enforcement defensiveness.

A broader conceptualization of racially biased policing—one that acknowledges the existence of human (often unconscious) biases—is not only more accurate in conveying causes and consequences, but also can bring what have been "opposing groups" together. Jurisdiction stakeholders and police can come together for purposes of prevention and remediation around the facts that (1) even the best police officers, *because they are human*, might engage in biased policing; and (2) even the best police agencies, because they *hire humans*, will have biased decisions made by their personnel.

It is commendable that the City leaders called for this review upon learning of the high arrest disparities in San Francisco. It is also commendable that the SFPD has been collecting vehicle stop data since 2001. That said, it is critically important that stakeholders understand what crime/census and stop data can and cannot tell us. Using these sources of data in an attempt to determine whether or not police are inappropriately using race/ethnicity in making law enforcement decisions is a challenging endeavor at best. Researchers can tell us if patterns exist, and if those patterns are tied to characteristics such as race, but cannot tell whether racial animus or bias are the reasons for disparate patterns. Conveyed in another way: it is not difficult to measure whether there is *disparity* between racial/ethnic groups in terms of arrests or stops made

by police; the difficulty comes in identifying the *causes* for disparity. Racial disparity (in stops, searches, arrests) could be caused by police racial bias and/or by an array of other legitimate factors. It is inappropriate to assume from these studies that findings of disparity are findings of police racial bias.

Reflecting the social science challenges referenced above, my discussion in the report regarding the African American arrest disparities, does not include any conclusion regarding their meaning. Instead, my coverage highlights the ease with which we can identify disparities and the great challenges associated with disentangling the causes of those disparities, including the cause of police racial bias.

African American Arrest Disparities

On 12/17/2006, the San Francisco Chronicle reported on felony arrest rates of African Americans across eight California cities (Sward, 2006). San Francisco's rate of 145 compares to corresponding rates of between 34 and 81 for the cities of Oakland, San Diego, Los Angeles, San Jose, Fresno, Long Beach and Sacramento. The San Francisco rate is 1.8 times larger then the next highest rate (81)—that of Sacramento. The San Francisco rate is 4.3 times larger than that of Oakland.

One interpretation of this high rate was that police in San Francisco were practicing racially biased policing. Various alternative explanations were set forth by police officials and others. First, the police maintain that their law enforcement actions are based on the *behaviors* of the people with whom they interact. In terms of alternative explanations for the results—that is alternatives to the racial bias explanation—members of the police force and others suggested these reasons for the greater disparities in San Francisco compared to the other cities studied:

(1)   The "lack of consequences" meted out by the San Francisco criminal justice
         system leads to:
         (a)   an influx of criminals into the city, and
         (b)   a high rate of rearrests because criminals are placed back on the street to
                 commit more crime.
(2)   The SFPD is engaged in aggressive/focused law enforcement in high crime
         areas, which are disproportionately populated by minorities including African
         Americans.

The claim that officers respond to behavior and not to race raises an important issue relative to efforts to measure racial bias in policing.   In this case, the issue is the "denominator" used in the rates calculated by the *SFC*. The two components of the rates were the number of African American felony arrests during each year (the "numerator") and the number of African American residents of the city (the "denominator"). The rates were calculated by dividing the numerator by the denominator and multiplying by 1,000 to get African American felony arrests per 1,000 population. If one were attempting to assess police racial bias, the ideal denominator for the rates would be African Americans involved in felonious behavior. Unfortunately, while we have lots of data about crime, we have no true measures of who is committing crime; that is, we do not have valid information on the racial characteristics of people who commit crime. Without this information, we can identify disparities in arrests, but we cannot isolate the cause. We can see that African Americans are arrested disproportionate to their representation in the residential population, but not whether they

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are arrested disproportionate to their representation in the population that commits felonies in the city.

Two explanations put forward to explain the high African American arrest disparity in San Francisco compared to the other cities pertains to the workings of the criminal justice system post arrest. The claim is that San Francisco, compared to the other seven cities under study, does not provide consequences to people arrested by police. The purported result is that (1) criminals from outside the city come into it to commit their crime, and (2) the police arrest the same people over and over again because they are back on the streets.

There are data that indicate that the adult felony arrests in San Francisco County are less likely than the adult felony arrests in the other six counties (encompassing the seven cities studied) to result in (a) a complaint, (b) a conviction, and (c) prison. In San Francisco County, the percentage of adult felony arrests that result in complaints is low compared to the other counties. Of the complaints that are filed in San Francisco County, 36 percent are denied compared to between 8 and 21 in the other counties. Of these filed complaints, just over half produce convictions compared to 74 to 94 percent convictions in the other counties.   Finally, San Francisco County produced 3.9 felony admissions to the Department of Corrections for every 100 adult felony arrests. This contrasts with, for instance, Los Angeles County and San Diego County, which produced 39 and 41 admissions for every 100 adult felony arrests.

The information above indicates that felony arrestees are less likely than their counterparts in the other jurisdictions to have a complaint filed against them, be convicted, or be sentenced to prison. There are, however, some important caveats associated with making such comparisons. Further, it's important to note that the manner in which adult felons are processed in San Francisco is not necessarily a "weakness" of the system or a sign of "ineffectiveness." Rather, these findings may reflect conscious decisions that are in sync with the values and priorities of the residents of San Francisco served by the criminal justice system.

The issue of "lax criminal justice processing" in San Francisco was linked to two claims relative to the high level of African American arrest disparity: (1) criminals in outside jurisdictions come into San Francisco to commit their crimes aware that the consequences are not as great, and (2) the SFPD is arresting the same people over and over again because they are returned to the streets. With regard to the former, San Francisco is one of the stronger "draw" cities among those referenced in the *SFC* article. It is a city that attracts large populations into it from outside for various purposes including work and tourism. Further, it may be—pending further study—that San Francisco, more than the other jurisdictions under study—may draw in the outside population in a manner that increases the proportion of minority (versus Caucasian) populations on the streets of the city (relative to the residential population)**.** This fact raises again the issue of the denominator used to identify the African American arrest disparities. While the disparity between African American arrests and *residential population* is higher in San Francisco than the other jurisdictions studied; this may not be the case if one were to calculate such a rate based on who is on the streets of San Francisco (residents and people coming in from outside) and available to be arrested.

The discussion above pertaining to the overall influx of people into the city, does not necessarily tell us about who comes into the city *to commit street crime.* Again, the SFPD offered that criminals come into San Francisco due to the "lax consequences." This proposition is not easy to assess. To support this claim, the SFPD has shared information showing the percentage of defendants who are residents and non-residents; the department's data indicates that, during the period 2000 through 2005, approximately 30 percent of the defendants were non-residents. We do not know, however, whether this figure is different from the other cities to which San Francisco was compared in the *SFC* article and, if it is, whether the difference would impact on San Francisco's level of disparity compared to them.

Similarly, there is no easy way to assess the SFPD claim that the San Francisco rate of African American arrests relative to their representation in the population can be explained in part by the fact that the SFPD is arresting the same people over and over again. Relevant to this claim, however, is the information comparing San Francisco to the other relevant counties with regard to new felony admissions to the Corrections Department. For illustrative purposes, we can compare San Francisco to San Diego County and we find that while 96 of each group of 100 adult felons arrested in San Francisco find themselves on the street (or on the street sooner than they likely would have found themselves given a prison term), the corresponding number in San Diego is 68. If we were to assume comparable recidivism rates across counties, there are more potential reoffenders on the streets of San Francisco to be arrested (again) by the police than are on the streets of San Diego.

The above argument, however, is based on the assumption that incarceration is the only consequence that stops re-offending. A low rate of prison sentences does not necessarily mean "lack of consequences" and, relatedly, putting a person back on the street does not necessarily imply that s/he will recidivate. San Francisco County more than the others utilizes alternatives to incarceration—alternatives that focus not on punishment but on rehabilitation and, importantly, the recidivism rates of the various key programs are quite favorable compared to the recidivism rates for people who were sentenced to prison.

The SFPD points to their focused/aggressive policing programs to explain in part the high rate of minority arrests. The department has initiated a number of crime fighting programs and most of these efforts are focused in high-crime areas, which are mostly low-income, high minority areas. This fact, however, would not necessarily explain the high disparity rate in San Francisco compared to the other jurisdictions as those jurisdictions likely, too, have focused, aggressive efforts underway.

That said, there is one indication of productivity/aggressiveness that may explain in part the relatively high rate of African American arrests in San Francisco compared to the other jurisdictions. A further examination of the arrest rates shows that San Francisco is not only high in the rate at which it arrests African Americans, but also is relatively high in the rate at which the police department arrests non-African Americans. Thus while the *SFC* article pointed out that San Francisco's African American arrest rate was four times the corresponding rate for Oakland, we find that SFPD makes more arrests than Oakland P.D. of *non-African Americans* too. The SFPD makes 1.5 times more arrests overall than Oakland PD.

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The SFPD Vehicle Stop Data: The Issue of Compliance

The *SFC* article on March 7, 2007 pertained to the vehicle stop data collection program of the SFPD (Sward, 2007). A major focus of this article was the extent to which officers were submitting forms for the designated stops. To assess officer compliance with the data collection mandate, the *SFC* article described comparisons of SFPD stop data to data from the courts on citations issued. First, the *SFC* described a comparison made by the American Civil Liberties of Northern California (ACLUNC) in its report issued in 2002 on the SFPD vehicle stops (Schlosberg, 2002). The ACLUNC reported that 77,000 traffic citations for moving violations were issued by San Francisco police, but that only 50,000 E585 forms were submitted and concluded that "underreporting is astounding" (Schlosberg, 2002, 14). Next the *SFC* reported updated information; the court records indicated 111,000 citations issued for 2005 but only 70,000 traffic stops were reported through E585 forms. Pursuant to the logic of this comparison, there should be more E585 forms than citations because E585 forms are supposed to be submitted for all stops, including (but not limited to) those that result in citations.

The information that tells us most about the quality of the data are the acknowledgements on the part of the command staff of the SFPD that the department needs to improve the data collection process and their reports to me of the efforts used to promote compliance on the part of officers. Within SFPD, there was no consistent system to facilitate officer compliance.

Poor quality is also indicated by errors in the data. And the search data, including search hit rate data, additionally raise some questions regarding the level of officer compliance with the vehicle stop data collection program. (A hit rate is the percent of searches in which the officers find something upon the people being searched.) I believe the unusual findings of 61 percent inventory searches and 77 percent hit rate for searches without consent likely tell us more about form-submitting behavior than about search behavior.

In sum, there are some strong indications that the quality of the SFPD vehicle stop data is poor. Most relevant to this assessment is the fact that procedures have not been consistently in place to facilitate officer compliance. In Section V, I discuss the importance of high quality data and describe the systems that can be put in place to produce it.

Recommendations for San Francisco

I recommend that the SFPD implement state-of-the-art practices geared toward producing fully fair and impartial policing. Some of the arguments for the SFPD adoption of comprehensive actions that produce fair and impartial policing apply to all agencies; others pertain more particularly to SFPD.

Police departments need to implement comprehensive programs to facilitate fair and impartial policing because this issue is a longstanding one of great importance. Police departments need to respond because policing, like other professions, is not bias-free. An additional argument for action is the fairly widespread perceptions of police racial bias nationwide.

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The potential of racial bias and the perceptions of it to impact negatively on trust and partnerships has particularly relevance for the SFPD, which has adopted community policing. In San Francisco and elsewhere decades of reform reflected in community policing are threatened by perceptions of racially biased policing and its practice.

San Francisco needs to implement reforms in this realm on its own initiative to reduce the risk of outside intervention, such as an investigation or lawsuit by the Department of Justice. Finally, the Mayor, Chief of Police and Police Commission have committed to implementing state-of-the-art practices in various realms of policing; it is wholly consistent with these aspirations to seek state-of-the-art practices in fair and impartial policing.

To move forward with a program to facilitate fair and impartial policing, I recommend that Chief Fong develop an Advisory Board that will work with her to implement the comprehensive program and otherwise enhance police-community trust. Additionally, the city should obtain the services of an individual or firm (referred to hereafter as "Consultant") who can bring national knowledge of state-of-the-art practices to the project. On a regular basis, the Chief would report to the Police Commission on program progress.

In a comprehensive effort to promote fair and impartial policing and the perceptions of its practice, the key areas are:
- Policies prohibiting racially biased policing,
- Training,
- Leadership/supervision and accountability,
- Recruitment and hiring,
- Outreach to diverse communities,
- Institutional practices and priorities, and
- Data collection and analysis.

Anti-Biased Policing Policy

Racially biased policing occurs when law enforcement *inappropriately* considers race or ethnicity in deciding with whom and how to intervene in an enforcement capacity (Fridell et al., 2001). There are significant differences of opinions as to when it is and is not "appropriate" to consider race or ethnicity and these views are reflected in the various policies that have been adopted around the nation.

The SFPD adopted General Order 5.17 entitled "Policy Prohibiting Biased Policing" in July of 2003. This policy has a number of strengths; its key strength is the content of the central provision that sets forth parameters on the use of the specified characteristics (race, ethnicity, etc.) for making law enforcement decisions. It is a strong model and one that is very restrictive—meaning that it provides for very narrow uses of race/ethnicity and other characteristics in making law enforcement decisions.

A fuller review of this area by the Chief, Advisory Board and Consultant would involve determining the extent to which personnel at all levels know and understand the content of this policy.

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Training

Training can play a critical role in reducing actual and perceived racial bias in policing. I distinguish between various categories of training. "Core" training on racially biased policing is provided in the academy and to any in-service officers who went through the academy prior to its adoption. "Focused training" targets specific populations to include supervisors, command staff and community members.

Consistent with statute, all SFPD recruits at the academy receive the POST training entitled "Racial Profiling: Issues and Impact." All in-service officers received this training following its statewide adoption. Sergeants receive 2 hours of training every two years on the combined topics of community policing, cultural competency, and racial profiling.

With regard to training, I recommend that:
- ✓ Core training be supplemented with material pertaining to unconscious (or "implicit") bias and provide officers with tools for ensuring that their behavior is bias-free.
- ✓ The Chief and Advisory Board *consider* incorporating into the academy training some components of the Chicago Academy Training that conveys to officers through role-playing exercises the message that policing based on stereotypes is unjust, unsafe and ineffective.
- ✓ A training module be developed for FTOs, sergeants and lieutenants that will give them the tools they need to promote fair and impartial policing among those they supervise/train.
- ✓ Command staff members participate in educational/discussion forums on the topic of racially biased policing.

Leadership/Supervision and Accountability

Police leadership/supervision and accountability are important for eliminating bias in policing. Both are necessary to ensure that employees at all levels implement the training they have received and, in the same vein, act in accordance with department policies prohibiting racially biased policing. Leadership at the top levels must send a clear message supporting fair and impartial policing. Middle managers and line supervisors must ensure adherence to that message. Accountability mechanisms that are used by agencies to promote productivity/professionalism in many areas of policing should (1) be strong and (2) be used to promote fair and impartial policing.

The SFPD Mission Statement conveys that personnel "…will treat all those we serve in a compassionate, sensitive, courteous and professional manner, regardless of sex, race, lifestyle or reason for police contact," and a number of people within the department and outside of it reported that Chief Fong is committed to diversity, fair and impartial policing, human rights and police-citizen trust. The SFPD has two important external accountability mechanisms—the Police Commission and the Office of Citizen Complaints—and is developing an important internal accountability mechanism, the Early Intervention System (EIS).

I make several recommendations to strengthen leadership/supervision and accountability as pertains to racially biased policing. First of all, a planned review of the SFPD mission should include consideration of how that mission might more directly

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convey the agency's commitment to fair and impartial policing. Second, the Chief and the Advisory Board should identify any needed changes to the criteria for selecting FTOs and supervisors that would ensure that people in these important positions have characteristics that support the agency's commitment to fair and impartial policing. Third, the Chief and Advisory Board should identify any needed changes to personnel evaluation procedures that would support and promote fair and impartial policing and perceptions of fair and impartial policing. Finally, I recommend that the EIS be applied to the objective of fair and impartial policing.

Recruitment and Hiring

Recruiting and hiring practices have the potential to reduce racially biased policing and citizen perceptions that an agency is biased in two basic ways: (1) by establishing a police workforce that reflects the racial demographics of the community that the agency serves, and (2) by hiring officers who can police in an unbiased manner and in a manner that reduces perceptions of racial bias.

The SFPD is impressive in terms of the diversity of its personnel. This is indicated when the racial/ethnic makeup of sworn personnel is compared to jurisdiction demographics and when the percentage of minorities in the department is compared to other municipal agencies of the same size nationwide. Regarding the latter, 45 percent of the sworn personnel of the SFPD are racial/ethnic minorities compared to 38 percent in its peer agencies nationwide.

In this area, I recommend that:
- ✓ The background investigation protocol be revised to incorporate exploration of the applicants' attitudes toward and interactions with members of other racial and cultural groups.
- ✓ A spot check be conducted to ascertain whether the background investigations are consistent in nature and depth across all demographic groups.
- ✓ Personal interviews include questions that reveal applicants' understanding and attitudes about race relations and police-community relations.
- ✓ The Chief and Advisory Board build upon current department initiatives whereby the pool of potential SFPD officers is "grown" within the city.

Outreach to Diverse Communities

Both the incidents and the perceptions of racially biased policing lead to mistrust of police. Relying as they do on resident input, support, and compliance, the police cannot function effectively where tensions are prevalent. Outreach to all residents, but particularly to minority communities, is an important component of any departmental strategy to respond to racially biased policing and the perceptions of its practice. Departments should (1) reach out to minority communities on the specific topic of racially biased policing, and (2) institute methods for building and sustaining, at a more general level, mutually respectful and trusting relationships.

The City of San Francisco is committed to community policing (although there are differing views regarding what community policing is and how it should be implemented). SFPD has a number of programs that facilitate partnerships between the police and community, including the police and the minority communities in the city.

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The development of the Advisory Board for this project represents one outreach mechanism. I further recommend that the SFPD in conjunction with the Advisory Board:
- ✓ Hold focus groups with resident stakeholders around the city to discuss various topics of mutual concern including racially biased policing and the perceptions of its practice.
- ✓ Develop priorities and a plan to provide education to citizens—education that would enhance understanding and trust between police and residents.

Institutional Practices and Priorities

Many of the response areas above focus on trying to promote fair and impartial policing at the line officer level; I discuss how to hire diverse personnel who can police in an unbiased fashion, guide officers with policy and training, supervise them and so forth. Biased policing or perceptions of biased policing, however, may occur, not because individuals are working outside of agency parameters but within them. That is, there may be institutional policies and practices that produce biased policing or perceptions of its practice—even unintentionally. As such, an important component of an effort to enhance fully fair and impartial policing should include an "audit" of operational and administrative practices that might result in disproportionate negative impacts on racial/ethnic minorities and that cannot be justified by race-neutral factors.

A challenge to implementing this review of institutional practices and priorities is that it opens up an infinite number of possible avenues for exploration (every policy and practice). I recommend that the policies/practices given initial focus by the SFPD be those identified by stakeholders who participate in the focus groups described above. For instance, they might point to the gang injunction, consent searches, or patrol practices. For each practice identified, the agency with the assistance of the Consultant would use available data to determine if (1) the practice produces disparate impact, (2) the disparate impact can be explained by race-neutral practices, and/or (3) changes are advisable to reduce disparate impact or communication is advisable to reduce perceptions of racial bias.

Data Collection on Police Stops

Many agencies around the nation have instituted vehicle (and sometimes pedestrian) stop data collection systems. There are arguments for and against such systems. Data collection conveys important messages to both the community and agency personnel that biased policing will not be tolerated and that officers are accountable to the citizens they serve. Two major arguments—one for data collection and one against—go head to head and center on the ability of social science to turn the data that are collected into valid and meaningful assessments of whether racially biased policing is occurring.

Some advocates of data collection will point out that, even if data collection cannot prove or disprove racially biased policing, it can produce important information that an agency should have regarding the work of their line personnel. Those less enthused about data collection might acknowledge the positive aspects as listed above, but question whether the benefits are worth what can be considerable costs.

The SFPD initiated the collection of vehicle stop data on June 15, 2001. Officers were directed to fill out E585 forms for all vehicles stopped for law enforcement purposes. Officers report on these forms (1) the date and time of the stop; (2) the race, sex and

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age of the driver; (3) the reason for the stop; (4) whether a search was conducted, the basis for the search, and the results of it; (5) the result of the stop; and (6) the location of the stop. The contents of the E585 form represented good practice at the time of its development, but is now dated. Its elements will not support the higher quality methods for analyzing the data.

The SFPD has promoted officer compliance with the data collection requirements through periodic memos reminding officers to fill in the E585 forms and by calling their attention to common errors/issues. There was however, no consistently used mechanism of accountability. Because of deficiencies in the SFPD Information Technology, some officer submissions were never successfully transmitted to their destination.

Agencies should use auditing procedures to ascertain whether line personnel in the police department are submitting data collection forms for each and every targeted stop and filling out the forms fully and accurately. There are some auditing procedures in place in SFPD, or at least there were prior to the retirement of the agency's analyst. These procedures are better than those in many agencies across the country, but they are not strong enough to produce data of sufficient quality for confidence and analysis.

Data "analysis" can range from very simple to very sophisticated. Most departments require supplemental resources to conduct sophisticated analyses and many large cities have "outsourced" these studies.   SFPD has not had the resources for sophisticated analysis and, indeed, the reports that the agency has produced reflect that circumstance.

I recommend that that the Chief and Advisory Board research the costs and benefits associated with continued vehicle stop data collection and provide a recommendation to the Police Commission regarding whether to continue the program. If the data collection system is maintained and quality data analysis is contemplated, I recommend that the SFPD:
- ✓ Revise the E585 form to support the analyses.
- ✓ Develop a system of supervisory oversight to facilitate officer submission of forms.
- ✓ Analyze and fix the problems with the IT system that is impacting on data submission.
- ✓ Develop a system for auditing the incoming data.
- ✓ Include in its regular reports to the Police Commission information on the auditing results.

I recommend that the Chief and Advisory Board become knowledgeable about the potential and constraints of benchmarking and about the various methods that can be utilized along with their associated costs and convey their conclusions and recommendations to the Police Commission for their consideration.

Conclusion

Racially biased policing and the perceptions of its practice are critical issues facing jurisdictions across the country. The issues involved in "racial profiling" and racially biased policing are not new; they are the latest manifestations of a long history of sometimes tense, and even volatile, relations between police and minorities. The

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longstanding nature of the problem need not, however, be viewed as proof of the problem's intractability. Police are more capable than ever of effectively addressing police racial bias in their ranks. In the past few decades there has been a revolution in the quality and quantity of police training, the standards for hiring officers, procedures and accountability mechanisms, and the widespread adoption of community policing. This is a new era of policing—one characterized by highly qualified personnel and new tools for dealing with complex and highly charged issues.

Reflecting this changed profession, progressive chiefs and sheriffs across the nation are acknowledging the problems of racially biased policing and widespread perceptions of its practice and implementing initiatives to bring about critically needed, constructive change.   The SFPD has already taken some important steps to promote and facilitate fair and impartial policing.   For example, the department has a solid anti-biased policing policy, the POST training for all recruits is strong, Chief Fong is perceived as committed to fair and impartial policing, the agency has impressive diversity among sworn personnel, the agency and City are committed to community policing principles, and the department has been collecting vehicle stop data since 2001.

This report sets forth a plan for SFPD that will build upon the agency's current initiatives and strengths and give the City of San Francisco an opportunity to become a model jurisdiction with regard to fully fair and impartial policing.   The City, the SFPD and concerned resident stakeholders should join together to implement the program outlined in this report.

List of Recommendations

1. The SFPD implement state-of-the-art practices geared toward producing fully fair and impartial policing.

2. Chief Fong develop an Advisory Board that will work with her to implement the comprehensive program to enhance fair and impartial policing and otherwise strengthen police-community trust.

3. The City obtain the services of an individual or firm who can bring national knowledge of state-of-the-art practices to the project.

4. On a regular basis, the Chief report to the Police Commission on program progress.

5. The Consultant for this project and the consulting team selected to conduct the "Organizational Review" be required to communicate regularly and join forces on overlapping subject matter.

6. The Controller's Office add questions to the semi-annual survey of residents that would measure citizen attitudes toward and perceptions of the SFPD.

7. Core training be supplemented with material that will make officers aware of their unconscious (or "implicit") biases and provide officers with tools for ensuring that their behavior is bias-free.

8. The Chief and Advisory Board consider incorporating into the academy training some components of the Chicago Academy Training that conveys to officers through role-playing exercises the message that policing based on stereotypes is unjust, unsafe and ineffective.

9. A training module be developed for FTOs, sergeants and lieutenants that will give them the tools they need to promote fair and impartial policing among those they supervise/train.

10. Educational/discussion forums be held for command staff on the topic of racially biased policing.

11. The team selected for the Organizational Review project confer with the Chief and Advisory Board on ways the department's mission might more directly convey its commitment to fair and impartial policing.

12. The Chief and Advisory Board identify changes to the criteria for selecting FTOs and supervisors that would ensure that people in these important positions have characteristics that support the agency's commitment to fair and impartial policing.

13. The Chief and Advisory Board identify changes to personnel evaluation procedures for line and supervisory staff that would support and promote fair and impartial policing and perceptions of fair and impartial policing.

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14. The Early Intervention System be applied to the objective of fair and impartial policing.

15. The background investigation protocol be revised to incorporate exploration of the applicants' attitudes toward and interactions with members of other racial and cultural groups.

16. A review be conducted to ascertain whether the background investigations are consistent in nature and depth across all demographic groups.

17. Applicant personal interviews include questions that reveal applicants' understanding and attitudes about race relations and police-community relations.

18. The Chief and Advisory Board build upon current department initiatives that serve to increase the pool of residents of the city who are interested in serving in the SFPD.

19. The SFPD hold focus groups around the city with resident stakeholders to discuss various topics of mutual concern including racially biased policing and the perceptions of its practice.

20. The Chief and Advisory Board develop priorities and a plan for providing education to citizens that would enhance understanding and trust between police and residents.

21. The SFPD assess institutional practices and priorities and give initial attention to practices identified by stakeholders who participate in the focus groups.

22. The Chief and Advisory Board research the costs and benefits associated with continued vehicle stop data collection and provide a recommendation to the Police Commission.

If the vehicle stop data collection program is maintained, I recommend that:

23. The SFPD revise the E585 form to support quality data analyses.

24. The SFPD develop a system of supervisory oversight to facilitate officer submission of forms.

25. The SFPD analyze and fix the problems with the IT system that is impacting on data submission.

26. The SFPD develop a system for auditing the incoming data.

27. The reports submitted by the police department to the Police Commission include information on the auditing results.

28. The Chief and Advisory Board become knowledgeable about the potential and constraints of benchmarking and about the various methods that can be utilized along with their associated costs and convey their conclusions and recommendations to the Police Commission.

Fair and Impartial Policing:
Recommendations for the City and Police Department
of San Francisco

Submitted to the San Francisco Office of the Mayor

By
Lorie Fridell, Ph.D.[1]

Section I: Introduction

<u>Background</u>

On 12/17/2006, the *San Francisco Chronicle* (*SFC*) reported on felony arrest rates of
African Americans across eight California cities (Sward, 2006). The African American
arrest rate in San Francisco was two to four times higher than the corresponding rates in
other large California cities. The Mayor, Police Chief and Police Commission expressed
concerns about these numbers and one interpretation of them: that these data revealed
racially biased policing on the part of the San Francisco Police Department (SFPD). I
was asked to assist the city by completing three tasks that would result in this report:

- Conduct briefings with a group of community stakeholders and with a group of
  police personnel. In these briefings I was to provide a framework for ongoing
  discussions in the city about fair and impartial policing.
- Review and comment on the information presented in the *SFC* article about the
  high African American arrest disparity.
- Conduct a preliminary review of the efforts on the part of the SFPD to promote
  fair and impartial policing.

Upon learning that the *San Francisco Chronicle* would report in early March on some
additional data that pertained to racially biased policing, I was asked by city officials to
review and comment on these data as well. The article was published on March 7, 2007
(Sward, 2007).

In the following section, I describe the processes associated with completing the
assigned tasks and the sources of information used to inform my review and report.

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[1] My credentials are summarized in Appendix A. Included in that Appendix is a list of my
authored and co-authored publications on this topic. Some portions of this report draw
verbatim from those prior writings, particularly from a book entitled *Racially Biased
Policing: A Principled Response* that I co-authored with Robert Lunney, Drew Diamond
and Bruce Kubu and a chapter, co-authored with Michael Scott, entitled "Law
Enforcement Agency Responses to Racially Biased Policing and the Perceptions of its
Practice." Additional material is pulled from *By the Numbers: A Guide for Analyzing
Race Data from Vehicle Stops.*

<u>Process and Information Sources</u>

I met with a group of resident stakeholders for 90 minutes on December 27th, 2006. The Mayor's Criminal Justice Office had developed the list of prospective attendees and issued the invitations to them. On the same day, I met with approximately 30 members of the SFPD. Invited to this forum were command staff and representatives of the various employee groups (e.g., representing women, LGBTs and various racial/ethnic groups). Per my charge, I presented to each group a framework for discussing and thinking about racially biased policing. The topics covered during those presentations are addressed in this report; they include: definitions/terminology, how racially biased policing might manifest, the ability of social science to measure racial bias in policing, and the need for and the elements of a comprehensive response to promote fair and impartial policing. (Appendix B lists the people who attended the presentations.)

I reached out to each of the resident stakeholder participants following the forum and this resulted in additional communications with them by phone and email. These individuals also provided me with names of other people with whom they thought I should speak. I communicated with these people by email, through phone interviews or in face-to-face interviews during a subsequent trip to San Francisco on January 22, 2007. A list of people with whom I communicated is included in Appendix B. This list includes formal and informal leaders in the community (e.g., representatives of the African-American Police-Community Relations Board, the Asian Pacific Islanders Community Policing Board, the American Civil Liberties Union of Northern California), members of the Board of Supervisors (e.g., Supervisors Maxwell and Mirkarimi), and Police Commission (e.g., Commissioners Renne, Sparks and Marshall), and representatives from the various components of the criminal justice system (e.g., Jeff Adachi of the Public Defenders' Office, Tim Silard of the District Attorney's Office, Samara Marion of the Office of Citizen Complaints). To ensure frankness, I told all of these people that I would not associate names with comments in my report.

I had face-to-face and phone interviews with a number of members of the police department. These interviews helped me to understand the *SFC* data; understand the achievements to date of the SFPD with regard to policies, practices and training to promote fair and impartial policing; and develop the recommendations for this report. The personnel within the SFPD with whom I communicated are also listed in Appendix B.

I received and reviewed a number of written documents and other materials that were directly or indirectly related to this project. For instance, from the police department, I received various relevant General Orders (e.g., G.O. 5.17 "Policy Prohibiting Biased Policing") and other documents (e.g., "San Francisco Community Policing: A Report on Current Efforts"). I received and reviewed the Instructor's Resources for the POST Racial Profiling training. I obtained additional reports from other sources such as the "Community Policing Plan" of the African American Community-Police Relations Board (AACPRB) and the "Roadmap to Reform: Strengthening the Accountability Mechanisms of the San Francisco Police Department" written by the American Civil Liberties Union of Northern California (ACLUNC). The reports/documents that were obtained and reviewed are listed in the references and/or Appendix C.

So that I could explore the issues raised in the March 7, 2007 article, I received from the SFPD the raw data on over 423,000 vehicle stops for the period June 2001 through

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February 2007. I received copies of monthly reports, internal department memos, and Police Commission meeting minutes related to the vehicle stop reporting program.

<u>Document Organization</u>

In the next section (Section II), I provide a framework for discussing and thinking about fair and impartial policing. I address the various ways that racially biased policing might manifest, the nature of the national discussion, the challenge of measuring racial bias in policing, and the elements of a comprehensive response to achieve fair and impartial policing. In Sections III and IV, I comment on the two articles published by the *San Francisco Chronicle*. Section III discusses the article published on 12/17/2006 that reported that San Francisco had the highest rate of African American arrests (relative to residential population) compared to seven other large California cities. Section IV discusses the article published on 3/7/2007 regarding the vehicle stop data collected by the SFPD in an effort to measure racial bias. Section V contains my recommendations for the City and the Police Department. In that section I provide a rationale for the direction I propose for the City and SFPD, recommend a structure/process for implementation, and then present a series of recommendations for the City using as a framework the elements of a comprehensive program for achieving fair and impartial policing.

Section II:
A Framework for Discussing Fair and Impartial Policing

Racially biased policing is defined in this report as the inappropriate consideration by law enforcement of race or ethnicity in deciding with whom and how to intervene in an enforcement capacity.[2]

Ways that Racially Biased Policing Might Manifest

Chiefs and sheriffs need to think about and respond to the various ways that actual and perceived racially biased policing might manifest. Specifically, the law enforcement agency executive needs to think about (1) how to identify and deal with any racist officers, (2) how to guide well-meaning officers who may not be fully cognizant of the extent to which race/ethnicity impacts on their decisions, and (3) how to identify and fix institutional practices that contribute to the problems. That is, an executive needs to attend to the possibility of current or future problems of biased policing that result from the actions of a few "bad apples" among his/her personnel, the unintentional biased activities on the part of well-meaning officers, and/or department policies and practices that inadvertently (we hope, anyway) reflect bias or result in biased enforcement decisions.

Executives need to identify and deal with any racist officers who act on their racists beliefs during the course of their work. These personnel, a small minority in the police profession, usually manifest other problem behaviors as well and are a great challenge to executives. Policy and training are not likely to impact on these officers; for the most part, their actions are already contrary to the existing policies of the agency and the training they have received. The greatest hopes for changing the behavior of these practitioners are close and effective supervision, an early warning system to identify problem officers, and accountability through discipline or dismissal. There may be additional problem officers that, while they may not be conducting racially biased policing, treat citizens in such a negative and disrespectful manner as to give rise to the perceptions of biased behavior. Again, this calls upon measures in the form of effective supervision, early warning, and accountability.

In stark contrast to these bad apples, the vast majority of police personnel are well-meaning individuals who are dedicated to serving all citizens with fairness and dignity. Despite their good intentions, however, their behaviors may still manifest racially biased policing or give rise to the perceptions of it. It is likely that many of these officers, like humans in every profession, are not fully cognizant of the extent to which race/ethnicity are used in their decision making or fully cognizant of the behaviors that may give rise to citizen perceptions of bias.

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[2] This definition was originally set forth in Fridell et al., 2001, p. 5. The key word in this definition—inappropriate—acquires its substance from the specific policies that agencies adopt. There are several policy models that convey when it is and is not "appropriate" to use race/ethnicity to make law enforcement decisions. I discuss the SFPD policy in Section V.

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Supporting this view that well-meaning people might be biased is a considerable and growing literature on what is variously called "unconscious bias" or "implicit bias." Social psychologists working in this realm point to the "implicit system" of our brain that is designed to be "reactive rather than reasoned." It was designed for, and indeed specializes in, quick generalizations, not subtle distinctions. It produces mental shortcuts that can be very valuable for facilitating human thinking and producing human reactions. Researchers have found that these associations or mental "shortcuts" include "automatic associations between social groups and concepts" and one of these is the automatic or implicit association between minorities (particularly African Americans) and crime. Considerable research has identified this implicit bias linking minorities and crime even in people who test as "non prejudiced" and are otherwise "consciously tolerant." This association, research over six decades shows, impacts on both perceptions and behavior (e.g., in laboratory studies).[3] The research also indicates that people who are aware of their implicit biases can reduce or eliminate their impact on behavior (Dovidio, Kawakami, Gaertner, 2000).

These well meaning officers—who share the biases that many of us have—need information to facilitate their understand of these unconscious human processes and policy to tell them the circumstances in which race/ethnicity are and are not appropriate factors in the decisions they make. They need to be informed about their actions that citizens perceive as biased. Also important are effective supervision and an agency reward structure that reinforces behaviors consistent with the executive's commitment to impartial law enforcement and the dignified treatment of all citizens.

Racially biased policing might manifest at the policy making, not just individual, level. It is possible in any agency that there are longstanding or recently adopted policies and/or priorities that are not fully race neutral. These may be in place because they were developed at a time when prejudices were particularly strong in this country or just because they were developed by humans who, as above, may not be fully aware when biases impact on perceptions and behavior. Additionally, some policies and/or practices that are fully race-neutral may be perceived by a community as racially biased. Executives need to review policies, enforcement strategies, deployment, reward structures, and other operational practices to ensure that they do not reflect biases, and communicate openly and constructively with residents who express concern about the disparate impact of police policies.

Racism, Unconscious Bias and the Nature of the National Discussion

Much of the national discussion on racially biased policing has pointed to racist officers as the cause. While I do not downplay the importance and challenge of addressing this source of racially biased policing, I believe that the attention to this source of bias has been at the expense of acknowledging other sources of police racial bias and sometimes detrimental to reform efforts. Police-stakeholder discussions of "racial profiling" that involve finger-pointing by residents and defensiveness by police are not helpful. Resident stakeholder accusations of "widespread racism" among police and that police

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[3]Allport and Postman, 1947; Correll, Park, Judd and Wittenbrink, 2002; Devine, 1989; Duncan, 1976; Greenwald, Oakes and Hoffman, 2003; Payne, 2001; Sugar and Schofeld, 1980; Eberhardt, Dasgupta and Banaszynski, 2003.

frequently "stop people solely on the basis of race" are not constructive and likely not accurate. These types of accusations inevitably lead to defensive responses on the part of police. Officers and department leaders who have listened to the discussion and been told that "racial profiling" results from widespread racism on the part of police are disinclined to acknowledge a problem and therefore disinclined to initiate reforms. The law enforcement response to the "racist-police" characterization of racial profiling was starkly conveyed by a command-level officer in a northeastern city in response to my calls for his department to implement positive action to prevent and respond to racially biased policing. He said, "If we implement these recommendations, we'll be admitting we are racist." This statement conveys poignantly the negative impact of a narrow conceptualization of the causes of racially biased policing.

The broader conceptualization of racially biased policing—one that acknowledges the existence of human biases—is not only more accurate in conveying causes and consequences, but also can bring what have been "opposing groups" together. Jurisdiction stakeholders and police can come together for purposes of prevention and remediation around the facts that (1) even the best police officers, because they are human, might engage in biased policing, and (2) even the best police agencies, because they hire humans, will have biased decisions made by their personnel.

The Challenge of Measuring Racially Biased Policing

A major impetus for the review that culminates in this report was the article published by the *San Francisco Chronicle* on 12/17/2006 regarding the disproportionate rate at which African Americans are arrested for felonies in San Francisco relative to their representation in the residential population. Again, the African American arrest rate in San Francisco was greater than the corresponding rates in seven large California cities. The "discussion" in the article among those interviewed focused on whether or not this disparity indicated police racial bias. The second *SFC* article focused on the vehicle stop data that the SFPD has collected since 2001. Vehicle stop data have been collected by a number of jurisdictions around the country; a major purpose of these programs is to try to measure the existence of racial bias in policing.

It is very important for stakeholders to understand what crime/census and stop data can and cannot tell us.[4] As I think this report will convey, using these sources of data in an attempt to determine whether or not police are biased is a challenging endeavor at best. Researchers can tell us if patterns exist, and if those patterns are tied to characteristics such as race, but cannot tell whether racial animus or bias are the reasons for disparate patterns.[5] Conveyed in another way: it is not difficult to measure whether there is *disparity* between racial/ethnic groups in terms of arrests or stops made by police; the difficulty comes in identifying the *causes* for disparity. Racial disparity (in stops, searches, arrests) could be caused by police racial bias and/or by an array of other

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[4] I use stakeholders broadly to reference all people in a community who are concerned with the issue of racially biased policing. This would include (but is not limited to) members of the police department, jurisdiction policy makers, formal and informal leaders, and residents.
[5] I discuss the challenges of measuring racial bias in the context of vehicle stop studies in Chapter 2 of *By the Numbers*.

legitimate factors. It is inappropriate to assume from these studies that findings of disparity are findings of police racial bias.

It is with the greatest of intentions that stakeholders in jurisdictions across the country have engaged in efforts to measure racial bias. If these studies were effective in measuring racial bias, this would indeed be the logical first step. The jurisdiction would determine whether or not police racial bias exists or not, and then implement reforms if disparity is shown and move on to other issues if it is not. That efforts to promote fair and impartial policing have resulted from findings of disparity, is a positive result.[6] The negative outcomes are the findings of disparity that produce only a debate on methods and the "true meaning" of the results.[7] Also unfortunate is the "no disparity" finding that a chief/sheriff uses to deny the need for comprehensive policies and practices to promote fair and impartial policing. Finally, a negative result of this national focus on stop studies is that, in some jurisdictions, efforts to *measure* racially biased policing have displaced or otherwise impeded efforts to *respond* to the national problem of racially biased policing and the perceptions of its practice.

I do not think the direction for San Francisco in the realm of fair and impartial policing comes from analyzing crime/census or vehicle stop data. My belief is based on my view that social science cannot use these data to determine what factors are impacting on the decisions that officers make. I also note, however, that the numbers are often not constructive as a force for change. I think that change is most effective when the various stakeholder groups can come together around the need and direction for change. This aspiration can be thwarted when numbers are placed center stage. I have yet to see a finding of "no disparity" that has convinced minority stakeholders that racial bias does not exist in their jurisdiction. Neither can I identify a study where police personnel were truly convinced of their "guilt" (characterized as police racism) based on a finding of "disparity."

As above, I will in this report comment on the disparities identified by the *SFC* in the article published on 12/17/2006 and I believe it is quite constructive for the stakeholders in San Francisco to examine and discuss these findings. As above, I do not believe, however, that the disparity results produced by the *SFC,* the additional data I provide herein that support alternative explanations, nor the vehicle stop data collected by SFPD is where the City of San Francisco should look to determine whether and how it will respond to the issues of racially biased policing and perceptions of its practice.

In Section V, I will make the case for why the SFPD should implement state-of-the-art practices to facilitate fair and impartial policing. Some of my arguments will pertain specifically to San Francisco. The other arguments I would make for *any jurisdiction* in the United States. With regard to the latter, I believe that *every* agency should have meaningful policy that tells officers when they can and cannot use race and ethnicity to make law enforcement decisions. *Every* agency needs to have effective academy and in-service training directed to the ways that racial bias might manifest in even the best

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[6] Importantly, in San Francisco, the report of the ACLU of Northern California resulted in the department's strong policy prohibiting biased policing.
[7] The Metropolitan Police Department in Washington, D.C. recently released the results of a vehicle/pedestrian stop study. Two press releases–one from the police department and one from the Office of Police Complaints–characterized the results *very* differently.

departments. *Every* agency should have strong accountability mechanisms in place to promote professional behavior and those mechanisms ought to be directed, as well, to promoting fair and impartial policing. *Every* agency should attempt to hire diverse personnel and people who can police in an unbiased fashion. *Every* agency should have ongoing efforts to strengthen the relationships between the department and the diverse communities that it serves. These policies and practices are all components of a comprehensive program to promote fair and impartial policing that is introduced in the next section.

Elements of a Comprehensive Program to Promote Fair and Impartial Policing

The issue of racially biased policing actually breaks down into two challenges for the executives of law enforcement agencies: (1) personnel's racially biased conduct, and (2) residents' perceptions of racially biased policing. We are unable in some contexts or within individual incidents to determine whether racially biased policing is real or perceived. The executive should commit to address both even if they cannot be fully disentangled. While racially biased policing is the misuses of race/ethnicity to make law enforcement decisions, the counterpart is the perception on the part of citizens that race/ethnicity is being used inappropriately in police decision-making.

In a comprehensive effort to promote fair and impartial policing and the perceptions of its practice, the key areas are:
- Policies prohibiting racially biased policing,
- Training,
- Leadership/supervision and accountability,
- Recruitment and hiring,
- Outreach to diverse communities,
- Institutional practices and priorities, and
- Data collection and analysis.

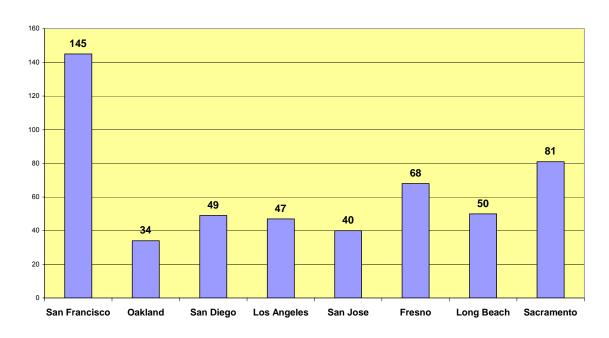Each of these elements is described in Section V.

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Section III:
African American Arrest Disparities

As above, I have been asked to examine the numbers produced by the *San Francisco Chronicle* (*SFC*). It is commendable that the Mayor, Police Chief and Police Commission called for this review and, indeed, it is constructive to identify disparities and deliberate upon their meaning. While such information will not, I believe, tell us whether or not disparities, if they exist, are caused by police racial bias, this information might still be useful as a basis for dialogue among concerned stakeholders and may direct attention toward disparities that cause concern even if their causes are not clear.

The *San Francisco Chronicle* Report on African American Felony Arrests

The key results reported by the *SFC* are displayed in Figure 1. This figure presents the 2005 rates for eight California cities with the bars representing the rate of African American felony arrests per 1,000 African Americans in the residential population per the U.S. Census. [8] San Francisco's rate of 145 compares to corresponding rates of between 34 and 81 for the cities of Oakland, San Diego, Los Angeles, San Jose, Fresno, Long Beach and Sacramento. The San Francisco rate is 1.8 times larger then the next highest rate (81)—that of Sacramento. The San Francisco rate is 4.3 times larger than that of Oakland.

Figure 1. Rate of African American Felony Arrests per 1,000 Residential Population for 2005 for Eight California Cities (*San Francisco Chronicle*, 12/17/06)

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[8] The *SFC* presented data for the years 1986 and 2002 through 2005. These data are provided in Appendix D.

In examining the data reported by the *SFC,* the question is not why African Americans are disproportionately represented in arrest rates, but rather why the rate in San Francisco is so much greater than that in the other cities. The first question is certainly an important societal and justice issue; the latter is most relevant to the questions raised by the article. The focus in the *SFC* article was on whether or not these data indicate racially biased policing or can be explained by other causes.

In the article and in my interviews with police and other city stakeholders, various responses to, including alternative explanations for, the disparities were set forth. First, the police maintain that their law enforcement actions are based on the *behaviors* of the people with whom they interact. In terms of alternative explanations for the results—that is alternatives to the racial bias explanation—members of the police force and others suggested these reasons for the greater rates in San Francisco compared to the other cities studied:

(1)   The "lack of consequences" meted out by the San Francisco criminal justice system leads to:
        (a)   an influx of criminals into the city, and
        (b)   a high rate of rearrests because criminals are placed back on the street to commit more crime.
(2)   The SFPD is engaged in aggressive/focused law enforcement in high crime areas, which are disproportionately populated by minorities including African Americans.

In the first section below, I discuss the claim that law enforcement actions are based, not on race, but on behavior. As a preview, this discussion focuses on the inability of social science to assess this claim because of our inability to measure with precision who is committing crime. This discussion pertains to the "ideal" denominator that one would use to assess racial bias versus the one that is frequently used to make assessments such as these and, indeed, was used to identify the arrest disparities reported by the *SFC.*

In subsequent sections I share information pertaining to the claim that the San Francisco Criminal Justice system does not provide "consequences" to alleged offenders. I then (1) discuss the caveats associated with using the data (from the Attorney General's Office) to compare jurisdictions, and (2) link the "consequences" information to the arguments regarding the influx of criminals and the rearrests of recidivists. Finally, I will discuss the claim by the police that their aggressive/targeted law enforcement is one explanation for the high rate of African American arrest disparity.

As previewed above, this section does not culminate in conclusions about whether racially biased policing exists in San Francisco. Instead, I think the discussion will make clear my contention that social science is challenged in its ability to measure racial bias with crime/census data and, as such, the direction for the city of San Francisco does not come from the numbers contained in the *SFC* article nor the additional statistics and analyses provided herein.

That said, I reiterate that this examination and maybe even further examination may produce benefits. Data such as that provided in the *SFC* article and this report—even if they cannot prove or disprove racial bias—can indicate where disparities exist and can

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raise important questions about the workings of the law enforcement, courts and corrections components of the criminal justice system. Because the city may want to pursue additional examination, I will at various points indicate how the city, if it chose to pursue these issues further, might investigate them with additional data collection and study.[9]   The City should not, however, prioritize further research above efforts geared toward facilitating fair and impartial policing.

<u>The SFPD Claim that Officers Respond to Behavior, Not Race: The Elusive Denominator</u>

The SFPD claims that officers respond to behavior, not race. This claim raises the important issue of the "denominator." The two components of the rates calculated by the *SFC* were the number of African American felony arrests during each year (the "numerator") and the number of African American residents of the city (the "denominator"). The rates were calculated by dividing the numerator by the denominator and multiplying by 1,000 to get African American felony arrests per 1,000 population.

This calculation tells us that African Americans are arrested disproportionate to their representation in the residential population. It does not tell us whether they are arrested disproportionate to their representation among people who commit felonies. If one were attempting to assess police racial bias, the ideal denominator for the rates would be African Americans involved in felonious behavior.[10] Such a denominator would be preferable for this purpose because the use of residential population as the denominator implies that all demographic groups in the population commit crime at the same rates. In terms of the general categories of crime that come to the attention of local law enforcement, we find nationally (albeit with imperfect measures) that demographic groups (e.g., based on gender, age, socio economic status, race) do not commit crime at the same rates.

I use an example based on gender to explain the importance of the denominator in calculating rates. A finding that males are arrested for felonies at levels disproportionate to their representation in the residential population provides us with a measure of "disparity," but does not tell us about police bias. Police gender bias could be one explanation, but another likely explanation is that males in the population are committing felonious behavior at a rate greater than females. To assess whether police are biased in their arrest of males for felonies, we would want to know the number of arrests of males and the number of incidents in which males commit felonies. If we find that police arrest males for felonies at a level that exceeds their representation in the population of people committing felonious behavior, then we could legitimate raise the issue of gender bias.

Whether examining arrests by gender or race, we would want to calculate these rates based on the demographics of the people exhibiting behaviors that make them subject to felony arrest (simply speaking, demographics of the people committing crimes). The

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[9] Importantly, the *SFC* data and thus the additional data presented in this report all pertain to African Americans. One additional line of inquiry would be to replicate key analyses focusing on other racial/ethnic populations in the city of San Francisco.
[10] Arguably, it would be African Americans involved in felonious behavior that is brought to the attention of police.

ideal denominator in the example above is the number of incidents in which males commit felonies; to examine African American arrests, the ideal denominator is the number of incidents in which African American commit felonies. Unfortunately, these ideal denominators are unavailable.   While we have lots of data about crime, we have no true measures of who is committing crime; that is, we do not have valid information on the racial characteristics of people who commit crime. The most commonly used measure of crime is the Uniform Crime Reports. From this program we can get considerable data on crime including information on crime reported to police and arrests by police. The former does not necessarily include information on the demographics (e.g., race) of the perpetrator because, for a significant portion of reported crime, no such information is available (e.g., because the victim did not see the perpetrator and therefore cannot report his/her race, gender and so forth). We *do* have demographic information (including race) on arrestees, but arrest data are imperfect measures of who commits crime. The demographic profile of people arrested in a particular jurisdiction reflects two factors: (1) who commits crime and (2) whom the police identify and target for arrest. Regarding the latter, the decisions made by police regarding whom to target for arrest could be affected by racial bias. Thus, if a jurisdiction is arresting more minority criminals than Caucasian criminals due to police bias, the denominator data used to assess racial bias in arrests *will itself* reflect that racial bias.

There are other measures that can be used in an attempt to assess the race of people committing crime, although they have their own limitations. To assess the demographics of people who commit crime, one might use (1) information from victims and witnesses regarding the race/ethnicity of the perpetrators for crimes involving face-to-face contact, and/or (2) information regarding arrestees of crimes for which police have minimal discretion to arrest or not.

The San Francisco Police Department has developed some information reflecting these two categories. For instance, regarding the first category, they report to me that in 3,158 of the of 4,430 robberies (71%) reported in 2006, the victim reported that at least one of the perpetrators was African American. The SFPD also has information on the race of people arrested for crimes in which police have very little discretion to make an arrest. For instance, police in California have little, arguably no, discretion to make an arrest for domestic violence. SFPD reports that 34 percent of arrests for domestic violence are of African Americans.   Another low-discretion-to-arrest crime is felon in possession of a firearm. In 2005, SFPD arrested 236 for this crime and 66 percent (155) of the arrestees were black.

The above figures indicate a disproportionate involvement of African Americans in three crimes (robbery, domestic violence and felon in possession of a firearm) relative to their representation in the population. These figures indicate that African Americans, who represent 7.8 percent of the residential population, are involved in 71 percent of the reported robberies and comprise 34 percent and 66 percent of the arrestees for domestic violence and felony in possession of a firearm, respectively.

These figures, albeit imperfect measures, lend support to the argument that African Americans are disproportionately represented among the people who commit crime in the city of San Francisco. This disproportionate representation, however, does not necessarily explain why the rate of arrests of African Americans in San Francisco is so much greater than the disparity elsewhere. To use the disproportionate-involvement-in-crime argument to explain the *SFC* data, one is implying that the rate of criminal

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behavior on the part of African Americans in San Francisco is greater than the corresponding rates in the other cities included in the *SFC* article. If the City wanted to explore this argument further, it could collect information such as that presented above for the other cities in the study.

"Consequences" Following Arrest

Two explanations put forward to explain the high African American arrest rate in San Francisco compared to the other cities pertains to the workings of the criminal justice system post arrest. The claim, by police and some others, is that San Francisco, compared to the other seven cities under study, does not provide "consequences" to people arrested by police. The purported result is that (1) criminals from outside the city come into it to commit their crime, and (2) the police arrest the same people over and over again because they are back on the streets. In the next section, I present comparative data on the disposition of felony arrests across the seven counties in which the eight cities are located. I then (1) discuss the caveats associated with using the data (from the Attorney General's Office) to compare jurisdictions, and (2) link the "consequences" information to the arguments regarding the influx of criminals and the rearrests of recidivists.

Data on Adult Felony Arrest Dispositions in the Seven Counties

In this section, I provide some information to address the question of whether arrestees in San Francisco County get "lesser consequences" than arrestees in the other counties. As a preview, there are data that indicate that the adult felony arrests in San Francisco County are less likely than the adult felony arrests in the other six counties to result in (a) a complaint, (b) a conviction, and (c) prison.
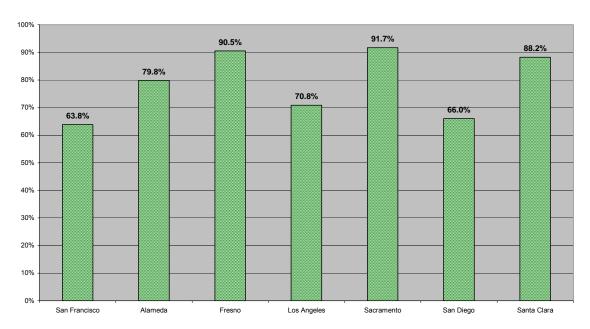
To make this preliminary assessment, I focus on adult felony arrests and rely upon the information contained on the web site of the Office of the Attorney General (see Publications, Criminal Justice Profiles, 2005). For the assessment, I combine information for each county from the years 2002 to 2004.[11]

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[11] I selected the years 2002 through 2004 after reviewing the several caveats published with the data reports. A footnote for Tables 6 and 6A for the 2005 Report indicates that the data for criminal justice processing in San Francisco County in 2004 "may contain material errors as a result of data coding practices…. The 2005 disposition information for San Francisco is incomplete." I kept the 2004 data in my analyses because they are consistent with the prior years (indicating, I believe, sufficient validity). That is, the proportions provided in Table 6A for 2004 are not materially different from prior years. Since the numbers contained in Table 6 for San Francisco County for 2005 were dramatically different from prior years (e.g., Total Felony Arrests for San Francisco County as reported in Table 6 for the years 2004 and 2005 were 14,322 and 2,385 respectively), 2005 was excluded from the analyses.   A footnote for Tables 6 and 6A reports that "Alameda County reported a programming problem in 2002 which resulted in the under-reporting of final dispositions for 1998 through 2002. However, since the proportions (from Table 6A) for Alameda for 2002 are consistent with those for years prior and subsequent, I decided the 2002 data were sufficiently valid for my purposes.

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Adult felony arrests (AFAs) can result in law enforcement releases, complaints denied, and complaints filed. Figure 2 compares the seven counties in terms of the percent of adult felony arrests that result in the filing of complaints. In San Francisco County just 64 percent of the adult felony arrests result in complaints, compared to corresponding figures of between 66 and 92 percent in the other counties. Sacramento, Fresno, and Santa Clara Counties have the highest percentages of AFAs resulting in the filing of complaints at 92 percent, 91 percent and 88 percent, respectively.

Figure 2. Percent of Adult Felony Arrests Resulting in Complaints Filed for Seven California Counties, 2002 – 2004 (Attorney General of California)
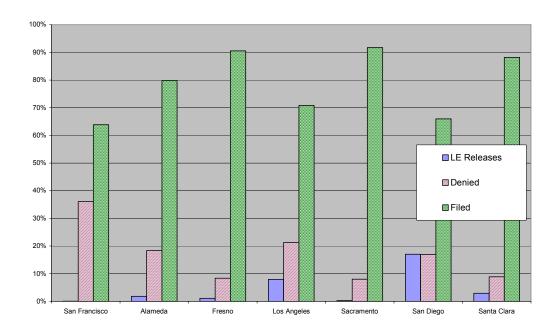

To more fully understand these percentages, we need to examine the other ways that a felony arrest might be handled. As reported above, adult felony arrests might not result in a complaint being filed because the complaint was denied or because there was a "law enforcement release."[12] Figure 3 duplicates some information in the previous figure showing for each county the percent of adult felony arrests that result in (1) law enforcement releases, (2) denial, and (3) filing.

San Francisco County has the lowest percentage of "law enforcement releases" at .07 percent. Four of the other counties also have low percentages of law enforcement releases; these are Sacramento at .25 percent and Fresno, Alameda, and Santa Clara at 1.11, 1.82 and 2.95 percent, respectively. Los Angeles reports 7.93 percent of adult felony arrests result in law enforcement releases and San Diego tops the chart at 17.05 percent. San Francisco has the highest percentage of complaints being denied at 36 percent compared to between 8 and 21 percent in the other counties.

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[12] According to SFPD personnel, a "law enforcement release" is a situation in which an arrest is subsequently determined to be a detention pursuant to California Penal Code 849(b).
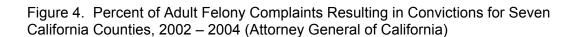
Figure 3. Percent of Adult Felony Arrests Resulting in Law Enforcement Releases, Complaints Denied and Complaints Filed for Seven California Counties, 2002 – 2004 (Attorney General of California)
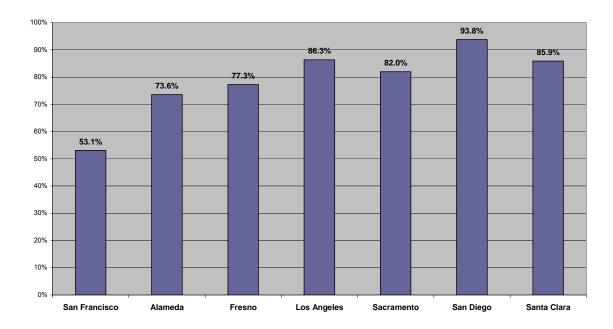

Complaints that are filed can result in dismissal, "diversions dismissed," acquittal, or conviction. Figure 4 presents information on the percentage of convictions that result from filed complaints in each county. These data show that San Francisco County complaints result in a much lower percentage of convictions than those of the other counties. The San Francisco County complaints produce 53 percent convictions compared to between 74 and 94 percent in the other counties.[13]

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[13] According to the District Attorney's Office, the percentage of complaints producing convictions in San Francisco is rising. In 2005, it was 58 percent and in 2006 it was 67 percent.
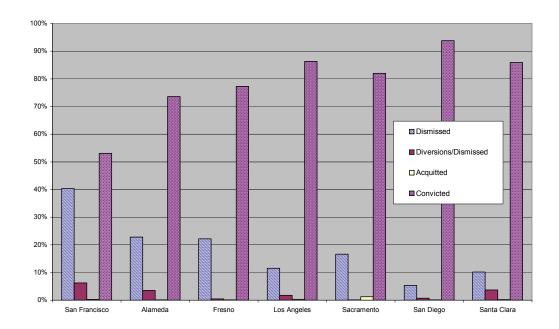
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Figure 4. Percent of Adult Felony Complaints Resulting in Convictions for Seven California Counties, 2002 – 2004 (Attorney General of California)

This low percentage of convictions in San Francisco County reflects high percentages of dismissals and "diversions dismissed" compared to the other counties. Figure 5 shows that the 40.4 percent dismissals in San Francisco County is considerably higher than the corresponding figures of between 5.4 percent (San Diego County) and 22.8 percent (Alameda County) in the other counties. Over six percent (6.2%) of the San Francisco complaints result in "diversion/dismissal" compared to between .15 percent (Sacramento County) and 3.7 percent (Santa Clara County) in the other counties.

Figure 5. Percent of Adult Felony Complaints Resulting in Dismissal, Diversion/Dismissal, Acquittal and Conviction for Seven California Counties, 2002 – 2004 (Attorney General of California)
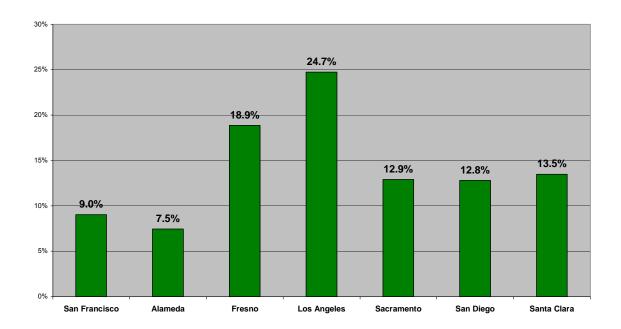

Just nine percent of the adult felony convictions in San Francisco County result in prison sentences (see Figure 6).[14][15] This is higher than Alameda County at 7.5%, but lower than the other counties where the figures range between 12.8 percent (San Diego County) and 24.7 percent (Los Angeles County).

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[14] The category that I'm calling "prison sentences" refers to the Attorney General's category that encompasses not only prison sentences, but also sentences to death and to CYA. Since the sentences to death and/or CYA are, at least statistically speaking, inconsequential, I am referring to the category as prison sentences.

[15] According to the District Attorney's Office, this percentage is rising. The Office reports that in 2006, roughly 14 percent of the adult felony convictions resulted in a state prison sentence.

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Figure 6. Percent of Adult Felony Convictions that Result in Prison Sentences for Seven California Counties, 2002 – 2004 (Attorney General of California)

This low percentage of prison sentences in San Francisco County is explained in part by the relatively high rate of jail sentences. Figure 7 shows the percentage of convictions in each county that result in prison, jail, or probation/jail combined. These data indicate that, while San Francisco County sentences proportionately fewer convicted adult felons to prison, it sentences a high proportion (95.9%) to some form of incarceration.

This high rate of incarceration, however, is primarily (91%) sentences to jail (which involve shorter periods of incarceration compared to prison sentences) and it is a high rate for the *relatively small proportion of adult felony arrests that resulted in a filed complaint and then resulted in a conviction.* The accumulated effect of San Francisco's low rate of filing, convictions and sentences to prison can be conveyed through information on felon admissions into state correctional facilities that come from the 2002 through 2004 annual reports of the Department of Corrections and Rehabilitation, Offender Information Services Branch.[16] Table 6 in the report for each year provides information on total felon admissions by Commitment County. The years 2002 through 2004 were selected to be consistent with the data above for adult felony dispositions. I calculated rates for total felon admissions per 100 adult felony arrests to produce the results in Figure 8. San Francisco County produced 3.9 felony admissions to the Department of Corrections for every 100 adult felony arrests. This contrasts with, for instance, Los Angeles County and San Diego County, which produced 39 and 41 admissions for every 100 adult felony arrests.

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[16] Provided on-line at
http://www.cya.ca.gov/ReportsResearch/OffenderInfoServices/Annual/Achar1Archive.html.

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Figure 7. Percent of Adult Felony Convictions that Result in Incarceration (Prison, Probation/Jail and Jail Sentences Combined) for Seven California Counties, 2002 – 2004 (Attorney General of California)
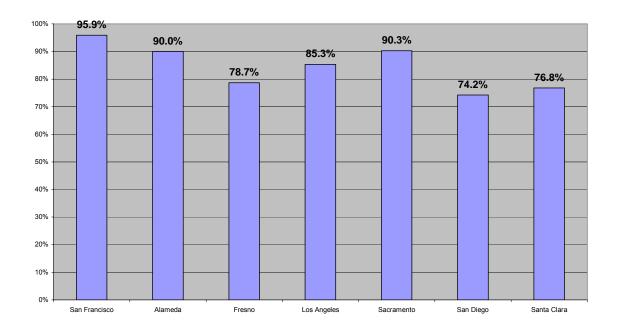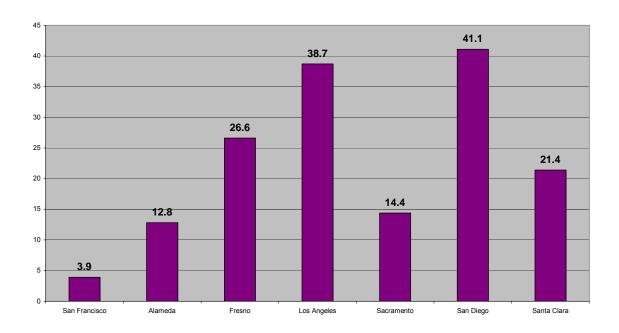

Figure 8. Felony Admissions per 100 Adult Felony Arrests to the Department of Corrections for Seven California Counties, 2002 – 2004 (California Department of Corrections and Rehabilitation)

What Do These Data Mean?

The information above indicates that felony arrestees are less likely than their counterparts in the other jurisdictions to have a complaint filed against them, be convicted, or be sentenced to prison. Information such as this can lead to constructive discussions among policy makers regarding priorities for and the effectiveness of the criminal justice system.[17]

Below I describe some caveats related to the comparisons made above and link the findings regarding "consequences" to the arguments regarding the influx into San Francisco of criminals and the rearresting of recidivists.

Using These Data to Compare Counties

The Introduction to the Annual Criminal Justice Profile series of the Office of the Attorney General (which is the source of much of the data above) points out a number of factors that "should be considered when using [this information] for comparative purposes." This list includes a number of factors that might affect crime rates and that might affect criminal justice processing. Regarding the latter, the list includes "administrative and investigative emphases of law enforcement, policies of other components of the criminal justice system."

A key example of how different policies impact on our ability to make valid comparisons across jurisdictions pertains to the extent to which felony arrests result in complaints (Figure 2). The extent to which and the stage at which felony arrests are screened by jurisdictions for quality and other factors impacts on the data. Felony arrests in all jurisdictions are screened at one or more points. In some law enforcement agencies, this screening will occur inside the agency by supervisors. In all jurisdictions, the arrests will be screened by the District Attorney and this results in the decision to file or deny a complaint.

Some of the differences seen above between jurisdictions (e.g., percentages of AFAs that result in complaints being filed) could be due to different case screening practices or even different protocols for counting AFAs. The screening practices of San Diego County are indicated by their high figure for law enforcement releases. A full 17 percent of the AFAs that the county reports, result in such a release. This explains in large part their relatively low percentage of complaints filed (at 66%). In other agencies, this within-agency screening may occur before the arrest becomes an official "adult felony arrest" that is reported to the Attorney General's Office.

That neither of these screening processes occurs in San Francisco County may have important implications for the data shared above. As reported on the Attorney General's web site and confirmed by criminal justice officials, all adult felony arrests made by the

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[17] It is my understanding that such discussions have occurred and are ongoing within San Francisco.

SFPD are referred to the DA's office.[18] Thus, the felony arrests that might be screened out by other agencies at an earlier stage, are screened out in San Francisco County at the District Attorney stage. This could explain, at least in part, the very high percentage of "denied complaints" in San Francisco compared to the other cities.[19]

Early case screening processes are just one way that counties vary in terms of their criminal justice processing that could impact on the data regarding filings, convictions and so forth. As an additional example, the San Francisco District Attorney's Office notes that the nature of the crimes for which felony arrests are made (e.g., drug arrests versus murder) may impact on the extent to which a county makes sentences to prison. Additionally, specifically as pertains to felony admissions, the DA's Office points out that some defendants serve their state prison sentence locally.

These caveats associated with the data/reporting do not necessarily refute the argument that San Francisco felony arrestees do not receive as serious consequences from the criminal justice system as they would in other counties.   It could still be the case that the District Attorney's Office, as some police personnel claim, have a "higher charging standard" than do their counterparts in other jurisdictions. If this is the case, then more arrestees in San Francisco compared to other jurisdictions are released from criminal justice processing and back to the streets of San Francisco than their counterparts in the other counties under study. It's also important to note that, even if the above were true, this is not necessarily a "weakness" of the system or a sign of "ineffectiveness." Rather, these findings may reflect conscious decisions that are in sync with the values and priorities of the residents of San Francisco served by the criminal justice system.

The Influx of Criminals into San Francisco

As above, the issue of "lax criminal justice processing" in San Francisco was linked to two claims relative to the high level of African American arrest disparity: (1) criminals in outside jurisdictions come into San Francisco to commit their crimes aware that the consequences are not as great, and (2) the SFPD is arresting the same people over and over again because they are returned to the streets.

Before I discuss each of these claims, I discuss more generally the extent to which San Francisco relative to the other cities in the study "draws" in non-residents and comment on the extent to which this influx might impact on the proportion of people on the streets of San Francisco who are African American relative to the African American representation in the residential population.

This returns us to a discussion of the calculations used in the *SFC* article to assess African American arrest disparities. The numerator in the rates for each city are the

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[18] A footnote in the 2005 Report for Tables 6 and 6A indicates that, "The San Francisco Police Department does not report law enforcement releases. All cases are turned over the District Attorney's Office for such a determination."

[19] The extent to which complaints are denied could be impacted by the quality of the police reports/investigation. Some jurisdictions examine denied complaints to see if certain racial/ethnic groups are overrepresented as the suspects in complaints that are denied. Such overrepresentation *could mean* that police arrest those racial/ethnic groups using a lower standard of evidence.

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number of felony arrests involving African Americans; the denominator for each city is the number of African American residents. Of course, those subject to arrest by SFPD (those "eligible for inclusion in the numerator") are not all San Francisco residents.

There are various sources of data that can help us understand the extent to which people from outside of San Francisco are entering into it. None of these are perfect measures. We can use the "Daytime Populations" from the U.S. Census as a proxy measure of the extent to which San Francisco "draws" population from outside of it. From the Census, we can compare San Francisco to the other seven cities in terms of the level to which the residential population is increased each weekday by commuters. As indicated in Figure 9, San Francisco and Sacramento are the cities which are the strongest "draws" of the seven, with percent increases in population (through commuters) of 22 and 25 percent respectively.

We might next explore the extent to which this "draw" might impact on the proportions of demographic groups on the streets of San Francisco. The data I present are for illustrative purposes only; the city could conduct much more sophisticated and comprehensive assessments if policy makers thought it would be constructive.
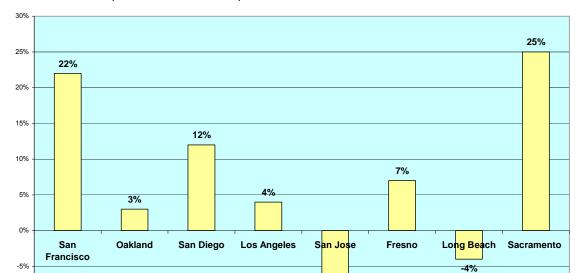
Figure 9. Percent of Daytime Population Increases Due to Commuters for Eight California Cities (U.S. Census, 2000)

I obtained from the U.S. Census the absolute population numbers by race for each of the 9 cities contiguous to San Francisco. These are contained in Table 1. Collectively, the African American population of these cities is 23.42 percent (207,151/884,372 x 100)–a percentage that is considerably higher than the 7.8 percent of the San Francisco residential population that is Black.   Because the San Francisco proportion of Blacks is low relative to the cities around it, the influx into the city would increase the proportion of

Blacks on the streets of San Francisco.[20] It is an empirical question, but I think it is unlikely that the other cities referenced in the *SFC* article experience an increase in the proportion of Blacks in their city through their influx. These cities—particularly San Diego, Los Angeles, San Jose, Fresno, Long Beach and Sacramento—I expect, are more likely to draw in non-Blacks from their suburbs, which would have the effect of *reducing*, not increasing, the proportion of Blacks on their streets.

This example—provided for purposes of illustration only—is biased because I conduct the calculations for only the cities contiguous to San Francisco and not for the cities further out (but easily accessible, for instance, by BART) which are comprised of high proportions of non-minorities. If the City chooses to conduct more in-depth analyses, they could commission the production of sophisticated influx estimates for San Francisco and the other seven cities and recalculate the African American arrest disparities with those new denominators. While many criticisms could be made of this new denominator—most notably that the influx is not comprised of only or even mostly criminals—the important point is that, criticisms notwithstanding, it would still be superior to a denominator based only on residents and it might well impact on San Francisco's status among the other cities in terms of the rate of African American arrests. That said, consistent with the theme of this section, the resulting recalculations of rates based on this new and improved denominator will not prove or disprove police racial bias.

Table 1.   Black and Total Populations for the 9 Cities Contiguous to San Francisco (U.S. Census, 2000).

Contiguous City	Black Population	Total Population
Alameda	4,488	72,259
Albany	675	16,444
Berkeley	14,007	102,743
Daly City	4,720	103,621
El Cerrito	1,978	23,171
Emeryville	1,339	6,882
Oakland	142,460	399,484
Richmond	35,777	99,216
South San Francisco	1,707	60,552
TOTAL	207,151	884,372

The discussion above pertained to overall influx into the city and not necessarily the influx of people who commit street crime. I return now to the claim by the SFPD that criminals come into San Francisco due to the "lax consequences." To support this claim, the SFPD has shared information showing the percentage of defendants who are residents and non-residents. The department's data indicates that, during the period 2000 through 2005, approximately 30 percent of the defendants were non-residents. The department further reports that more than 60 percent of the African Americans arrested by the Tenderloin Task Force in 2005 were listed on booking cards as "no local"

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[20] Of course the influx is of people of all races/ethnicities. The discussion here pertains to the impact of that influx on proportional representation of various races on the streets of San Francisco.

or gave addresses that were outside of San Francisco (see *SFC* 12/17/2006, A8).[21] These data provide a possible avenue for future exploration if the City chooses to have more in-depth analyses conducted. The City or its agents could attempt to collect corresponding data from the other cities to see if there are data to support an argument that more criminals commute into San Francisco to commit their crimes compared to other cities.   It would be more complicated to determine in each city the demographics of this influx to determine whether and how the influx impacts on the African American arrest rates in San Francisco and the other cities.

Again, the argument offered by police regarding influx is that offenders in other jurisdictions come to San Francisco to commit their crimes aware that they will have fewer consequences if caught. The type of offenders mentioned most often in this context are drug dealers and prostitutes. Unlike many other crimes, these offenders may very well give consideration to where they will market their goods for the best payoff.[22] SFPD representatives shared anecdotes of offenders who expressed dismay when it was determined that they were "just outside" the SF County boundaries when caught– the implication being that they perceived they would get a "better" criminal justice disposition inside the San Francisco County borders.

This proposition is not easy to assess. One way to research it would be to conduct interviews with arrestees and determine if they selected San Francisco over other locations in the Bay Area because of their perception of lax consequences.

Rearresting Recidivists

The police and others have argued that the San Francisco rate of African American arrests relative to their representation in the population can be explained in part by the fact that the SFPD is arresting the same people over and over again because, following arrest, they are returned to the streets. There is no easy and clean way to test this proposition, but the information above regarding rates of new felony admissions to the Department of Corrections for the 7 counties for 2002 through 2004 are relevant. Figure 8 shows that San Francisco County incarcerates adult felony arrestees at a rate of 4 per 100, compared to the corresponding rates in Alameda, Fresno, Los Angeles, Sacramento, San Diego, and Santa Clara of 13, 27, 39, 14, 41, and 21 respectively. This implies that in San Francisco 96 of 100 adult felon arrestees are given a sentence other than prison, which includes jail time, probation, diversion and so forth. More often than not, these latter sentences will return a felon to the streets of the jurisdiction more quickly than would prison time. Many will reoffend and be rearrested and this will increase the numerator, but not the denominator. (These rearrests would not change the *proportion* of minority and majority arrests/defendants, just the *rates* relevant to their respective populations.)   For illustrative purposes, we can compare San Francisco to the county with the highest new felony admissions rate, San Diego (at 41/100). Albeit

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[21] These data are difficult to aggregate in San Francisco because, even though address information is contained on arrest cards, it is recorded in a narrative format that preclude easy production of summary data. I am also informed that "no local" includes the homeless who may in fact "reside" in San Francisco and even some residents whose addresses are not known at the time of arrest.

[22] Although since prostitution is a misdemeanor, the influx of prostitutes would not explain the disparity in felony arrest rates.

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simplifying greatly, the implication is that while 96 of each group of 100 felons in San Francisco find themselves on the street (or on the street sooner than they would have found themselves given a prison term), the corresponding number in San Diego is 59. If we were to assume comparable recidivism rates across counties, there are more reoffenders on the streets of San Francisco to commit crimes and be arrested (again) by the police than are on the streets of San Diego.[23]

One assumption of the above argument is that incarceration is the only consequence that stops re-offending. Actors in various non-law enforcement components of the criminal justice system point out that lack of prison does not necessarily mean lack of consequences and, relatedly, putting a person back on the streets does not necessarily imply that s/he will recidivate. As shown above, San Francisco County more than the others have dispositions in the "dismissed/diversion" category. San Francisco County, seemingly more than others, seems to value alternatives to incarceration—alternatives that focus not on punishment, but on rehabilitation. These values are represented in the use of the Drug Court and Behavioral Health Court. These programs report recidivism rates of 15 percent and 12 percent respectively.[24] These rates compare favorable with those associated with prison sentences. While people sent to prison will not commit crimes on the streets of San Francisco during their period of incarceration, statewide 1-year, 2-year and 3-year recidivism rates upon release from prison are 40 percent, 53 percent and 57 percent, respectively.[25]

Focused/Aggressive Policing

The SFPD point to its focused/aggressive policing programs to explain in part the high rate of minority arrests.   There is considerable research to support the effectiveness of such targeted police practices (see e.g., Weisburd and Braga, 2006). The SFPD reported to me a number of focused responses to particular crime problems such as homicides (particularly gang-related and black-on-black homicides), gun violence, robberies and theft from vehicles. Not surprisingly, most of these efforts are focused in high-crime areas; many of these areas are low-income, high minority areas. Such programs may help to explain arrest disparities across racial groups. What is not known is whether they can explain the relatively high San Francisco African American arrest rate compared to the other seven cities. Since aggressive/focused policing is considered state-of-the-art in policing, presumably these other jurisdictions are similarly engaged in such efforts.   It would be no easy task to measure variations in the level and productivity of aggressive/focused law enforcement across these jurisdictions.

That said, I convey here some important missing information from the coverage of the African American arrest rates that reflects on aggressiveness or productivity. The *SFC* reported for each city the rate of arrests of African Americans relative to representations

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[23]A recent article in the *Daily Journal* (Opatrny, 2007) describes a draft report regarding criminal case flow management in the San Francisco County courts. According to the article there are "6,663 pending felony cases for which the defendants had not even been arrested yet." This implies that the defendants remain on the streets–able to commit more crimes and be subject to rearrest by the SFPD.
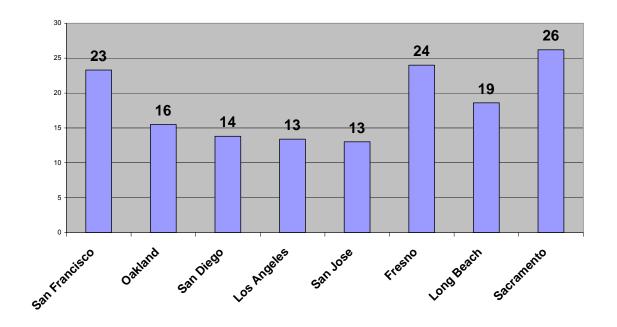
[24] This is a one-year re-arrest rate for the Drug Court. I was not able to obtain from the Behavioral Health Court the reference period for the recidivism rate.

[25] These data are for prisoners released for the first time in 2002 and are contained in California Department of Corrections and Rehabilitation (2006).

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in their respective populations. The *SFC* did not, however, report on overall arrest rates so that we could compare these jurisdictions on arrest productivity or aggressiveness. San Francisco arrests African Americans at a high rate relative to the other cities; do they also arrest non-African Americans at a high rate?

Figure 10 shows the overall felony arrest rates for the eight cities. In this figure we find that San Francisco has one of the higher overall arrest rates at 23 per 1,000 residents. Also high are the rates for Sacramento and Fresno at 24 and 26 per 1,000 residents, respectively.

Figure 10.   Felony Arrests per 1,000 Residential Population for 2005 for Eight California Cities

While this high level of overall arrest rate does not explain in full why SFPD has the highest African American arrest rate, it does provide a part of the explanation. The *SFC* article pointed out that San Francisco's African American arrest rate was four times the corresponding rate for Oakland. What Figure 10 points out is that SFPD makes more arrests than Oakland P.D. of *non-African Americans* too.   SFPD makes 1.4 times more arrests overall than Oakland PD.

Section IV
The SFPD Vehicle Stop Data: The Issue of Compliance

The *SFC* article on March 7, 2007 pertained to the vehicle stop data collection program of the SFPD. The SFPD initiated the collection of vehicle stop data on June 15, 2001. Officers were directed to fill out E585 forms for all vehicles stopped for law enforcement purposes.[26] Officers report on these forms (1) the date and time of the stop; (2) the race, sex and age of the driver; (3) the reason for the stop;[27] (4) whether a search was conducted, the basis for the search,[28] and the results of it;[29] (5) the result of the stop;[30] and (6) the location of the stop.[31] A major focus of this *SFC* article was the extent to which officers were submitting forms for the designated stops.

I was asked to review and comment on the article. For this purpose, I was provided with the SFPD data on vehicle stops for the period 6/2001 through 2/2007, and various departmental memos and monthly reports on the vehicle stop program.[32] I also spoke with department personnel regarding mechanisms used by the agency to promote officer compliance with the vehicle stop program.

As will be conveyed below, it is difficult to assess the extent to which SFPD officers were complying with the program, but the most significant information includes (1) the acknowledgement of the department leadership that data quality are poor, (2) the weak accountability mechanisms used to promote officer compliance with the data collection program, and (3) periodic reports regarding officer compliance prepared by departmental personnel some of which included concerns regarding the level of officer compliance. My analysis is not extensive because information is somewhat limited and all relevant parties seem to agree that officer compliance levels were likely inadequate. Section V includes my recommendations for improving the data collection processes.

Assessing Compliance with Volume Measures

"High compliance" means that officers are submitting E585 forms for the stops targeted for form completion. Commendably, the department did use various processes to assess officer compliance. For instance, data personnel in monthly reports, compared the volume of stops for the month to the volume for the previous month and for the same month the prior year. Additionally, agency personnel compared the number of E585 forms submitted on Day X to CAD reports of vehicle stops on that same day. (Albeit, I'm

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[26] This was set forth in Departmental Bulletin, A01-37, 2/13/01.

[27] Reasons for the stop include: moving violations, mechanical or nonmoving violations, DUI check, penal code violation, MPC violation, "be on the lookout" or warrant, traffic collision, and motorist assistance.

[28] Bases for the search include without consent, with consent, incidental to arrest, inventory and probation/parole condition.

[29] Whether something seizable was found (a search "hit") or not.

[30] Results include in-custody arrest, citation, warning, incident report, and no further action.

[31] There are separate variables for district and street address.

[32] I was not provided with the data for purposes of analyzing it to assess whether racial disparities exist. To conduct a comprehensive, high quality analysis takes 6 to 24 months and, if outsourced (which many such studies are), would cost the city in the low to mid 6-figure range.

informed that this comparison was made for only four days across a 68-month data collection period.) I also find reports of comparisons made between the number of E585's that result in a citation to data from the Traffic Administration regarding the number of "individual [SFPD] officer-produced citations for moving, equipment, and other Vehicle Code violations" (Lutes, March 16, 2005). These audits produced periodic reports from the analyst to department leadership such as the following: "(pending further review) the safest assumption is to expect that we have a developing compliance problem of some magnitude" (Lutz 1/20/2005). And on August 1, 2005 the analyst informs Chief Fong, "Currently the best conservative estimate, based on the information available, is that hundreds to thousands of stops are not being documented with E585 reports each month" (Lutes, 8/1/2005).
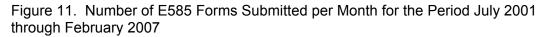
The March 2005 memo referenced above reports that "SFPD's best efforts at full compliance ran from February 2003 through February 2004." This report at least corresponds with the information in Figure 11 showing the volume of form submissions during the entire period of data collection.[33]   (Although these raw numbers are limited in terms of conveying information about compliance.)
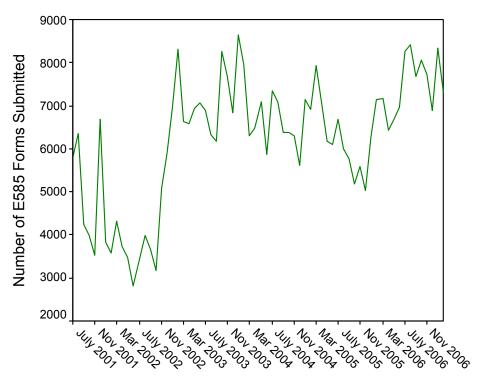
To assess officer compliance with the data collection mandate, the *SFC* article described comparisons of SFPD stop data to data from the courts on citations issued. First, the *SFC* described a comparison made by the ACLUNC in its report issued in 2002 on the SFPD vehicle stops (Schlosberg, 2002). The ACLUNC reported that 77,000 traffic citations for moving violations were issued by San Francisco police, but that only 50,000 E585 forms were submitted and concluded that "underreporting is astounding" (Schlosberg, 2002, 14). Next the *SFC* reported updated information; the court records indicated 111,000 citations issued for 2005 but only 70,000 traffic stops were reported through E585 forms. Pursuant to the logic of this comparison, there should be more E585 forms than citations because E585 forms are supposed to be submitted for all stops, including (but not limited to) those that result in citations.[34]

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[33] For my analyses, I removed the stops that were made in June 2001 because the data collection started mid-month. I also removed all stops made at the airport for the entire reference period because the data I received for the airport stops for April 2004 through February 2007 was in a different format making their inclusion into my aggregate data set problematic.

[34] With regard to this "logic," however, it is important to note that the count in the court records will include a number of citations for which E585s are not required. This would include, for instance, traffic citations that are given to bicyclists, pedestrians, and demonstrators.

Figure 11. Number of E585 Forms Submitted per Month for the Period July 2001 through February 2007

The validity of this comparison is dependent in part on whether the court and SFPD data sets *should produce* a one-to-one match for at least those vehicle stops that result in a citation. The question is whether a stop in which a driver is cited by SFPD for three moving violations would produce one or three citations in the court data set. If this one police stop, that should produce a single E585, would produce a single "citation" in the court data set, then this is a reasonable (albeit imperfect, as they all are) assessment of data quality. If on the other hand, the hypothetical stop is supposed to produce one E585 and three "citations" in the court data set, then the comparison is not helpful or appropriate. Officials in the Court's Traffic Division reported that one stop with three violations cited would produce a single citation in their count. (Less clear was whether the number of citations provided to the *SFC* for 2005 included all agencies who give citations and the citations "given" by the red light cameras, or only the citations written by the SFPD, although SFPD writes the great majority of citations in the city.)

Lack of Accountability Mechanisms

The information that tells us most about the quality of the data are the acknowledgements on the part of the command staff of the SFPD that the department needs to improve the data collection process, and their reports to me of the efforts used to promote compliance on the part of officers. Within SFPD, there was no consistent system to facilitate officer compliance. These lax procedures are hardly unique to SFPD (they are common around the country), but they represent a serious problem for the data collection program. As I will explain in Section V, data quality is very important and there

are procedures that agencies can and should implement to produce such quality data. There are processes to facilitate the likelihood that (1) officers are submitting forms for each and every stop that is targeted for data collection, and (2) officers are filling out the forms accurately and completely. Another indicator that the data may be of poor data quality comes from SFPD reports to me about weaknesses in the Information Technology of the SFPD that is used to input and transmit the E585 data.
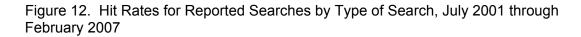
Data Errors and "Unusual" Results

Poor quality is indicated by errors in the data. Some of the variables have no clearly erroneous entries, because, to its credit, the SFPD put technological "constraints" on some variables such that officers receive error messages for out-of-scope entries. (An example of an out-of-scope entry is a "6" inserted by an officer for a variable that only has options for the numbers 1 through 4.) That data quality is not ensured is indicated by the results for the age variable that, for technical reasons, does not have the out-of-scope constraints described above. Examination of driver "age" produces results indicating one percent of the subjects were between 110 and 777 years old. While this is not a large percentage of error, it is an indication that there are no quality checks on incoming data beyond the technological "constraints" imposed on input. Systems in some other agencies would identify these errors and return the forms to officers for correction.
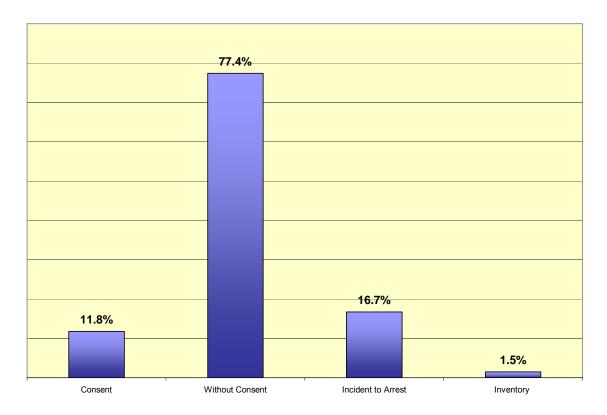
The search hit rate data also raises some questions pertaining to level of officer compliance with the vehicle stop data collection program. A hit rate is the percent of searches in which the officers find something upon the people being searched. Officers might find contraband (for instance, drugs, illegal weapons) or other evidence of a crime. While the overall hit rate across all searches reported by the SFPD (15%) is comparable to findings in other jurisdictions, a review of hit rates within search types produces at least one value that does not seem credible.[35] Figure 12 shows the SFPD hit rates within categories of reported searches.

The "Searches without Consent" hit rate is inordinately high at 77.4 percent. (Amy Farrell, an expert interviewed for the 3/17 *SFC* article, made a similar observation.) While other studies do not use the same search classifications, they have comparable categories including "discretionary searches." For purposes of comparison, other jurisdiction reports that I reviewed produced discretionary search hit rates of between 10 and 32 percent. As one example of several reports I reviewed, the study conducted for Metro-Dade P.D. shows discretionary search hit rates of 10.8 percent (Alpert Group, 2004). In Cincinnati, RAND found discretionary hit rates of between 22 and 30 percent depending on year and racial group (Ridgeway, et al., 2006).

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[35] Engel, et al. (2004) summarize search hit rate results from twelve reports on vehicle stops conducted by municipal, county or state agencies. The overall vehicle stop search hit rates ranged from 12.5% in the San Diego (conducted by the SDPD as reported in Cordner, et al., 2001) to 31% in North Carolina (conducted by the NC State Patrol as reported in Zingraff, et al. 2000).
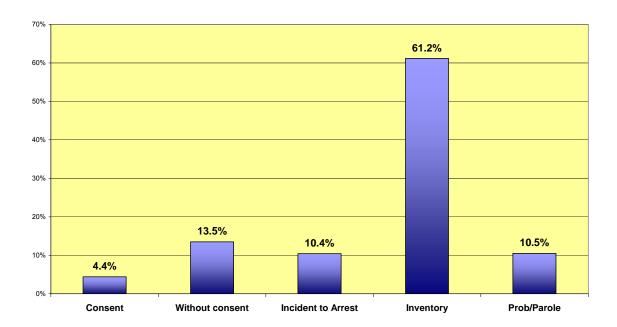
Figure 12. Hit Rates for Reported Searches by Type of Search, July 2001 through February 2007

This high hit rate may indicate that officers are more likely to submit forms when they conduct a non-consent search *that produces a hit* than when they conduct a non-consent search *that turns up nothing*. They may be more likely to submit forms for these stops because, all other things being equal, it would be easier for the agency to detect a "form-less stop" if contraband/evidence is acquired (leading to other forms and suspect follow-up) than it would be to detect a form-less stop that produced no contraband/evidence.

That the search data may reflect reporting behavior more than search behavior is also indicated by the proportion of reported searches that are inventory searches. As indicated in Figure 13, 61.2 percent of the searches reported by SFPD officers during the period 7/2001 through 2/2007 are inventory searches. This is inordinately high compared to the findings in other jurisdictions. For instance, the Pennsylvania State Police report that 6.4 percent of the searches are inventory searches (Engel, et al., 2004). In Metro-Dade, 21.4 percent of all searches are inventory (Alpert Group, 2004). The Los Angeles P.D. percentage for "Impound Authority" searches comes closest to San Francisco's with 39 percent of the reported searches in this category (LAPD, 2004).[36]

[36] The reporting forms for both the Pennsylvania State Police and the Miami-Dade P.D. allow for more than one search type to be reported per incident. A number of jurisdictions do not have "Inventory" search as a separate category. A number of

Arguably, officers are likely to submit an E585 for stops during which they conduct inventory searches—regardless of whether or not they find evidence—because an inventory search is linked to a vehicle tow which is associated with other forms/reports. That is, failure to report a stop that included an inventory search is more likely to be detected than failure to report a stop that encompassed other categories of searches, such as searches without consent that do not produce a "hit."

Figure 13. Percent of SFPD Reported Searches by Type, July 2001 through February 2007

In sum, there are some strong indications that the quality of the SFPD vehicle stop data is poor. Most relevant to this assessment is the fact that procedures have not been consistently in place to facilitate officer compliance. In Section V, I discuss the importance of high quality data and describe the systems that can be put in place to produce it.

analyses reports of agencies that do have this category do not provide type of search breakdowns.

Section V:
Recommendations for San Francisco

I recommend that the SFPD implement state-of-the-art practices geared toward producing fully fair and impartial policing (1).[37] Specifically, I recommend implementation of a comprehensive response to racially biased policing and perceptions of its practice.[38] As part of my short-term preliminary review, I have become familiar with some of the policies and training that SFPD already has in place that are geared toward fair and impartial policing. The program that I recommend would involve a fuller assessment of how the SFPD efforts to date compare with state-of-the-art practices, and implementation by the police department of the reforms recommended herein and any additional enhancements that are identified through this fuller assessment. I recommend that the SFPD, in implementing this program, be aided by an Advisory Board and an expert or experts in racially biased policing. The goal of the program would be to (1) facilitate full fair and impartial policing in the SFPD, and (2) enhance the relationships of respect, cooperation and trust between the police department and its diverse constituents.

In the first sub-section below I set forth my rationale for the implementation of state-of-the-art practices in the SFPD. In the second sub-section, I provide an overview of how the program would be implemented if my recommendations were adopted. In the third sub-section, I discuss the components of a program to promote fair and impartial policing and, for each element of a comprehensive response, I (1) describe its character and importance, (2) comment on some of the accomplishments of the SFPD to date that I identified during my preliminary assessment, (3) describe additional information that is required for a full assessment of department accomplishments, and (4) provide recommendations.

<u>The Arguments for Implementing State-of-the-Art Practices at SFPD</u>

I do not find the direction for San Francisco in the arrest/census or vehicle stop data. As I have conveyed, census/crime and vehicle stop data can identify disparities; these data can tell us if patterns exist, and if those patterns are tied to characteristics such as race, but cannot tell whether racial animus or bias are the reasons for disparate patterns.

Some of the arguments for the SFPD adoption of comprehensive actions that produce fair and impartial policing apply to all agencies; others pertain more particularly to SFPD. I discuss both below.

Police departments need to implement comprehensive programs to facilitate fair and impartial policing because this issue is a longstanding one of great importance. As articulated by Chief John Timoney (2004) of the Miami Police Department, the reality is that "race is a factor in policing." The current issues involved in "racial profiling" and "racially biased policing" are not new—they are the latest manifestations of a long history

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[37] This and each subsequent recommendation is numbered for ease of reference.

[38] I was asked to address racially biased policing and my program for fair and impartial policing focuses on race/ethnicity issues. The program, however, can serve to facilitate fair and impartial policing as pertains to other groups for which bias is a concern.

of sometimes tense, even volatile, police-minority relations. Racially biased policing did not emerge as an issue for police for the first time in the late 1990s. At that time, the new term "racial profiling" was born, the controversial police action was vehicle stops, and much of the blame was placed on Drug Enforcement Administration training associated with the War on Drugs. The issue, however, has been one facing police arguably since the creation of the first police agencies in this country and certainly since the civil rights movement. During the 1950s and 1960s a majority of the major urban riots were precipitated by perceptions that police had misused force against racial minorities. While police interactions with minorities were not the only force producing unrest in this country during that era, they were important factors. Incidents of civil unrest in recent years—for instance, in Cincinnati, Los Angeles, Miami and other cities— were similarly precipitated by incidents identified as racially biased mistreatment of minorities by police.

Police departments need to respond because policing, like other professions, is very likely not bias-free. Evidence of the existence of bias in policing and other professions comes from the experimental social psychological research in unconscious or implicit bias in humans. This research, described briefly above, indicates that many people in U.S. society have strong "implicit" linkages between race and crime that impact on how we perceive people and can impact on how we behave. While implicit bias is not unique to the policing profession, the consequences of racial bias on the part of police are arguably greater than the consequences of its application in any other profession.

An additional argument for action is the fairly widespread perceptions of police racial bias nationwide. The 2004 Gallup Poll on this topic found that more than half of the respondents to the survey believe that police stopping motorists because of their race is widespread (Carlson, 2004). Not surprisingly, racial/ethnic minorities are most likely to believe this practice exists. Just under 70 percent of black Americans and 63 percent of Hispanics believed racial profiling is widespread in traffic stops. Perceptions such as these can jeopardize efforts made by police agencies to develop trust and partnerships with their many diverse communities. Distrust and other negative attitudes toward police can impact on how citizens interact with the police. Indicators of distrust, disdain, and lack of respect, in turn, can impact on how the police respond to those individuals. Such actions and reactions can produce a downward cycle of distrust and negative interactions.

The potential of racial bias and the perceptions of it to impact negatively on trust and partnerships has particularly relevance for San Francisco. The SFPD has adopted community policing. While there is an ongoing debate in the city regarding what community policing is and how it should be implemented, all seem to agree that community policing in San Francisco involves police partnering with the community to co-produce safety and to achieve other mutually agreed upon objectives. All seem to agree that community policing has as a goal—and is itself a mechanism for—enhancing police-community trust. In San Francisco and elsewhere, decades of reform reflected in community policing are threatened by perceptions of racially biased policing and its practice. This trust-shattering issue is placing at risk the partnerships with residents, particularly minority residents, which police have worked to develop. At the same time, however, it is these very partnerships that can provide the basis for effective reforms.

San Francisco needs to implement reforms on its own initiative to reduce the risk of outside intervention. Dr. Samuel Walker was quoted in the 12/17/06 *SFC* article calling

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for an investigation by the U.S. Justice Department (DOJ). Indeed the DOJ has investigated a number of police departments during the last decade in accordance with Section 14141 of the 1994 Violent Crime Control Act which authorizes the U.S. DOJ to sue law enforcement agencies where there is a "pattern or practice" of abuse of citizens' rights. With these lawsuits—or agreements/settlements made to preclude them—the DOJ seeks organizational reforms to end those abuses. Some of these DOJ investigations leading to suits and/or agreements have been initiated on the basis of "disparity" findings, not much different than those presented in the *SFC* article and the ACLUNC vehicle stop study.[39]

The Mayor, Chief of Police and Police Commission have committed to state-of-the-art practices in various realms of policing. As referenced above, there is ongoing discussion among formal and informal city leaders about how to implement state-of-the-art practices in community policing. Additionally, the City is about to select a team of national experts to work with the police department to conduct a fairly broad organizational review; this project would assess and recommend state-of-the-art practices in the areas of accountability, use of force, hiring, training and community trust. It is not only wholly consistent with these aspirations to seek state-of-the-art practices in fair and impartial policing, but the efforts mentioned above (related to community policing, training, accountability and so forth) complement, and to some extent overlap with, the recommendations below. I will, in relevant sections below, indicate how the program I propose in this report overlaps and/or complements the project referenced above wherein experts will conduct a fairly broad organizational assessment. (I will refer to this other program as the "Organizational Review.")

In the next section I describe a proposed structure and process for a program to achieve state-of-the-art practices in fair and impartial policing.

How to Implement a Program to Facilitate Fair and Impartial Policing

In this section I make recommendations for *how* the SFPD would implement a comprehensive program to facilitate fair and impartial policing if my recommendation to do so is adopted. Specifically, I discuss (1) the makeup and role of an Advisory Board to the chief, (2) the role of a Consultant or team with expertise on racially biased policing, and (3) other mechanisms for ensuring implementation and accountability.

Advisory Board to the Chief

I recommend that Chief Fong develop an Advisory Board that will work with her to implement the comprehensive program to enhance fair and impartial policing and otherwise strengthen police-community trust (2). This board, made up of both police personnel and resident stakeholders, would identify priorities and timelines and determine the manner of implementing each recommendation. As an example, the group might decide that in-service training is a top priority to implement early in the

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[39] Montgomery County P.D. entered into a Memorandum of Agreement with the DOJ to avoid a federal lawsuit. Complaints of racial bias on the part of individuals led to the initial federal review. Findings of racial disparity in traffic citations relative to residential population was "the most significant conclusion" that led to the negotiations resulting in the MOU (Wilson, 1999).

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process and then, with the help of a consultant (the role of which is described below) identify the key content of the training for line supervisors and command staff. Because of their local knowledge, they could identify local experts and other resources that might be brought to bear. Consistent with the dual goals of my recommendations–fair and impartial policing and trust building–the broad mission of the Advisory Board would be to strengthen the trust between the police department and the diverse constituencies that it serves.[40] This mandate might, indeed should, in the long run take the Advisory Board beyond the specific recommendations pertaining to fair and impartial policing included in this report.

In consultation with the Mayor's Office and others, the Chief will select the members of this group of fifteen to twenty-five people that would have near equal representation of resident stakeholders and law enforcement personnel. Members from the community would be those most concerned about fair and impartial policing and police-community trust and able to work constructively with the police department and the community to implement efforts geared toward those ends. Involving residents (particularly minority residents) in the process of implementing initiatives to strengthen fair and impartial policing and trust will enhance the credibility of the efforts, bring important community knowledge to bear on the discussions, and bring "doers" directly into the process to assist in implementation.

The police personnel on the Advisory Board would represent all departmental levels, particularly patrol. Police personnel can bring valuable information and an important perspective to the table. These agency representatives have a critical stake in facilitating trust between police and residents and important information to bear on the discussion of potential strengthening initiatives. Employees' involvement can also facilitate "buy in" by the line officers upon whom the agency will rely to implement the initiatives. The Chief will be sure that the Advisory Board has sufficient staff support.

Expertise in State-of-the-Art Practices in Fair and Impartial Policing

I recommend that the City obtain the services of an individual or firm (referred to hereafter as "Consultant") who can bring national knowledge of state-of-the-art practices to the project (3). The Consultant would be charged with conducting a fuller assessment (than was possible during this short-term project) of the SFPD's achievements and challenges, and would bring to the Chief and the Advisory Board information about areas that need strengthening and the options for achieving that strength. The Consultant would support the work of the Chief and Advisory Board in a number of ways; for instance, the Consultant may be called upon to assist in drafting policies and/or curricula based on state-of-the-art practices, facilitate and/or procure facilitation of focus groups, make presentations as part of new training, help to design the auditing system for the vehicle stop collection program, develop assessment instruments and otherwise bring national expertise to bear on program implementation.

Ensuring Successful Implementation

It will be important to have various mechanisms in place to ensure successful implementation of the program. One of these mechanisms is the Advisory Board. The

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[40]Reflecting this broader focus, the board might be named the "Police-Citizen Partnership Board," "Partnership Council," "Trust Coalition" or something similar.

resident stakeholders in particular, because they will have been selected in part because of their commitment to fair/impartial policing and police-community trust, will be unlikely to tolerate slow or ineffective implementation.

As an additional mechanism of accountability, **I recommend that, on a regular basis, the Chief report to the Police Commission on program progress (4).** This report might be jointly made by the Chief and a member of the Advisory Board who is a resident stakeholder (that is, not a member of the SFPD).

Being "spread too thin" is a potential obstacle to program implementation. As mentioned above, the police department, Police Commission, and Mayor's Office have committed to various other efforts to strengthen the PD. Most notable is the "Organizational Review" project that, if implemented, would involve the review and strengthening of accountability mechanisms, hiring, training, and information technology. There are particular areas where the two projects overlap and complement each other. To eliminate duplication and to ensure that agency enhancements serve the objectives of both projects, **I recommend that the Consultant for this project and the consulting team selected to conduct the "Organizational Review" be required to communicate regularly and join forces on overlapping subject matter (5).**

As highlighted in this report, it is very challenging to measure racially biased policing. As such, measuring this behavior before and after is ambitious at best. That said, there may be some cost-effective ways to assess program impact on some objectives. It is quite manageable, for instance, to measure the impact of implementation on residents' views of the police including their perceptions of police racial bias. To this end, **I recommend that the Controller's Office add questions to the semi-annual survey of residents that would measure citizen attitudes toward and perceptions of the SFPD (6).**

The Elements of a Comprehensive Program to Promote Fair and Impartial Policing[41]

In this section, I discuss the components of a program to promote fair and impartial policing in San Francisco and, for each element of the comprehensive response, I (1) describe its character and importance, (2) comment on some of the accomplishments of the SFPD to date, (3) describe additional information that is required for a fuller assessment of department accomplishments, and (4) provide recommendations. Additional recommendations would follow from the fuller assessment of current SFPD policies and practices.

Anti-Biased Policing Policy

Racially biased policing occurs when law enforcement *inappropriately* considers race or ethnicity in deciding with whom and how to intervene in an enforcement capacity (Fridell et al., 2001). There are significant differences of opinions as to when it is and is not

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[41]More extensive coverage of the comprehensive response is contained in the book, *Racially Biased Policing: A Principled Response* (Fridell et al., 2001) and in a chapter entitled "Law Enforcement Agency Responses to Racially Biased Policing and the Perceptions of its Practice" (Fridell and Scott, 2005).

"appropriate" to consider race or ethnicity and these views are reflected in the various policies that have been adopted around the nation.

Executives shouldn't assume that all of their personnel use race/ethnicity the same way and should be concerned that their use may be broader than what the executive (and the agency's constituencies) believes is just. In focus groups held around the country, it became clear that practitioners at all levels–line officers, command staff and executives–have very different perceptions regarding the circumstances in which officers can consider race/ethnicity.[42] Participants discussed when officers can use race/ethnicity as one factor in the "totality of the circumstances" to establish reasonable suspicion or probable cause. There were many differences of opinion among line officers and command staff, even *within agencies*, on this point.

A meaningful policy in the Standard Operating Procedures of an agency is a necessary, but not sufficient, accomplishment. It is also critically important for the agency to ensure that its personnel know and act in accordance with its content. All policy models require effective dissemination; some of the models (because they are complicated) require training to ensure that officers understand how to implement them.

Preliminary Review

The SFPD adopted General Order 5.17 entitled "Policy Prohibiting Biased Policing" in July of 2003. The policy has a number of strengths: (1) it was developed with the cooperation/input of some key stakeholder groups (e.g., ACLUNC); (2) it conveys a commitment to treating all people with "dignity, fairness, and respect"; (3) it covers characteristics beyond race and ethnicity (e.g., national origin, gender, age, sexual orientation, gender identify); (4) it provides officers with guidance for preventing perceptions of biased policing; and (5) it directs supervisors to ensure that those in their command "know the content of this policy and operate in compliance with it."

Its key strength is the content of the central provision that sets forth parameters on the use of the specified characteristics (race, ethnicity, etc.) for making law enforcement decisions. Provision #2 reads as follows:

> Department personnel may not use, to any extent or degree, race, color, ethnicity, national origin, gender, age, sexual orientation, or gender identity in conducting stops or detentions, or activities following stops or detentions except when engaging in the investigation of appropriate suspect specific activity to identify a particular person or group. Department personnel seeking one or more specific persons who have been identified or described in part by any of the above listed characteristics may rely on them in part only in combination with other appropriate identifying factors. The listed characteristics should not be given undue weight.
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> a)   Except as provided above, officers shall not consider race, color, ethnicity, national origin, gender, age, sexual orientation or gender identity in establishing either reasonable suspicion or probable cause.

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[42] These focus groups were held as part of the information collected by the PERF team that authored *Racially Biased Policing: A Principled Response*.

b)   Except as provided above, officers shall not consider race, color, ethnicity, national origin, gender, age, sexual orientation or gender identity in deciding to initiate even those consensual encounters that do not amount to legal detentions or request consent to search.

This provision reflects the "suspect specific" policy that is the most restrictive model in use around the country. By "most restrictive" I mean that it provides for very narrow uses of race/ethnicity and other characteristics in making law enforcement decisions. This strong model contrasts with many policies in place within agencies around the country that provide no *meaningful* restrictions on police decisions. The most commonly used model around the country defines racial profiling so narrowly that the problem is defined out of existence.[43]

The SFPD policy is consistent with the definition of racial profiling set forth in 13519.4(d) of the California Penal Code and therefore is consistent with the definition used in the POST-developed state-wide training on this topic.

The SFPD reports that this policy is conveyed to all recruits during their academy training. I am informed that the policy was not completed prior to the time the in-service officers were given this Post instruction. Upon completion, the policy was disseminated and supported by roll-call training.

Next Steps

To conduct a fuller review of accomplishments in this arena, the Consultant would determine the extent to which personnel at all levels know and understand the content of this policy. The Consultant will report and make any recommendations that are required to ensure full knowledge and comprehension. The important role of supervisors in ensuring adherence to this policy is discussed in the next section on training.

Training

Training can play a critical role in reducing actual and perceived racial bias in policing. I will distinguish in this section between various categories of training. "Core" training on racially biased policing is provided in the academy and to any in-service officers who went through the academy prior to its adoption. "Focused training" targets specific populations to include supervisors, command staff and community members.

Core Training

It is my belief (there have been no empirical assessments), that most agencies across the country assume they are providing comprehensive and effective "core" training in racially biased policing based on their use of traditional diversity training (i.e., conveying to officers how to most effectively interact with people of varying races, ethnicities, traditions) and professional traffic stop training. While these topics are necessary, they are not sufficient. Core training should address: (a) how human biases can impact on perceptions and actions; (b) the effects of racially biased policing and the perceptions of

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[43] I refer here to the policies that define racial profiling as police activities/decisions that are based "solely" on race or ethnicity.

its practice on individual citizens, police and the community; and (c) key decision points at which racially biased policing can occur.

Training needs to address the needs of the well-meaning officers, described above, who may not be fully cognizant of the extent to which bias impacts on their decision-making. Training cannot rid humans of their biases; instead training should make _unconscious bias conscious_. That is, effective law enforcement training will convey to recruits and/or in-service personnel the biases that many humans have, how these biases could manifest in decision-making, and how to ensure that bias in decision-making does not, in fact, occur.

Training should convey the <u>effects of racially biased policing</u> on individual citizens, police and the community. Police personnel should consider how the level of public trust in the police affects their ability to carry out their duties. Specifically, they should consider how public support for police policies and initiatives is eroded, how the flow of information from citizens to police is inhibited, and how police officers themselves are placed at greater risk because of mistrustful citizens who might harm or fail to assist them. Personal testimonials from minorities who have suffered from the effects of racial profiling or other forms of racial bias in policing can be effective in personalizing the problem and emphasizing the real harm caused to real people. Poignant testimonials come from officers of color, many of whom, I have found, can report experiences in which they were subjects of racially biased policing.

Training should highlight the <u>key decision points</u> at which racial bias in policing can occur: Racially biased policing can occur at the incident level or be reflected in strategies or policies. A discussion of the key decision points at which racial bias in policing can occur reflects again the possibility that practitioners are not always cognizant of the extent to which race/ethnicity enters into the decisions they make. Training for line officers should focus on the activities with the potential for bias at the incident level while training for supervisors, mid-managers, and command staff should reflect on strategic-level decisions and policy. Line officers should reflect on the potential for bias in decisions such as whom to contact or detain to investigate suspicions, deciding what attitude to adopt during contacts and what questions to ask, deciding how long a stop will last, deciding whom to search or from whom to request consent to search, and deciding how dangerous suspects are and what level of force is necessary to control them. Some high-risk, strategic-level activities and policies are mentioned in the section on Institutional Practices and Priorities below. Police personnel should consider what factors they rely on to make such decisions, and how suspects' race/ethnicity may or may not affect their decisions.

Focused Training

In addition to providing core training to all personnel, agencies need focused training for specific groups. This includes training for supervisors and for command staff. (I will discuss "training" oriented toward community members in the section entitled "Outreach to Diverse Communities" below.)

Quality <u>supervisor training</u> on racial bias topics is an important component of a comprehensive response. Such training would include guidance in how to identify and respond to officers who may be acting in a racially biased manner or acting in a manner that produces perceptions of racially biased policing. Such training is particularly

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important because of the critical role of supervisors in promoting professional law enforcement behavior. It is also important because dealing with race issues in any employment setting is fraught with difficulties. These supervisors should receive guidance for dealing with these very challenging issues.

Arguably the most important "training" occurs in the context of discussions at the command level regarding racially biased policing. As conveyed above, the way the issue has been characterized has led to police defensiveness across the country. Quite sincerely and in most cases, I expect, quite accurately, police leaders have rejected the notion that their departments are staffed with a large number of racists. If leaders within an agency equate racially biased policing with widespread police racism, they are likely to reject the existence of a problem. On the other hand, I have found that police leaders are receptive to information about unconscious bias and become willing in that context to accept the idea that biased decisions may be occurring in their department, not because their personnel are bad, but because they are human. This discussion and adoption of a broader conceptualization of racially biased policing at the highest levels of agencies is critical because no meaningful work will get done in departments in which those in the top leadership positions believe no problem exists.

Preliminary Review

It was not possible considering the short-term nature of the current project to conduct a comprehensive assessment of the nature and quality of the training received by academy and in-service personnel that pertains to fair and impartial policing. I reviewed the resources provided to instructors who teach the POST training entitled "Racial Profiling: Issues and Impact."[44] I also interviewed training personnel and command level staff about this POST training, other academy curricula related to fair and impartial policing (e.g., cultural competence, community policing), supervisor (for sergeants and lieutenants) training, and the "Tools for Tolerance" training provided to in-service police by the Museum of Tolerance in Los Angeles.

According to the SFPD, 42.25 hours of diversity and fair/impartial policing training are provided to recruits. This includes 28 hours of "Cultural Competency" training during which "officers are sensitized to the complex realities facing low-income communities, communities of color and other urban communities" (SFPD and Mayor's Office, 2006). In-service officers receive four hours every two years of a combined course of community policing and racially biased policing. Sergeants receive 40 hours of training every two years, two hours of which is devoted to community policing, cultural competency, and racial profiling.

The POST racial profiling training curriculum had a number of strengths. Importantly, it makes the point that "racial profiling and racism are not the same." In so doing, it conveys that well-meaning officers might misuse race in making decisions including decisions to make race-out-of-place stops.[45] It conveys that racial profiling *does occur* and that "past practices that were once acceptable as good police work may constitute racial profiling" (Facilitator's Guide, Racial Profiling: Issues and Impact, page 1-2). The

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[44] This training was developed pursuant to CPC Section 13519.4.

[45] Race-out-of-place-stops, as the name implies, are stops where a major impetus for police action is the fact that a person of one race/ethnicity is in an area predominantly populated by another race/ethnicity.

training covers both the Fourth and Fourteenth Amendment aspects of racially biased policing. The latter is particularly important to emphasize the point that a person might be the subject of racially biased policing even if s/he commits a traffic violation or other crime/offense. The program reviews the history of the civil rights era in the United States and the effects of racially biased policing on the individuals subject to it, police officers, police departments, and the community.

The definition of "racial profiling" was solid, although narrow: "racial profiling …is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." This definition is supplemented with another: "Any time race tips the scale for the decision to take enforcement action it is racial profiling." The primary definition and the scenarios used in the film do not give enough attention to the various actions of law enforcement—other than detentions—that might manifest racially biased policing (e.g., searches, stop dispositions, initiation of investigation).

The POST training describes how racial profiling impacts on society and law enforcement. The training used scenarios to convey key points; these scenarios reflected the real world of policing. The curriculum used multiple media and provided for student activities and discussion. Most importantly, I think the training has the potential to convince officers that they are not immune from using race inappropriately and, on the assumption that they accept this possibility, it conveys how to avoid the practice.

The in-service "Tools for Tolerance" training was given positive reviews; personnel who had attended found it interesting and potent. The few with whom I spoke, however, did not believe that this training had the potential effect of reducing racially biased policing.

Next Steps

For a fuller review of this element, the Consultant would sit in on the POST training in the academy and observe, if possible, the relevant curriculum in sergeants' training. These assessments would be coordinated with those of the "Organizational Review" project, a component of which involves a review of training. This assessment may lead to recommendations that supplement those pertaining to training provided below.

I recommend that core training be supplemented with material that will make officers aware of their unconscious (or "implicit") biases and provide officers with tools for ensuring that their behavior is bias-free (7). Dovidio and his colleagues (e.g., Dovidio, Kawakami, Gaertner, 2000) have studied how to "combat implicit bias" and their work has application to training, including police training. They note that it is possible, although difficult, to actually inhibit the implicit biases. The greater potential, particularly in the context of police training, is not to try to rid people of implicit biases, but rather to reduce–ideally eliminate–*behaviors* based on those biases.

In the course of supplementing the core training, **I recommend that the Chief and Advisory Board *consider* incorporating into the academy training key components of the Chicago Academy Training that conveys to officers through role-playing exercises the message that policing based on stereotypes is unjust, unsafe and ineffective (8).** As above, the Chicago Police Department has an innovative curriculum that conveys to recruits in an effective and engaging manner the message that policing based on biases and stereotypes is unsafe, unjust and ineffective. In compelling role-

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playing exercises, I observed recruits conduct ineffective, unsafe and unjust policing because they responded to the people in the role-play incidents in accordance with their own stereotypes/biases. The debriefings indicated that the recruits realized, and were dismayed by, how their biases had led them to faulty police decisions.

I recommend that a training module be developed for FTOs, sergeants and lieutenants that will give them the tools they need to promote fair and impartial policing among those they supervise/train (9). This would include training in how to identify and respond to officers who may be acting in a racially biased manner or acting in a manner that produces perceptions of racially biased policing. Developed in conjunction with the training would be department protocols for how to deal with an officer who, it appeared, was acting in a racially biased manner. Since, in many instances, there will only be "indications" and not "proof" of racially biased policing and the behaviors may be wholly unintentional, it will be important to determine when and how supervisors can intervene to stop/prevent what appears to be inappropriate conduct while keeping in mind the ambiguous nature of the evidence and, possibly, good intentions.

I recommend education/discussion forums be held for command staff on the topic of racially biased policing (10). These forums would allow for frank and open discussion about accusations against police generally, and the SFPD in particular, of racially biased policing. The command staff would consider the broader view of racially biased policing including the social-psychology evidence that indicates that well-meaning people (including, but not limited to police officers) have biases that, if not checked, can impact inappropriately on decision making.[46] In this forum, command staff would be asked to consider how racially biased policing and perceptions of its practice is not just an issue of behaviors of line personnel, but can also manifest or be exacerbated by command staff decisions regarding, for instance, how and where crime control and other resources are allocated.

Leadership/Supervision and Accountability

Police leadership/supervision and accountability are important for eliminating bias in policing. Both are necessary to ensure that employees at all levels implement the training they have received and, in the same vein, act in accordance with department policies prohibiting racially biased policing. Leadership at the top levels must send a clear message supporting fair and impartial policing. Middle managers and line supervisors must ensure adherence to that message. Accountability mechanisms that are used by agencies to promote productivity/professionalism in many areas of policing should (1) be strong, and (2) be used to promote fair and impartial policing.

The chief executive sets the tone by word and deed, articulating the mission and the style of operation for all personnel. Chiefs must consistently practice the organization's values in their professional and personal behavior. A very important aspect of promoting adherence to fair and impartial practices is a clear message from the top echelons of a department that *racially biased policing is an issue with which the department needs to*

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[46] I would recommend that Stanford Psychology professor Jennifer Eberhardt be considered to present to command staff the considerable research on implicit racial biases.

deal and represents behavior that will not be tolerated. It is important that this "message from the top" come, not just from the Chief, but from other command staff as well.

Sergeants, lieutenants, and captains wield the most powerful influence over the day-to-day activities, attitudes, and behaviors of street personnel. These people should be selected based on criteria that ensure that they are strong role models and effective leaders. Top management must clearly convey to these supervisory personnel the expectation that the agency has for them, which is to prevent and detect actions that reflect racially biased policing or the behaviors that promote citizen perceptions of its practice. The first-line supervisor has the responsibility to spot-check officer performance in a variety of circumstances, observing the style of verbal communication and quality of discretionary decision-making and enforcement action. The supervisor must be alert to any pattern or practice of possible discriminatory treatment by individual officers or squads (through observation, information from fellow officers, or close review of complaints) and be willing and able to take appropriate action in response to inappropriate behavior.

Supervisors should take advantage of annual and periodic performance appraisals to promote professional, unbiased behavior. The appraisal instrument should provide an opportunity to grade officers on their communication skills, ability to carry out duties absent of bias, and ability to demonstrate tolerance and respect for individual rights in enforcing the law.

An agency's accountability measures support and reinforce strong leadership/supervision. Every department has some accountability mechanisms that it uses to achieve legitimacy and promote quality performance at all levels. These include Early Intervention Systems, in-car cameras, COMPSTAT, complaint receipt/review systems, and so forth. As above, with regard to racially biased policing, these systems (1) need to be strong, and (2) need to be used to promote fair and impartial policing.

Preliminary Review

The SFPD Mission Statement refers to values of integrity and professionalism and conveys that personnel "…will treat all those we serve in a compassionate, sensitive, courteous and professional manner, regardless of sex, race, lifestyle or reason for police contact." With regard to the "message of the chief," a number of people within the department and outside of it reported that Chief Fong is committed to diversity, fair and impartial policing, human rights and police-citizen trust. This commitment and the awareness of it on the part of personnel and residents is very important.

The SFPD has several external accountability mechanisms–the Police Commission and the Office of Citizen Complaints (OCC). I certainly am not in a position to assess the strengths and/or weaknesses of these bodies except to acknowledge that the recent audit conducted by the Office of the Controller highlighted weak case management and other organizational issues in the OCC. Regarding the latter, I assume that this report and new leadership will bring positive change to an important mechanism of police accountability.[47]

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[47] While an accessible, credible complaint system is a very important accountability mechanism and a key vehicle for enhancing police-citizen trust, stakeholders should

The Early Intervention System that is being developed by the SFPD is a general accountability mechanism that has potential to promote fair and impartial policing and the perceptions of it.

Next Steps

A review of the SFPD mission is one proposed component of the Organizational Review project. **I recommend that the team selected for the Organizational Review project confer with the Chief and Advisory Board on ways the department's mission might more directly convey the department's commitment to fair and impartial policing (11).**

The Consultant should review the criteria for selecting FTOs and supervisors to see if decision makers consider characteristics that support the agency's commitment to fair and impartial policing. Relevant criteria are professionalism, communication skills, ability to carry out duties absent of bias, ability to demonstrate tolerance and respect for individual rights in enforcing the law, and leadership/management skills. The Consultant should confer with the POA and agency counsel regarding limitations in agreements pertaining to these criteria.[48] The consultant should report to the Chief and Advisory Board. Based on this report, **I recommend that the Chief and Advisory Board identify changes to the criteria for selecting FTOs and supervisors that would ensure that people in these important positions have characteristics that support the agency's commitment to fair and impartial policing (12).** The recommended training for supervisors was referenced above; it is important that these leaders receive information and guidance so that they can effectively promote fair and impartial policing on the part of the personnel under their command.

The Consultant should review the criteria for performance evaluation for line and supervisory staff to see if they include measures that are relevant to fair and impartial policing and perceptions of fair and impartial policing. The Consultant should confer with the POA and agency counsel on components of agreements related to performance evaluations. The Consultant should report to the Chief and Advisory Board. Based on this report, **I recommend that the Chief and Advisory Board identify changes to personnel evaluation procedures for line and supervisory staff that would support and promote fair and impartial policing and perceptions of fair and impartial policing (13).**

I recommend that the EIS be applied to the objective of fair and impartial policing (14). This could be done in a manner that is consistent with the spirit of this non-

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understand the challenges associated with sustaining a complaint of police racial bias. It is very difficult to "prove" or "disprove" allegations of racial bias in an incident involving police and citizens. Short of verbal evidence indicating racism/bias, it is very difficult for investigators to determine at the level of preponderance of evidence that race was used inappropriately as a factor in an officer's decision. It is this fact that further supports the need for supervisors to be willing and able to intervene at low levels of "proof" (in non-disciplinary manners) to stop what appears to be racially biased behavior.

[48] I understand that the EIS system cannot be used at this time for decisions related to promotions/placements of personnel, but that information that is contained in the EIS can be utilized if accessed in a manner independent of the system.

disciplinary system that is designed to help SFPD personnel "provide the highest level of service and satisfaction to the public" (GO 3.19). The inclusion of motor vehicle stop data is particularly relevant. The caveats mentioned above about using vehicle stop data to measure racially biased policing at the department level are quite relevant to their application to the individual officer. These data can only show levels of disparity and are not measures of individual officer racial bias. That said, these data can be helpful for identifying officers who have high levels of disparity relative to their peers. For instance, "similarly situated officers" could be compared with regard to the percent of the people they stop who are minorities.[49] As above, officers with percentages significantly greater than their colleagues are not necessarily engaged in racially biased policing or, even if they are, it may not be intentional. These data, however, could be used to explore the reasons for the "different" results and could lead, as appropriate, to (non-disciplinary) measures (e.g., counseling, training) to reduce the disparity.

Additionally, within or independent of the EIS system, these stop data could also be used to examine search productivity.   As explained in Section IV above, hit rates are the percentages of searches that produce seizable evidence. For all categories of searches (e.g., inventory searches, non-consent searches), hit rates provide descriptive information regarding whether or not there is disparity in "productivity." If, for instance, 22 percent of the searches incident to arrest of African Americans produced hits compared to 30 percent of the searches incident to arrests of Caucasians, the Caucasian searches of this type are more productive. This is disparity, but does not necessarily indicate bias For "evidence-based searches" (e.g., including "non-consent searches" in San Francisco), researchers can say with reasonable confidence that identified disparity is unjustified and likely caused by bias (e.g., unconscious bias). For this subset of searches, search hit rates can rule out (not definitively but with an acceptable degree of confidence) the alternative hypotheses (hypotheses that factors other than bias influence police behavior).[50]

Recruitment and Hiring

Recruiting and hiring practices have the potential to reduce racially biased policing and citizen perceptions that an agency is biased in two basic ways: (1) by establishing a police workforce that reflects the racial demographics of the community that the agency serves, and (2) by hiring officers who can police in an unbiased manner and in a manner that reduces perceptions of racial bias.

A police agency whose officers reflect the racial demographics of the community they serve fulfills several important purposes in reducing racial bias and/or the perceptions of its practice. First, it conveys a sense of equity to the public, especially to minority communities. Second, it increases the probability that, as a whole, the agency will be able to understand the perspectives of its racial minorities and communicate effectively

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[49] This example reflects the "Internal Benchmarking" method for analyzing police vehicle/pedestrian stop data. Methods for its use are contained in Chapter 8 of *By the Numbers* and pages 44-47 of the document that summarizes *By the Numbers,* which is entitled "Understanding Race Data from Vehicle Stops: A Stakeholder's Guide" (Fridell, 2005).   "Similarly situated officers" are those who have the same work assignment (e.g., patrol), in the same geographic area, during the same shift.

[50] For more information on search hit rates and their interpretation, see Chapter 11 of *By the Numbers,* which is entitled "Guidelines for Poststop Analysis."

with them. Third, it increases the likelihood that officers will come to better understand and respect various racial and cultural perspectives through their daily interactions with one another.

Police executives should periodically gauge the effectiveness of their minority recruitment efforts and the fairness of each aspect of the selection process. Regarding the latter, the executives should determine whether the process, as a whole or at any stage, disproportionately disqualifies minority applicants. If there is evidence of disparate impact, the agency should explore the reasons for it and determine if remedies exist that will not compromise hiring standards. Similarly, the agency should determine whether minorities drop out of the academy in disproportionate numbers and, if so, the reasons for it. Again this would lead to an exploration of whether there are ways to reduce this drop out without comprising the standards of the academy.

Another aspect of recruitment and hiring that pertains to racially biased policing is hiring people who can police in an unbiased manner. As above, few, if any, people are totally free of bias. The search for qualified recruits is not the search for the saintly and pure, but rather a search for well-intentioned individuals who, at a minimum, are willing to consider and challenge their own biases and make a conscious effort not to allow them to affect their decision making as officers. It is no easy task to identify these people. Two screening mechanisms, the personal interview and background investigation, however, have potential for identifying an applicant's strengths and weaknesses as pertains to biased behaviors.

Preliminary Review

As above, it is important—particularly for purposes of trust and legitimacy—for agencies to strive to hire sworn personnel who represent the diversity of the communities they serve. First I provide some comparisons of the SFPD racial/ethnic makeup to data on residents as measured by the U.S. Census. I do this first for race and then for ethnicity because race and ethnicity are measured separately by the U.S. Census. Then I compare the racial/ethnic makeup of the SFPD to the makeup of other local police departments of similar size.

The first comparison—between the makeup of the SFPD and the makeup of the residential population—is imperfect because, as above, the U.S. Census measures race and ethnicity separately, while the SFPD includes Hispanic as one of the race/ethnicity categories. While imperfect, I think these comparisons are sufficient for this preliminary analysis. [51]
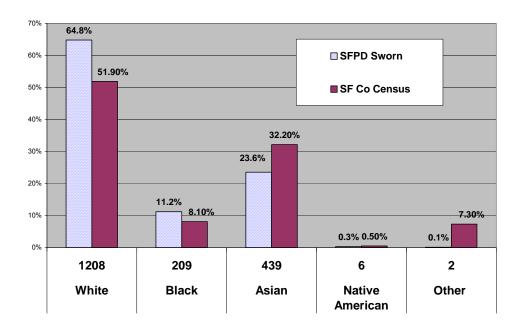
Figure 14 compares the racial makeup of sworn personnel within the SFPD to the racial makeup of the San Francisco County population. The SFPD has 11.2 percent Black sworn personnel which is higher than the representation of Blacks in the residential

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[51] To produce the percentages for race of the sworn personnel, I removed Hispanics from the list of sworn personnel before calculating percentages for race. From the Census, I used the race data for the 96 percent of the respondents who reported a single race. (This is why the figure of 8.1% for Blacks is different from the 7.8 percent figure reported in the data section of the report.) I combined the SFPD categories of Filipino and Asians to match the Census category. See Appendix E for the original SFPD breakdown list and the revised list used to create these figures.

population (8.1%). Asians are under-represented on the department (23.6%) relative to their representation in the population (32.2%). Hispanics (not shown) are proportionately represented in the department (15.1%) relative to their representation in the residential population (14.1%).

Figure 14. Percent of Sworn SFPD Personnel in Racial Categories Compared to the Racial Makeup of the San Francisco County Residential Population. (Hispanics were excluded from the SFPD calculations.)

I next compare the makeup of the SFPD to the makeup of its peer local agencies (municipal agencies serving 500,000 to 999,999 population). The data for peer agencies provided in Figure 15 come from the 2003 Law Enforcement Management and Administrative Statistics (LEMAS) survey conducted by the Bureau of Justice Statistics (Hickman and Reaves, 2006).   As indicated in this figure, 45 percent of the sworn personnel of the SFPD are minorities compared to 38.2 percent in its peer agencies nationwide.

Figure 15. Percent of White and Minority Sworn Personnel in the SFPD and in Peer Agencies (Municipal agencies serving 500,000 to 999,999 residents)

Figure 16 presents data provided in the November 2006 report entitled "San Francisco Community Policing: A Report on Current Efforts."   It shows the race/ethnicity of applicants (applicants who chose to share their demographic information) during eight application periods that include August 2001 ("A" in the figure), December 2001 ("B"), August 2002 ("C"), February 2004 ("D"), May 2005 ("E"), December 2005 ("F"), April 2006 ("G") and August 2006 ("H"). Across these applicant pools, Whites represent 37 percent of the applicants and Blacks, Hispanics, Asians, Filipinos and American Indians represent 14 percent, 21 percent, 18 percent, 9 percent, .9 percent, respectively.

Figure 16. Race/Ethnicity of Applicants During Eight Application Periods Between August 2001 and August 2006 (SFPD 11/2006)

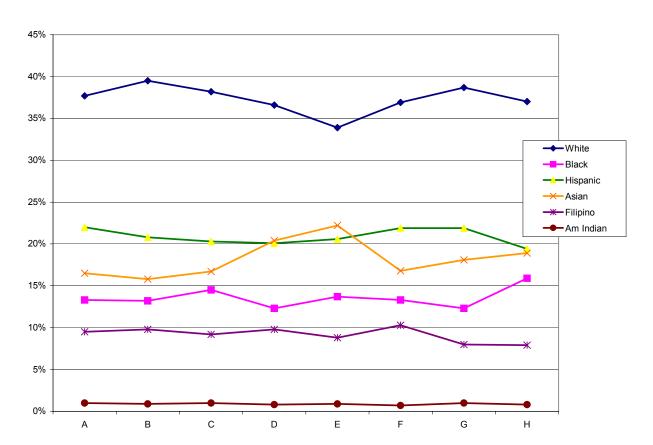This short-term, preliminary assessment did not allow for a comprehensive review of the SFPD's recruitment and screening efforts. (And, indeed, such a review is contemplated within the Organizational Review project.) I did learn that the SFPD has developed a Recruitment Unit and otherwise expanded its recruitment practices (for instance, to include the Lateral Police Program). The department calls upon all personnel to assist with recruitment and facilitates the efforts, in particular, of officer groups associated with underrepresented people. These include the Asian Police Officers Association, Latino Police Officers Association, Officers for Justice (representing African American officers), Women Officers' Network, and Pride Alliance. All of these efforts are important in light of the nationwide law enforcement challenge of hiring qualified personnel.

Next Steps

The diversity of the SFPD is impressive alongside its peers nationwide. The diversity of the applicant pool is impressive as well. It is important to ensure that the SFPD maintains or even improves its level of diversity. As part of a fuller review, the Consultant needs to determine if the diversity across the force is reflected among the agency's first-line supervisors, mid-level managers and command staff. S/he should also obtain information on the racial/ethnic makeup of the people hired over the last decade to predict whether current hiring will maintain, improve or reduce diversity in the

agency over time. The great diversity of the SFPD was presumably facilitated by the hiring consent decree and it is possible that, without it, the diversity may wane.

Additionally, the Consultant should obtain information to see if the diversity in the applicant pool (see Figure 16) is reflected in the diversity of eventual hires and, if it is not, examine the factors that lead to the loss of minority applicants during the screening process. In cooperation with the team hired to conduct the "Organizational Review," the Consultant should review the selection criteria of the agency to see if the longstanding practices are still state-of-the-art and serving the needs of the department.   The review may lead to recommendations regarding recruitment processes, minimum criteria for application, and/or screening processes. The joint review should similarly determine if there is a disproportionate loss of diverse recruits during the academy and identify the factors associated with that loss. Viable recommendations may be produced that will *not require any reduction in the high hiring standards and high academy standards of the agency*.[52]

I recommend that the Background Investigation protocol be revised to incorporate exploration of the applicants' attitudes toward and interactions with members of other racial and cultural groups (15). Background investigators in all agencies interview numerous people who know the applicants, asking many questions about the applicants' experiences, attitudes and behaviors. Questions should be incorporated to find out whether the applicant has experience interacting with members of other races/ethnicities and cultures and how well they have done so. Further, **I recommend a review be conducted to ascertain whether the background investigations are consistent in nature and depth across all demographic groups (16).**

I recommend that personal interviews include questions that reveal applicants' understanding and attitudes about race relations and police-community relations (17). Although most applicants will know the "socially desirable" responses to these questions, asking the questions alone signals to applicants that their attitudes about race are important to the police agency and that the agency will not tolerate biased policing. Applicants will *sometimes admit* to harboring attitudes and opinions that one might expect they would keep to themselves. While not foolproof, if one wants to know about applicants' racial attitudes and biases, there is no better place to start than by asking them directly.

I recommend that the Chief and Advisory Board build upon current department initiatives that serve to increase the pool of residents of the city who are interested in serving in the SFPD (18). The City needs to expand the pool of potential recruits because SFPD—like agencies nationwide—is experiencing difficulty attracting

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[52] In one agency, it appeared that the lengthy screening process resulted in a significant loss of minority applicants because these applicants had accepted other jobs by the time they received an offer from the police department. Such a problem can be remedied by speeding up the process. In another agency, a review team of which I was a member determined that a swimming requirement resulted in a significant loss of Hispanic, bilingual applicants even though the department was desperate for bilingual officers and swimming skills were very rarely required on the job.

new officers.[53]   This particular effort would address that need by focusing on San Francisco residents—producing "home grown" officers. The SFPD has some initiatives that seek to develop interest in policing on the part of young San Francisco residents. The Chief and Advisory Board would explore ways to expand on these initiatives with the objective of "growing" the pool of people who are interested in policing.   A number of resident stakeholders expressed a desire to hire San Francisco residents to police them. They argued that city residents who become police officers know the city and its diverse communities better and might have a stronger commitment to the city. The project could also provide viable career routes and therefore economic success for young people in the city who live in areas of economic distress. Because these areas are disproportionately minority, the program could also enhance efforts to maintain a diverse work force.

The Chief and Advisory Board might initiate the exploration by determining how the department could be perceived as a more attractive employer to young San Francisco residents, and minorities in particular. They might decide to hold focus groups comprised of residents who meet the minimum eligibility requirements for SFPD employment (e.g., with regard to age, education, criminal background) to ask them why they have not (if they have not) considered policing as a career or SFPD in particular as a viable employer. The Chief and Advisory Board could also meet (or ask the Consultant to meet) with minority community leaders (e.g., ministers, racial/ethnic advocacy groups) to get their perspective on how the department might more successfully, *with their assistance*, attract minority candidates.

Outreach to Diverse Communities

Both the incidents and the perceptions of racially biased policing lead to mistrust of police. Relying as they do on resident input, support, and compliance, the police cannot function effectively where tensions are prevalent. Outreach to all residents, but particularly to minority communities, is an important component of any departmental strategy to respond to racially biased policing and the perceptions of its practice. Departments should (1) reach out to minority communities on the specific topic of racially biased policing, and (2) institute methods for building and sustaining, at a more general level, mutually respectful and trusting relationships.

With regard to outreach on the topic of racially biased policing, police practitioners should be willing to discuss racially biased policing and perceptions thereof with community residents. Constructive dialogue between the police and citizens can lead to an agreement that racially biased policing likely occurs to some unknown degree within the jurisdiction, but perceptions may not always reflect the scope and nature of the problem. Additionally, continued dialogue about enforcement activities (e.g., traffic and pedestrian stops, drug enforcement, aggressive violence abatement) can help stakeholders understand how police make decisions about which activities to use and where.

Effective outreach, however, involves more than police-citizen engagement on the topic of race. Police departments should have long-term, sustained programs for reaching out

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[53] A *San Francisco Chronicle* article on 2/1/2007 reported 252 vacant sworn and non-sworn positions. The article reported on the high costs of overtime and other costs associated with this deficiency.

to all of their diverse communities. While some outreach programs focus on making police accessible and approachable or improving minorities' perceptions of police, departments should also initiate concerted efforts to engage minorities in dialogue and decisions about departmental operations. Trust between the police and the community is built through long-term engagement. The police gain respect by consistently demonstrating respect for citizens. Giving up absolute control and allowing citizens to participate in decision making affecting how they are policed, ensures a shared responsibility between police and the community. Police department efforts to provide significant means for community input into operational and policy decisions are the backbone of community engagement. Improved relations between police and minorities will increase officers' ability to provide high quality police services to all the residents in their jurisdiction and produce mutual trust, respect, and shared responsibility for public safety.

Strong community and problem-oriented policing are directly relevant to the issue of racial bias (and very much linked to the discussion above on community engagement). One important principle of community policing is the emphasis placed on having police personnel develop a comprehensive knowledge of the areas to which they are assigned. Essential to this understanding is getting to know, not only the general demographics of the area—including which residents can be expected to be where, and when—but also, to the extent possible getting to know the particular routines in an area, including which individuals normally are in certain places at certain times. Knowing many citizens by face and name improves officers' abilities to differentiate between suspicious and nonsuspicious people on a basis other than race. Getting to know the community's law-abiding citizens helps police overcome stereotypes based on characteristics such as race.

Also consistent with the principles of community policing and problem-oriented policing is actively soliciting community input about crime and disorder problems, what priorities each should have, and how they might best be addressed. These conversations can reveal possible manifestations of racial bias or the perceptions of its practice and also allow police to convey their priorities, concerns and issues regarding crime and disorder in the neighborhood. These forums also provide the opportunity to explain that particular policies that produce disparate impact are, in fact, based on race-neutral principles and are in place to serve the public safety objectives of community residents. Garnering community support, especially minority community support, for police actions can go a long way toward reducing perceptions of racial bias.

Preliminary Review

The city of San Francisco is committed to community policing although, as mentioned above, there are differing views regarding what community policing is and how it should be implemented in the city. SFPD has a number of programs that facilitate partnerships between the police and community, including the police and the minority communities in the city. Two core partnership programs are San Francisco SAFE and the Community Partnership for Safer Neighborhoods. Each of these encompasses numerous programs and activities. There are other strategies to enhance community involvement and that promote police-community trust that are outlined in the document entitled "San Francisco Community Policing: A Report on Current Efforts" (San Francisco Police Department and Mayor's Office, 2006).

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Next Steps

As part of a fuller review, the Consultant will determine if the SFPD has written or unwritten outreach goals and whether the police department's various efforts are consistent with them. Such goals should identify particular objectives as pertains to particular target groups. Linking projects to particular goals can increase the efficiency and effectiveness of outreach efforts.

The recommendation above that an Advisory Board be developed to implement this project, if it is approved, is in itself an outreach to diverse communities. And as above, this group will have a mission that extends beyond the implementation of the recommendations in this report. The Advisory Board will facilitate continued, coordinated efforts to enhance the trust and partnerships between police and all of the diverse communities of San Francisco.

I recommend that the SFPD hold focus groups around the city with resident stakeholders to discuss various topics of mutual concern including racially biased policing and the perceptions of its practice (19). The Chief, Advisory Board and Consultant would identify the various target participants and develop a focus group protocol to guide discussion.[54] They will jointly determine which of two models (or both) would be utilized.

Pursuant to a "listening" model the Chief or her designee, a trained facilitator, and invited resident stakeholders (12 to 15) would meet. The purpose would be for the stakeholders to communicate their thoughts, ideas and concerns to the SFPD. A major purpose of these focus groups would be to find out from community residents whether and in what circumstances they perceive racially biased policing on the part of SFPD personnel. The discussion would address other aspects of police-community trust. This input could lead to SFPD self-analysis regarding particular behaviors/missions that might, in fact, manifest bias and/or, at the very least, let the department know what behaviors/missions promote *perceptions* of racially biased policing. This information and resulting assessments could lead to changes in behaviors/missions or in department communications to stakeholders regarding those behaviors/missions.

Pursuant to an "exchange" model, groups that would meet would be comprised of "equal parts" residents and police. The purpose of these forums would be to have police and residents exchange perspectives and concerns relevant to issues of trust broadly and racial bias more particularly. These forums have the prospect of being more valuable; they are also a bit more "risky." These gatherings are valuable because SFPD personnel at all levels are hearing the perspectives and concerns of the residents they serve and vice versa. Both value and risk come from the potentially "spirited" nature of these exchanges. For instance, an early focus group that I ran in Lowell, Massachusetts began with approximately one hour of finger pointing, raised voices, citizen accusations, and police defensiveness. I believe this opportunity to share what are sometimes long-held pent-up frustrations, even anger, on both sides can be constructive. In the Lowell circumstance, after this one-hour of venting, the group on its own turned constructive and started to develop ways to resolve the particular problems they had identified. On

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[54] Youths, particularly minority youths, would be an important population involved in these focus groups.

their own, without prompting by me, they agreed that they needed to meet regularly to continue the process of sharing, listening and resolving problems. The Chief, Ed Davis—now the Commissioner in Boston—continued the group as the "Race Relations Council." The mayor reported that the council was "the best thing that has happened in Lowell in a long time."

Returning to the educational value of the "exchange" model to both police and residents, the officers in Lowell during debriefing expressed great surprise at the frustration, anger and fear that the residents shared during the session. In turn, the residents had learned a lot about the police perspective—particularly as pertains to lone-officer vehicle stops— and recommended that this education be transmitted to residents more widely. Relevant to this experience in Lowell, and based on input from San Francisco stakeholders with whom I spoke, **I recommend that the Chief and Advisory Board develop priorities and a plan for providing education to citizens that would enhance understanding and trust between police and residents (20).** For instance, education programs and materials should inform residents of what they are obliged to do upon lawful police request.   They might also instruct citizens about the proper way to conduct themselves when detained by the police, so as to reduce the likelihood that officers might misunderstand their actions and fear for their own safety. Such programs should inform residents of their rights during encounters with police including information on the law relating to stops and searches. Materials and information can be disseminated through the mass media, community meetings, citizen police academies, and personal contacts between police and citizens.[55]

Institutional Practices and Priorities

Many of the response areas above focus on trying to promote fair and impartial policing at the line officer level; I discuss how to hire diverse personnel who can police in an unbiased fashion, guide officers with policy and training, supervise them and so forth. Biased policing or perceptions of biased policing, however, may occur, not because individuals are working outside of agency parameters but within them. That is, there may be institutional policies and practices that produce biased policing or perceptions of its practice—even unintentionally. As such, an important component of an effort to enhance fully fair and impartial policing should include an "audit" of operational and administrative practices that might result in disproportionate negative impacts on racial/ethnic minorities and that cannot be justified by race-neutral factors.

An assessment of how operational strategy might contribute to racially biased policing might begin by having personnel challenge some of the assumptions underlying conventional police strategy that emphasizes criminal and traffic enforcement as the primary means to control crime and disorder. Sometimes intensive criminal and traffic enforcement fall short of the desired effects, and instead, only worsen the relationship between police and the minority community.

Racial bias does not manifest in the same way in every jurisdiction. Thus, it might make sense in one jurisdiction to explore how racial bias might play out in police efforts to interdict illegal drug shipments along major highways, but not make sense to do so in a

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[55] Some creative trust-building efforts being used by agencies around the nation are described in Fridell (2007) "Building trust around issues of force."

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jurisdiction where drug trafficking is not a major concern. In some jurisdictions, the potential for racially biased policing might manifest itself most prominently in how police handle problems associated with disorderly youth, gangs, migrant workers, or any number of concerns. There may be particular units in the department that—as a result of their mandate—are at greater risk than others for manifestations of bias.

An agency might conduct an assessment to determine whether their deployment patterns reflect relevant, race-neutral factors such as general calls for service, citizen complaints of drug trafficking, and so forth. Agency practices may, in fact, result in disparate impact on racial/ethnic groups. However disparate impact is not necessarily biased policing. The key to an assessment is to ensure that operational strategies and allocations of resources are not influenced by racial biases, but rather reflect reasonable and rational factors that facilitate effective policing for all citizens. Disparate impact, however, may lead to citizens' perceptions of bias that need to be heard and addressed constructively in public forums.

Another aspect of analyzing agency practices is to review reward structures to determine if they result in increased minority stops and/or searches. Reward structures include all those activities that are recorded and/or counted and that can have a positive job-related impact on the employee (e.g., will be considered in merit raises and/or promotion). While the rewarded activity will most certainly be neutral with regard to race, it may interact with employees' stereotypes to produce an inappropriate negative impact on racial/ethnic minorities. For example, positive departmental reinforcements for weapons arrests or for drug seizures might lead officers to be particularly aggressive in their weapons and drug stops. Officers may link those crimes to racial ethnic minority citizens, producing a disproportionate amount of minority detentions that may exceed their actual representation among offenders of these crimes.

One example of assessing and revising institutional practices and priorities involves vehicle stop data. A review of an agency's data might indicate a large number of consent searches of minorities that are unproductive (no contraband or other evidence is found). The unproductive consent searches may lead decision makers to recommend an agency policy requiring citizens to sign a consent form before being searched. This consent form would inform residents of their right to refuse. Alternatively or additionally, the agency might decide to require a minimum "level of proof" for consent searches, such as reasonable suspicion.[56]

Preliminary Assessment and Next Steps

There was no preliminary assessment conducted within this realm. A challenge to implementing this review of institutional practices and priorities is that it opens up an

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[56] The reforms in this example were implemented by Stanley Knee when he was chief in Austin, Texas. The Austin vehicle stop data showed that greater proportions of minorities than Caucasians were subject to consent searches. The consent searches of minorities were not very productive, and resident stakeholders perceived that racial bias was the cause of this identified disparity. The chief implemented a consent form and a policy requiring reasonable suspicion on the part of the officer prior to requesting consent to search. He set a goal of decreasing consent searches by 40 percent over two years; within one year he reported a 63 percent decrease (2,141 consent searches in 2003; 804 in 2004).

infinite number of possible avenues for exploration (every policy and practice). The first step, therefore, is to develop a plan and priorities for these assessments.

I recommend that the SFPD assess institutional practices and priorities and give initial attention to practices identified by stakeholders who participate in the focus groups (21). Those focus groups are designed in part to identify the practices that stakeholders believe manifest racial bias. For instance, they might point to the gang injunction, consent searches, or patrol practices. For each practice identified, the agency with the assistance of the Consultant would use available data to determine if (1) the practice produces disparate impact, (2) the disparate impact can be explained by race-neutral factors, and/or (3) changes are advisable to reduce disparate impact or communication is advisable to reduce perceptions of racial bias.

Data Collection on Police Stops

As shared above, many agencies around the nation have instituted vehicle (and sometimes pedestrian) stop data collection systems. There are arguments for and against such systems. On the positive side, collecting police-citizen contact data helps agencies convey a commitment to unbiased policing and builds trust with the community. Data collection conveys important messages to both the community and agency personnel that biased policing will not be tolerated and that officers are accountable to the citizens they serve.

Two major arguments—one for data collection and one against—go head to head and center on the ability of social science to turn the data that are collected into valid and meaningful assessments of whether racially biased policing is occurring. On the one hand—supporting data collection—is the argument, articulated by Ron Davis, currently the chief in East Palo Alto, that, "You can't manage what you don't measure." He (among others) argues that much of management within police departments is based on information. We use information such as reported crime, calls for service, and complaints to make decisions regarding the allocation of resources, training needs, and so forth. Similarly, "[p]roper data collection, utilizing credible benchmarks…provides an organizational 'snap shot' …[which] assists administrators in identifying institutional and systemic problems" (Davis, 2001: 1).

Challenges to this position reflect the concern that police-citizen contact data do not yield valid information regarding the nature and extent of racially biased policing and are therefore of questionable utility as a management tool. That is, there are legitimate questions as to whether the data collected on police stops can tell us whether those stops are based on police racial/ethnic bias. The challenge is in developing the "benchmarks" to which Chief Davis refers to determine whether racially biased policing is indicated by, for instance, the fact that 25 percent of an agency's traffic stops are of Hispanics. Developing the right benchmark is critical to making data collection efforts worthwhile and yet this process poses many challenges.

Some advocates of data collection will point out that, even if data collection cannot prove or disprove racially biased policing, they produce important information that an agency should have regarding the work of their line personnel. For instance, with these data, managers can identify officers who have high or low numbers relative to their colleagues.

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Those less enthused about data collection might acknowledge the positive aspects as listed above, but question whether the benefits are worth what can be considerable costs. The costs vary significantly from agency to agency and might be costs in the form of IT upgrades, technology for inputting data, supervisory time expended on form review and follow up, data input/management, and analysis.

In the context of my preliminary review below, I will comment on the various important components of data collection systems including the data forms, processes to ensure quality data, and methods for analyses.

Preliminary Review

As above, I will discuss in this section the strengths and weaknesses of the SFPD data collection system in three sections (1) data collection, (2) data auditing, and (3) data analysis/reporting.

(1)   Data Collection

Social scientists and police departments working together have learned a lot over the last five years about how to best implement vehicle stop data collection systems. We have greatly advanced our knowledge regarding what should be included on forms and regarding how these data can be analyzed. The SFPD E585 form was developed prior to these advancements in knowledge and reflected good practice at the time of its development. The form, however, is now "dated" and the elements in it will not support quality methods for analyzing the data. There are a number of methods that can be used to analyze these data; they reflect various "benchmarking" methods that range from comparing stop demographics to residential population (per U.S. census) to highly sophisticated observation methodologies. In *By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops*, I describe how to implement each of these methods. A section at the start of every chapter devoted to individual methods begins with a section entitled "assessing resources required." Most benchmarking methods require that certain information be included on the stop form. (For instance, for the simplest method—census benchmarking—an agency should have a variable on the form indicating whether or not the driver is a jurisdiction resident.) The SFPD form would not support any of the high quality benchmarking methods.[57] Most significant is the fact that the "location data" is in a format that does not allow for stops to be "selected" based on it. That is, we could not with the SFPD data, electronically "select" stops at a particular location. Such selection is required for many of the high quality benchmarking methods.

A strength of the SFPD system was mentioned in Section IV. Officers who attempt to submit forms with "out-of-scope" values will receive an error notification. Officers cannot submit the form with these errors or with missing information. This system component does not ensure perfect data (the officer may still erroneously put in a "4" for instance, when the facts call for a "5" under result), but it is a quality-promoting mechanism.

A weakness of the system is that the form the officers fill in is not in a "drop down" format. In a "drop down" format the officer would click the variable and see the

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[57] The elements on the form might support "Internal Benchmarking," which was described in the context of the EIS. This analysis method, however, requires other accessible, computerized agency data to produce groups of "similarly situated officers."

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appropriate values/codes. Without such a drop-down the SFPD officers must either memorize the values for each variable or have available to them the sheet that tells them that, for instance, an "incident report" is a "result" of 4.

The SFPD has promoted compliance with periodic memos reminding officers to fill in the E585 forms and by calling their attention to common errors/issues. There was however, no consistently-used mechanism of accountability. A system with supervisory review would have supervisors checking to ensure that officers are submitting E585 forms for each stop that is designated for such a report. This could happen on a daily or weekly basis and requires a source of information (e.g., activity reports or CAD data) that tells the supervisor how many such forms s/he should expect from each officer. In systems with high quality supervisory review, the supervisors (or other agency personnel who receive the data–such as personnel within research and planning units) spot-check the form for obvious errors. Such a system would catch, for instance, age entries of between 110 and 777.

At various points in time, SFPD supervisors were following up with officers to facilitate compliance. This accountability mechanism was not consistent and was also partially ineffective due to some of the IT challenges faced by the agency. As reported to me, at one point a system was in place to follow up with officers when it was determined that a stop took place but no form existed in the data base. Follow-ups determined that, in a number of these circumstances, the officer had in fact submitted the form but, due to IT deficiencies, the data did not successfully transmit to its destination.

(2) Auditing

Vehicle stop data collection systems are "social science studies" and all good social science involves a careful review of data to check for and, if possible, correct errors before analysis of the data begins. The Supervisory review above, is one system for ensuring accuracy. Agencies have additional systems for "auditing" the data. The purpose of these audits is to ascertain whether line personnel in the police department are submitting data collection forms for each and every targeted stop and filling out the forms fully and accurately.

There are some auditing procedures in place in SFPD, or at least there were prior to the retirement of the agency's analyst. These procedures were better than those in place in many agencies across the country, but they were not strong enough to produce data of sufficient quality for confidence and analysis. To his credit, the former analyst, Dr. Lutes, looked at the stability/reliability of the numbers over time. In his reports he compared the volume of stops for the reporting month both to the (1) volume for the previous month, and (2) the volume during the same month the previous year. He reported increases and decreases and reflected upon possible reasons for them (e.g., one month he reported stops were up, but so were calls for service). Also, as shared in Section IV, periodic comparisons were made between the volume of E585 forms turned in on a particular day to information in the CAD system regarding the number of 585 stops. This is a respectable comparison, but its use was not regular.

(3) Data Analysis/Reporting

Data "analysis" can range from very simple to very sophisticated. Most departments require supplemental resources to conduct sophisticated analyses and many large cities

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have "outsourced" these studies. At the high end of resources and sophistication, the Los Angeles Police Department outsourced a multi-method study that took approximately two years to complete and involved a contract in excess of $700,000.

SFPD has not had the resources for sophisticated analysis and, indeed, the reports that the agency has produced reflect that circumstance. Reports have provided numbers and percentages for individual variables and combinations of variables. Thus, for instance, reports have produced information on volume of stops by:
- SFPD District
- Race
- Race by gender
- Race by gender by age
- Reason for stop by race
- Search by race
- Stop result by race

These descriptive reports produced by the SFPD have not involved "benchmarking." To draw conclusions regarding police-citizen contact data that indicate disproportionate engagement of racial/ethnic minorities, we need to be able to identify and disentangle the impact of race from legitimate factors that might reasonably explain individual and aggregated decisions to stop, search, and otherwise engage people. As referenced above, in an attempt to rule out alternative factors, agencies strive to develop comparison groups against which to evaluate their police-citizen contact data. Agencies strive to develop "benchmark" groups that most closely reflect the demographic makeup of groups at risk of being stopped by police assuming no bias. For example, a department collecting data on traffic stops would, ideally, want to compare the demographics of those stopped by police for a traffic violation with the demographics of those people legitimately at risk of a stop, taking into consideration numerous factors, including, but not limited to driving quantity, driving quality, and driving location.

The variation in quality across benchmarks is great. Findings based on a high-quality benchmark are more legitimate than findings based on a low-quality benchmark, although no benchmark method exists that can prove or disprove the existence of racially biased policing. (This inability to "prove" or "disprove" a relationship is not unique to analyzing driver/pedestrian stop data, but rather is true for social science research generally.) Again, it is not difficult to measure whether there is "disparity" between racial/ethnic groups in stops made by police. All benchmarks can identify disparity. The real difficulty comes in identifying the *causes* for any disparity. The higher quality benchmarks reduce the number of alternative causes that might explain disparity, but even studies using strong benchmarks have drawbacks that limit a researcher's ability to measure police racial bias.

Next Steps

I recommend that the Chief and Advisory Board research the costs and benefits associated with continued vehicle stop data collection and provide a recommendation to the Police Commission (22). This important decision whether to maintain the vehicle stop data collection program is one that needs to be made by city stakeholders after they have become fully knowledgeable about the pros and cons of data collection systems and understand fully the benefits that accrue the PD and City

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from the program and the resources that would be required to sustain it. The Consultant would have a major role in facilitating this discussion by bringing relevant information to the attention of the Chief and Advisory Board.

The comments and recommendations below are relevant if the data collection system is maintained. If it is, the department needs to (a) revise the E585 form, (b) implement supervisory review to facilitate data collection, (c) develop an auditing system, (d) identify resources for analyses, and (e) determine who will conduct the analyses.

If the data collection system is maintained, **I recommend the SFPD revise the E585 form to support quality data analyses (23).** While not always practical, it is ideal if the method of analysis is identified prior to form revision.

I recommend that the SFPD develop a system of supervisory oversight to facilitate officer submission of forms (24). I recommend that the SFPD analyze and fix the problems with the IT system that is impacting on data submission (25). I recommend that the SFPD develop a system for auditing the incoming data (26). I describe various options below.[58]

The purpose of audits is to ascertain whether line personnel in the police department are (1) submitting data collection forms for each and every targeted stop and (2) filling out the forms fully and accurately. There are no cost-effective methods for ensuring 100% submission, comprehensiveness and accuracy, but departments have implemented various methods in an attempt to achieve each of these objectives.

To assess whether or not officers are in fact submitting forms for each and every targeted stop, the data collection forms can be cross-checked with other agency data— for example, citation data and/or computer-aided dispatch (CAD) data. For instance, as was conveyed in earlier sections of this report, an agency might compare (1) the total number of police-contact forms that indicated citations were issued to (2) other agency or court records regarding citations issued. Similarly, police-citizen contact form totals or subtotals can be matched to records of officers' calls to their communications or dispatch center regarding stops. If an agency can count (using, for instance, CAD data) the number of times officers reported they were making a vehicle stop, it can compare these totals to the total number of forms submitted for stops during the same period of time. Again, in these two examples, the researcher is comparing totals of some type of stop across data sets. If, for example, the number of traffic stops according to the CAD data is significantly larger than the number of traffic stop forms submitted by police, the researcher can reasonably conclude that forms are not being submitted by officers for all of required stop activities. In more sophisticated auditing systems, agencies attempt to match each citation issued to its corresponding stop form to assess full reporting by officers.

The SFPD discontinued its regular reports to the Police Commission on the vehicle stop data collection program. The Chief has indicated that this reporting will be resumed and, once the auditing system is developed, **I recommend that the reports submitted by the Police Department to the Police Commission include information on the auditing results (27).**

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[58] The various auditing models are covered in Chapter 4 of *By the Numbers*.

If the vehicle stop data system is continued, the city will have to give considerable thought to the type of analyses it wants completed and whether the analyses would be conducted by the SFPD or be outsourced. **I recommend that the Chief and Advisory Board become knowledgeable about the potential and constraints of benchmarking and about the various methods that can be utilized along with their associated costs and convey their conclusions and recommendations to the Police Commission (28).**

Racially biased policing and the perceptions of its practice are critical issues facing jurisdictions across the country. Racially biased policing is neither a new nor transient issue. The longstanding nature of the problem need not, however, be viewed as proof of the problem's intractability. Police are more capable than ever of effectively addressing police racial bias in their ranks. In the past few decades there has been a revolution in the quality and quantity of police training, the standards for hiring officers, procedures and accountability mechanisms, and the widespread adoption of community policing. This is a new era of policing—one characterized by highly qualified personnel and new tools for dealing with complex and highly charged issues.

Reflecting this changed profession, progressive chiefs and sheriffs across the nation are acknowledging the problems of racially biased policing and widespread perceptions of its practice and implementing initiatives to bring about critically needed, constructive change. A comprehensive response to this issue involves initiatives in the following areas:

- Policies prohibiting racially biased policing,
- Education and training,
- Leadership/supervision and accountability,
- Recruitment and hiring,
- Outreach to diverse communities,
- Institutional practices and priorities, and
- Data collection and analysis.

I conducted a preliminary assessment of the SFPD and determined that it has already taken some important steps to promote and facilitate fair and impartial policing.   For example, the department has a solid anti-biased policing policy, the POST training for all recruits is strong, Chief Fong is perceived as committed to fair and impartial policing, the agency has impressive diversity among sworn personnel, the agency and City are committed to community policing principles, and the department has been collecting vehicle stop data since 2001.

This report sets forth a plan for SFPD that will build upon the agency's current initiatives and strengths and give the City of San Francisco an opportunity to become a model jurisdiction with regard to fully fair and impartial policing. While I believe that all police departments need to implement comprehensive programs to facilitate fair and impartial policing, such a direction is particularly important for San Francisco. In San Francisco decades of reform reflected in community policing are threatened by perceptions of racially biased policing and its practice. San Francisco needs to implement reforms in this realm on its own initiative to reduce the risk of outside intervention. Finally, the Mayor, Chief of Police and Police Commission have committed to the achievement of state of the art practices in various realms of policing and a program to implement state-of-the-art practices in fair and impartial policing is wholly consistent with these aspirations.

The City, the SFPD and concerned resident stakeholders should join together to implement the program outlined in this report. Specifically, I recommend:

1. The SFPD implement state-of-the-art practices geared toward producing fully fair and impartial policing.

2. Chief Fong develop an Advisory Board that will work with her to implement the comprehensive program to enhance fair and impartial policing and otherwise strengthen police-community trust.

3. The City obtain the services of an individual or firm who can bring national knowledge of state-of-the-art practices to the project.

4. On a regular basis, the Chief report to the Police Commission on program progress.

5. The Consultant for this project and the consulting team selected to conduct the "Organizational Review" be required to communicate regularly and join forces on overlapping subject matter.

6. The Controller's Office add questions to the semi-annual survey of residents that would measure citizen attitudes toward and perceptions of the SFPD.

7. Core training be supplemented with material that will make officers aware of their unconscious (or "implicit") biases and provide officers with tools for ensuring that their behavior is bias-free.

8. The Chief and Advisory Board consider incorporating into the academy training components of the Chicago Academy Training that conveys to officers through role-playing exercises the message that policing based on stereotypes is unjust, unsafe and ineffective.

9. A training module be developed for FTOs, sergeants and lieutenants that will give them the tools they need to promote fair and impartial policing among those they supervise/train.

10. Educational/discussion forums be held for command staff on the topic of racially biased policing.

11. The team selected for the Organizational Review project confer with the Chief and Advisory Board on ways the department's mission might more directly convey its commitment to fair and impartial policing.

12. The Chief and Advisory Board identify changes to the criteria for selecting FTOs and supervisors that would ensure that people in these important positions have characteristics that support the agency's commitment to fair and impartial policing.

13. The Chief and Advisory Board identify changes to personnel evaluation procedures for line and supervisory staff that would support and promote fair and impartial policing and perceptions of fair and impartial policing.

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14. The Early Intervention System be applied to the objective of fair and impartial policing.

15. The Background Investigation protocol be revised to incorporate exploration of the applicants' attitudes toward and interactions with members of other racial and cultural groups.

16. A review be conducted to ascertain whether the background investigations are consistent in nature and depth across all demographic groups.

17. Applicant personal interviews include questions that reveal applicants' understanding and attitudes about race relations and police-community relations.

18. The Chief and Advisory Board build upon current department initiatives that serve to increase the pool of residents of the city who are interested in serving in the SFPD.

19. The SFPD hold focus groups around the city with resident stakeholders to discuss various topics of mutual concern including racially biased policing and the perceptions of its practice.

20. The Chief and Advisory Board develop priorities and a plan for providing education to citizens that would enhance understanding and trust between police and residents.

21. The SFPD assess institutional practices and priorities and give initial attention to practices identified by stakeholders who participate in the focus groups.

22. The Chief and Advisory Board research the costs and benefits associated with continued vehicle stop data collection and provide a recommendation to the Police Commission.

If the vehicle stop data collection program is maintained, I recommend that:

23. The SFPD revise the E585 form to support quality data analyses.

24. The SFPD develop a system of supervisory oversight to facilitate officer submission of forms.

25. The SFPD analyze and fix the problems with the IT system that is impacting on data submission.

26. The SFPD develop a system for auditing the incoming data.

27. The reports submitted by the police department to the Police Commission include information on the auditing results.

28.   The Chief and Advisory Board become knowledgeable about the potential and constraints of benchmarking and about the various methods that can be utilized along with their associated costs and convey their conclusions and recommendations to the Police Commission.

References

Allport, G.W., and Postman, L.J. (1947). <u>The Psychology of Rumor</u>. New York: Russell and Russell.

Alpert Group (2004). Miami-Dade Police Department Racial Profiling Study. A report submitted to Miami-Dade County, November.

California Department of Corrections and Rehabilitation (2006). California Prisoners and Parolees, 2005.
http://www.cya.ca.gov/ReportsResearch/OffenderInfoServices/Annual/CalPris/CALPRISd2005.pdf

Carlson, Darren K. (2004). Racial profiling seen as pervasive, unjust. Report on a survey conducted by The Gallup Poll.
http://poll.gallup.com/content/default.aspx?ci=12406

Cordner, G. B. Williams, M. Zuniga (2001). Vehicle Stop Study: Year End Report. San Diego, CA: San Diego Police Department.

Correll, J., Park, B., Judd, C.M., Wittenbrink, B.W. (2002). The police officer's dilemma: Using ethnicity to disambiguate potentially threatening individuals. <u>Journal of Personality and Social Psychology</u>, 33, 541-560.

Davis, R. (2001). Racial Profiling: What Does the Data Mean. A Practitioner's Guide to Understanding Data Collection and Analysis. Unpublished manuscript.

Devine, P.G. (1989). Stereotypes and prejudice: Their automatic and controlled components. <u>Journal of Personality and Social Psychology</u>, 56: 5-18.

Dovidio, J.F., K. Kawakami, and S.L. Gaertner (2000). Reducing contemporary prejudice: Combating explicit and implicit bias at the individual and intergroup level. In S. Oskamp (Ed.), <u>Reducing Prejudice and Discrimination</u> (pp. 137-163). Mahwah, NJ: Lawrence Erlbaum.

Duncan, B.L. (1976). Differential social perception and attribution of intergroup violence: Testing the lower limits of stereotyping blacks. <u>Journal of Personality and Social Psychology</u>, 34, 590-598.

Eberhardt, J.L., Dasgupta, N., and Banaszynski, T.L. (2003). Believing is seeing: The effects of racial labels and implicit beliefs on face perception. <u>Personality and Social Psychology Bulletin</u>, 29, 360-370.

Engel, Robin Shepard, Jennifer M. Calnon, Lin Liu, Richard Johnson (2004). Project on Police-Citizen Contacts. Report prepared for the Commissioner of the Pennsylvania State Police.

Fridell, Lorie and Mike Scott (2005). "Law Enforcement Agency Responses to Racially Biased Policing and the Perceptions of its Practice." In Roger G. Dunham and Geoffrey P. Alpert (Eds). Critical Issues in Policing, 5th Edition, pp. 304-321. Prospect Heights, IL: Waveland Press.

Fridell, Lorie (2004). By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops. Washington, DC: The Police Executive Research Forum. Available at www.policeforum.org. See FreeDoc Library, Racially Biased Policing.

Fridell, Lorie (2005). Understanding Race Data from Vehicle Stops: A Stakeholder's Guide. Washington, DC: The Police Executive Research Forum. (This guide summarizes the key content of *By the Numbers.*)

Fridell, Lorie, Bob Lunney, Drew Diamond and Bruce Kubu with Michael Scott and Colleen Laing (2001). Racially Biased Policing: A Principled Response. Washington, DC: The Police Executive Research Forum.

Greenwald, A.G., Oakes, M.A., and Hoffman, H. (2003). Targets of discrimination: Effects of race on responses to weapons holders. Journal of Experimental Social Psychology, 39, 399-405.

Hickman, Matthew J. and Brian A. Reaves (2006). Local Police Departments, 2003. Report from the LEMAS survey of the Bureau of Justice Statistics. http://www.ojp.usdoj.gov/bjs/pub/pdf/lpd03.pdf

Los Angeles Police Department (2004). Motor vehicle and pedestrian stop data: January 2004 to June 2004.

Lovrich, Nicholas and Michael Gaffney, Clay Mosher, Mitchell Pickerill and Michael R. Smith (2003). Washington State Patrol Traffic Stop Data Analysis Project. Report submitted by Washington State University to the Washington State Patrol.

Lutes, Steve (March 16, 2005). Memo from SFPD Principal Analyst to Chief Fong on "Traffic Stop Data Collection Statistics for February 2005."

Lutes, Steve (August 1, 2005). Memo from SFPD Principal Analyst to Chief Fong on "Traffic Stop Data Collection Statistics for June 2005."

Office of the Controller, City and County of San Francisco (2007). Office of Citizen Complaints: Weak Case Management and Organizational Issues Degrade OCC's Performance.

Opatrny, Dennie J. (2007). "S.F. Courts Cripple Delays, Report Finds." Daily Journal, 2/27/2007.

Payne, B.K. (2001). Prejudice and perception: The role of automatic and controlled processes in misperceiving a weapon. Journal of Personality and Social Psychology, 81, 1-12.

82

Ridgeway, Greg, and terry Schell, K. Jack Riley, Susan Turner and Travis L. Dixon (2006). Police-Community Relations in Cincinnati: Year Two Evaluation Report. A report submitted by RAND to the City of Cincinnati.

Sagar, H.A., and Schofield, J.W. (1980). Racial and behavioral cues in black and white children's perceptions of ambiguously aggressive acts. Journal of Personality and Social Psychology, 39, 590-598.

San Francisco P.D. and the Mayor's Office (2006). San Francisco Community Policing: A Report on Current Efforts.

Schlosberg, Mark (2002). A department in denial: The San Francisco Police Department's failure to address racial profiling. A report completed by the ACLU of Northern California.

Schlosberg, Mark (2003). Roadmap to Reform: Strengthening the Accountability Mechanisms of the San Francisco Police Department. Report of the American Civil Liberties Union of Northern California, March 12.

Sward, Susan (2006). "High black arrest rate raises call for inquiry." San Francisco Chronicle, December 17, A1.

Sward, Susan (2007). "Police fail to report traffic stop data." San Francisco Chronicle, March 7, A1.

Walker, Samuel (2006). Police Accountability: Current Issues and Research Needs. A paper submitted to the National Institute of Justice, Washington, D.C.

Walker, Samuel (2005). The New World of Police Accountability. Thousand Oaks, CA: Sage Publications.

Weisburd, David and Anthony A. Braga (2006). Police Innovation: Contrasting Perspectives. Cambridge: Cambridge University Press.

Wilson, Scott (1999). Montgomery police ticket blacks at higher rate. *Washington Post*, December 3, page A1.

Zingraff, M.T., H.M. Mason, W.R. Smith, D. Tomaskovic-Devey, P. Warren, L. McMurray, and C.R. Fenlon. (2000). Evaluating North Carolina State Highway Patrol Data: Citations, Warnings, and Searches in 1998.

Appendix A

About the Author

Dr. Lorie Fridell is an Associate Professor in the Department of Criminology at the University of South Florida (USF). Prior to joining USF in August of 2005, she served for six years as the Director of Research at the Police Executive Research Forum (PERF). Dr. Fridell has 20 years of experience conducting research on law enforcement. Her subject areas include police use of deadly force, use of less-than-lethal weapons, police-minority relations, police pursuits, and violence against police. Additionally, Dr. Fridell is a national expert on racial profiling. She is the first author of the PERF book entitled *Racially Biased Policing: A Principled Response*, which guides law enforcement agencies in their response to both racially biased policing and the perceptions of its practice and the author of *By the Numbers: A Guide for Analyzing Race Data From Vehicle Stops*. (These and other publications are available for free downloading from the PERF website at www.policeforum.org. See "Free Doc Library" and "Racially Biased Policing.") Dr. Fridell speaks nationally and consults with agencies on the topic of racially biased policing; she testified before a subcommittee of the Senate Judiciary Committee on the topic.   She completed her bachelor's degree in Psychology at Linfield College in McMinnville, Oregon, and both her master's and Ph.D. in Social Ecology at the University of California at Irvine. Dr. Fridell is a native of the San Francisco Bay Area.

Appendix B
Sources of Information: People

<u>**Stakeholders in Attendance at 12/27/2006 Presentation**</u>

Kevin Blackwell, Vistacion Valley Beacon Community Center
Valerie Brown, Lower Haight Neighborhood Organization
Sandra Bolden, Westside Community Services
Camille Dawkins, Mayor's Office
Pastor Erris Edgerly, Brothers For Change
Marquez Gray, Chalk
Joanna Hernandez, Goodwill
Dr. Veronica Hunnicutt, City College
Mesha Monge-Irizzary, Idriss Stelley Foundation
Cassandra James, San Francisco Youth Commission
Patricia Pope, SF Ground Movement
Shawn Richard, Brothers Against Guns
Latifah Simon, District Attorney's Office
Theresa Sparks, Police Commission
Ariel Vargas, UC San Francisco
Chico Wells, Brothers Against Guns
Adrianne Williams, Affiliation unknown

<u>**Interviews and Email Communications, Residents and City Personnel**</u>

Jeff Adachi, Public Defender
Erris Edgerly, Brothers for Change
Marquez Gray, Chalk
Dr. Veronica Hunnicutt, City College
Heather Kelly, Public Defender's Office
Linda Fadeke Richardson, Human Rights Commission
Cassandra James, San Francisco Youth Commission
Samara Marion, Office of Citizen Complaints
Dr. Joseph Marshall, Police Commission
Sophie Maxwell, SF Board of Supervisors
Ross Mirkarimi, SF Board of Supervisors
Christopher Mohammad, African-American Police-Community Relations Board
Mesha Monge-Irizarry, Idriss Stelley Foundation
Kevin Mullen, Retired SFPD
John Nauer, Asian Pacific Islanders Community Policing Board
Kathy Perry, The Activist
Louise Renne, Police Commission
Yvette Robles, Bmagic
Mitch Salazar, Latino Community Policing Board
Mark Schlosberg, ACLUNC
Tim Silard, District Attorney's Office
Theresa Sparks, Police Commission
Valerie Tulier, Latino Community Policing Board

Police Personnel in Attendance at 12/27/2006 Presentation

Command Staff

Chief Heather Fong
Deputy Chief Morris Tabak
Deputy Chief David Shinn
Deputy Chief Charles Keohane
Deputy Chief Samuel Craig
Commander Sylvia Harper
Commander Stephen Tacchini

Field Operations Bureau

Captain James Dudley
Captain Denis O'Leary
Captain Albert Pardini
Captain John Goldberg
Captain Kevin Dillon
Captain John Ehrlich
Captain Sandra Tong
Captain Paul Chignell
Captain Keith Sanford
Captain Gary Jiminez
Captain Kathryn Brown
Captain Gregory Corrales
Captain Daniel McDonagh
Captain Stephen Tittel
Lieutenant Charlie Orkes
Lieutenant Con Johnson
Sergeant Marina Chacon
Sergeant Troy Dangerfield

Investigations Bureau

Captain Kevin Cashman
Captain John Hennessey
Lieutenant Leroy Lindo
Lieutenant John Loftus
Lieutenant John Murphy
Lieutenant Ernie Ferrando
Inspector Sally DeHaven

Administration Bureau

Captain Richard Corriea
Captain William Gitmed
Captain Anthony Fotinos
Director Alice Villagomez
Director Jerry Tidwell

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Lieutenant Thomas Showyer
Lieutenant Anna Brown
Sergeant Tom Feledy
Sergeant Neville Gittens
Officer Sherry Hicks
Ms. Jeanne Chisholm

Department of Human Resources

Dr. Bruce Topp

Interviews and Email Exchange: San Francisco Police Department

Captain Kevin Cashman
Captain Richard Corriea
Captain Greg Corrales
Commander Samuel Craig
Sgt. Troy Dangerfield
POA President Gary Delagnes
Sgt. Tom Feledy
Lt. Ernie Fernando
Chief Heather Fong
Sgt. Neville Gittens
Commander Sylvia Harper
Captain John Hennessey
Officer Sherry Hicks
Steve Johnson, POA
Deputy Chief Charles Keohane
Lt. John Loftus
Sgt. Steve Manning
Lt. John Murphy
Director Charlie Orkes
Ray Pucinelli
Lt. Lon Ramlan
Lt. Thomas Shawyer
Inspector Lamont Suslow
Deputy Chief Morris Tabak
Captain Steve Tacchini
Sgt. Lyn Tomioka

Appendix C
Sources of Information: Documents*

(*In addition to those listed in the Reference Section)

African American Community Police Relation Board and others (n.d.). "Community Policing Plan, Community Initiated Strategies for Violence prevention." Proposed by the AACPRB and the African American, Latino, Asian/Pacific Islander Coalition.

African American Community Police Relation Board and others (2006). "Community Peace Plan." Prepared by the Center for Strategic Planning.

San Francisco Office of the Controller (2003). "Best Practices Review, Police Complaint Investigation and Civilian Review."

San Francisco Civil Grand Jury for the City and County (2003). "Improving SFPD's Cooperation with The Office of Civilian Complaints: Beating the One Year Clock."

San Francisco Department of Children, Youth and Their Families (2002). "San Francisco Gang-Free Communities Initiative." Prepared by Resource Development Associates.

San Francisco Office of Citizen Complaints (2003). "Response to the Board of Supervisors Regarding SFPD's Patterns of Withholding Information Requested for OCC Investigations."

San Francisco Police Department and Mayor's Office (2006). "San Francisco Community Policing: A Report on Current Efforts."

Senate Bill 1102 directing the development of racial profiling training for all California law enforcement officers

Misc. Materials:

Various memos/letters to city officials written by the ACLUNC.

Various meeting minutes of the Police Commission.

Various SFPD memos/bulletins, General Orders and reports pertaining to the vehicle stop data collection program.

Other SFPD memos/bulletins and General Orders pertaining to other topics (e.g., EIS, Racial Profiling policy).

Appendix D
San Francisco Chronicle **(12/17/2006)**
African American Arrest Rates for Eight Cities
1986, 2002-2005

	AA Pop	AA Arrests	Rate
San Francisco 2005	60515	8803	145
SF 04	60515	8854	146
SF03	60515	9056	150
SF02	60515	10322	171
SF86	86190	9246	107
Oakland 2005	142460	4867	34
Oak 04	142460	5548	39
Oak 03	142460	6087	43
Oak 02	142460	7178	50
Oak 86	159351	11325	71
San Diego 2005	96218	4749	49
SD 04	96216	4879	51
SD 03	96216	4547	47
SD 02	96216	4311	45
SD 86	77508	5833	75
Los Angeles 2005	415195	19390	47
LA 04	415195	19147	46
LA 03	415195	17980	43
LA 02	415195	15894	38
LA 86	504301	37355	74
San Jose 2005	31349	1253	40
SJ 04	31349	1245	40
SJ 03	31349	1303	42
SJ 02	31349	1343	43
SJ 86	28792	1489	52
Fresno 2005	35763	2443	68
Fres 04	35763	2386	67
Fres 03	35763	2103	59
Fres 02	35763	2054	57
Fres 86	21322	1591	75
Long Beach 2005	68618	3435	50
LB 04	68618	3467	51
LB 03	68618	3430	50
LB 02	68618	3099	45
LB 86	40463	2421	60
Sacramento 2005	62968	5119	81
SAC 04	62968	4784	76
SAC 03	62968	3916	62
SAC 02	62968	3747	60
SAC 86	36842	3421	93

Appendix E
Race and Ethnicity: SFPD Personnel and Census Transformation

SFPD Data on Race/Ethnicity of Sworn Personnel

Race/Ethnicity	Number	Percent
White	1208	55.0%
Black	209	9.5%
Hispanic	331	15.1%
Asian	329	15.0%
Filipino	110	5.0%
Native American	6	0.3%
Other	2	0.1%
Total	2195	100.0%

Race List Revised to Match Census Categories

Race	Number	SFPD Sworn	SF Co Census
White	1208	64.8%	51.90%
Black	209	11.2%	8.10%
Asian	439	23.6%	32.20%
Native American	6	0.3%	0.50%
Other	2	0.1%	7.30%
Total	1864	100.0%	100.00%

Hispanics Separated to Match Census Category

Ethnicity	Number	SFPD Sworn	SF Co Census
Hispanics	331	15.1%	14.1%
Non-Hispanics	1865	84.9%	85.9%
Total	2195	100.0%	100.0%