



# VENTURA COUNTY SHERIFF'S DEPARTMENT

- BOB BROOKS  
SHERIFF
- CRAIG HUSBAND  
UNDERSHERIFF

800 SOUTH VICTORIA AVENUE, VENTURA, CA 93009 PHONE (805) 654-2380 FAX (805) 645-1391

June 28, 2001

The Honorable Bruce A. Clark  
Presiding Judge of the Superior Court  
Ventura County Hall of Justice  
800 S. Victoria Avenue  
Ventura, CA 93009

Re: **Response to Grand Jury report, "An Investigation Into Alleged Racial Profiling By The Ventura County Sheriff's Department."**

Dear Judge Clark:

Because of the national concern surrounding the issue of racial profiling, and in an effort to restore public trust in our findings with regard to the allegations of racial profiling against this Department, I requested that the Grand Jury review our findings as an independent party.

Outlined below are my responses to the recommendations that resulted from the Grand Jury's review of my department's investigative files in the alleged racial profiling incident involving a reporter that occurred on January 18, 2001.

## Findings

While I am in agreement with the Grand Jury's findings and conclusions, the overall recommendation that I consider interim steps pending implementation of the Peace Officer Standards for Training (P.O.S.T.) training program on profiling to remain in compliance with the laws prohibiting such conduct tends to suggest that we are not currently in compliance with such laws. The applicable State laws; and my department's policies and procedures regarding cultural diversity and racial profiling training was outlined in my briefing materials to the Grand Jury dated April 3, 2001. Additionally, we are in the process of formalizing specific racial profiling guidelines into the Department's General Orders.

### SPECIAL SERVICES

800 South Victoria Avenue  
Ventura, CA 93009  
(805) 654-2380 FAX (805) 654-2039

### PATROL SERVICES

2101 East Olsen Road  
Thousand Oaks, CA 91362  
(805) 494-8261 FAX (805) 494-8295

### DETENTION SERVICES

800 South Victoria Avenue  
Ventura, CA 93009  
(805) 654-2305 FAX (805) 654-3500

### SUPPORT SERVICES

800 South Victoria Avenue  
Ventura, CA 93009  
(805) 654-3926 FAX (805) 654-2109

## Recommendations

**R-1. Do not rely on race without explaining why.**

Response: State and Federal standards, as well as Department policy, already have established this as a standard. See Attachment #1.

**R-2. In writing crime reports, after entering initial comprehensive suspect descriptions, do not repeat references to racial or ethnic descriptions, such as "black male," "Asian female," or "white male."**

Response: State and Federal standards, as well as Department policy, establish the use of coding when referring to individuals repeatedly, e.g. the suspect once identified is referred to as "S-1." The same applies to the victims ("V"), arrestees ("A"), or witnesses ("W"). See Attachment #1.

**R-3. Do not differentiate in the restraint or treatment of suspects based on race.**

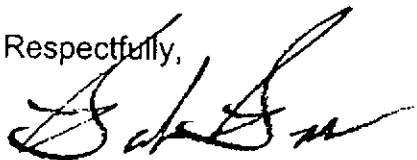
Response: Existing "Conduct and Ethics" General Order specifically prohibits this type of action (see Attachment #2). Additionally, a new General Order entitled "Racial Profiling" is currently under review and should be adopted within the next two months (see Attachment #3).

**R-4. Identify and document all suspicious factors justifying the action taken. If race is a legitimate factor, fully explain why and do not emphasize it disproportionately in reports or testimony. Where objective facts establish the relevant of a suspect's race, it is permissible to include race as one factor in justifying a detention or other action. However, in all cases, there must be articulated, individualized reasons for the official action taken. Race may not be the exclusive reason.**

Response: State and Federal standards, as well as Department policy, already have established this as a standard. See Attachment #1.

In closing, I am very appreciative of the Grand Jury's commendation contained in the above report regarding my approach to the issue of racial profiling. If I can provide further information in response to the Grand Jury's report, please don't hesitate to contact me at 654-2381.

Respectfully,



BOB BROOKS  
Ventura County Sheriff

Attachments

# REPORT WRITING MANUAL

ARREST / SUSPECT REPORT

MARCH 1999

## A. USE OF THE REPORT

1. The Arrest / Suspect Report is a multi-use form for the purpose of reporting and recording the arrest, civil or criminal, of adults and juveniles; reporting suspect information; and documenting the citation of juveniles pursuant to Welfare and Institutions Code Section 601.
2. The form is used to comply with the Public Records Act [Government Code Section 6254(f)(1)] which requires law enforcement agencies to make public specified information, including the full name and occupation of every individual arrested by the agency, the individual's physical description, the date and time of arrest, the date and time of booking, the location of arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is held, and all charges the individual is being held upon, including outstanding warrants from other jurisdictions and parole or probation holds. (For exceptions to the release of information, see General Reporting Instructions.)
3. The report form may be used either to list one arrestee (or status offender) or up to three suspects. Arrest information and separate suspect information may not be combined on the same report face sheet.

## B. REPORT CATEGORIES

### 1. Arrest

#### a) Report Required

- 1) A report shall be required for every person who is arrested and subsequently released without further action pursuant to Penal Code section 849, released by citation, or booked into a detention facility.
  - (a) All felony arrests.
  - (b) All misdemeanor offenses, including vehicle code violations and municipal code ordinances where the offense is classified as a misdemeanor and the individual is cited and released.

#### b) Specific Instructions

- 1) Each arrest shall require a separate report to be completed in full.
  - (a) A separate arrest is required for each violation of Health and Safety Code Sections 11357(b), 11357(c) and 11360(b) regardless of any other charge.

A determination will be made by Youth Services as to whether or not the minor will be referred to juvenile court to be adjudged a ward of that court or to the District Attorney's Office for excessive truancy.

Although a 601W&I citation is not an arrest, the Records Bureau requires that an Arrest / Suspect Report be completed, in the same manner as an arrest, in order to capture specific required information.

- b) Report Required
  - 1) An Arrest / Suspect Report will be completed and submitted with all 601 W&I citations.
- c) Specific Instructions
  - 1) Only one juvenile status offender may be documented on each report form.

### C. REPORT FORM BOXES

On the top center of the report, check the appropriate heading: ARREST ADULT, SUSPECT REPORT, JUVENILE ARREST, or STATUS OFFENDER.

On the upper right portion of the form, check "GANG" if the arrest or suspect information is gang related. Check "HATE" if it involves a hate crime.

Fill in "Page \_\_\_\_ of \_\_\_\_" number at the top of report.

1. **CONNECTING REPORT NUMBERS:** Enter RB# of connecting reports from both our agency and other agencies, if known.
2. **R.D.:** Reporting District number/grid number.
3. **BEAT:** List the Beat in which the RD is located, not the unit call number.
4. **RB NUMBER:** Records Bureau Number. (e.g. 97-12345)
5. **CODE:** Enter the designation by which the arrestee or suspect will be referred to. Use the standard codes listed in this manual. If there is more than one subject with the same code, the code letter will be followed by a number to identify each subject (e.g. A-1, S-2).
6. **NAME:** List the name of the arrestee or suspect. Also list any AKA or moniker.
7. **BOOKING NUMBER:** List the booking number assigned at the jail where the arrestee is booked.
8. **BI NUMBER:** List the Bureau of Identification number assigned by records. For juveniles, this box is mandatory. For adults, the number should be entered if known.
9. **RACE:** Use only the standard abbreviations listed in this manual. These abbreviations comply with NCIC, CLETS, DOJ, MUPS, and VCJIS.
10. **SEX:** M = Male E = Female
11. **HT:** List the height in feet and inches. e.g. 6'2"

33. **ARRESTING OFFICER:** Print last name and ID number of arresting officer.
34. **TYPE OF ARREST:** Check the appropriate box to reflect the type of arrest: Probable Cause, Warrant, or Private Person.
35. **LOCATION OF OFFENSE:** List the exact location. Follow instructions for box #32.
36. **TRANSPORTING OFFICER:** List the last name and ID number of the officer transporting the arrestee from location of arrest to initial place of confinement.
37. **CODE SECTION / DESCRIPTION:** List the arresting code section (crime) and a brief description (e.g., 459 PC / Burglary.) Always use appropriate subsection (e.g., 484(a) PC.) If more than four charges are included, list the additional charges at the beginning of the narrative (box #127). If a juvenile is arrested for a criminal violation, preface the violation with "602 W&I" code (e.g., 602 W&I 459PC / Burglary).
- M / F:** Check whether the charge is a misdemeanor or felony. If status offender, place a line through this section.
- DOCKET NO.:** If a warrant arrest, list the docket number of the warrant.
- DATE ISSUED:** List the date the warrant was issued.
- COURT:** List the name of the court issuing the warrant.
- BAIL:** List the bail on all arrests. This is public information.
- If the arrestee is a juvenile, complete boxes #38 - 41. Every effort shall be made to contact and notify the parents / guardians of arrested juveniles regardless of whether the juvenile is physically taken into custody or cited and released.
38. **PARENT / GUARDIAN NAME and ADDRESS:** Name(s) and address of parent or guardian.
39. **PHONE NO.:** Phone number of parent or guardian. Include area code, even if (805).
40. **NOTIFIED BY:** Name and ID number of officer who notified parent or guardian.
41. **DATE / TIME:** Date and time parent / guardian was notified.
- (42. -43.) **EMERGENCY NOTIFICATION NAME, ETC.:** Obtain this information from the arrestee for notification in case of an emergency.
44. **COMPLAINTS / EVIDENCE OF ILLNESS OR INJURY:** List any evidence or complaints by the arrestee of illness or injury.
45. **REQUEST FOR PROSECUTION:** If accepting an arrest from a private person, security guard, off duty officer, etc. have the arresting individual sign in this box.
- (46. -47.) **ARRESTING PERSON'S NAME, ETC.:** Print name, address and phone number of person who signed box #45.

(111.-126.) **PHYSICAL DESCRIPTORS OF ARRESTEE OR SUSPECT(S):** For each category, check all appropriate boxes that apply to the arrestee or suspect(s) described. Each descriptor has room for three individuals (either one arrestee or up to three suspects.) Identify each described arrestee or suspect by writing in the corresponding code (i.e. A-1, etc.) on one of the three lines appearing before the word "Code" at the top of each descriptor box. If box "z." is checked, a description shall be written below the word "Other" within the box.

Box #124: Describe the clothing worn by either the arrestee if the form is being used as an arrest report, or the first suspect if the form is used as a suspect report. When applicable, use box #125 to describe the clothing worn by the second suspect, and box #126 for the third suspect.

127. **NARRATIVE:** Pursuant to Government Code Section 6254(f)(1) include a brief narrative describing the factual circumstances surrounding the arrest.



## GENERAL ORDER

SUBJECT:

CONDUCT AND ETHICS

CODE NUMBER:

00-06-05-04

SUPERSEDES:

96-12-11-03

PAGE 1 OF 14

**PURPOSE:** To establish the rules of conduct and work performance ethics essential to the maintenance of employee safety, efficiency and integrity.

### MISCONDUCT - DEFINED

- Commission of a criminal offense
- Neglect of duty
- Violation of Department policies, rules or procedures
- Conduct which may tend to reflect unfavorably upon the employee or the Department./

### COMPLIANCE WITH RULES AND POLICIES

1. It shall be the duty of every member of the Department to be thoroughly familiar with the provisions of the "General Orders Manual". Members shall conform to and abide by these orders, observe all applicable state/federal laws and county/city ordinances, and render their services to the County with enthusiasm, courage, discretion and loyalty.
2. Any order posted on the bulletin boards of the Department over the signature or name of the Sheriff or Undersheriff shall have the same effect and be construed the same as a part of the rules and policies of the Department.
3. An order issued by a Chief Deputy or Bureau Commander pertaining to the personnel of their particular command shall be construed as a rule or policy of that command. Orders issued by civilian managers pertaining to the personnel under their authority shall be construed in a similar manner.
4. Members shall not commit or omit any acts which constitute a violation of these orders or any rules or policies of the Department or County.
5. No supervisor, manager or command officer shall fail, neglect, or refuse to take action when appraised of a potential violation of these General Orders or of any other misconduct.



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FOR ADOPTION BY GENERAL  
ORDER'S COMMITTEE.

## GENERAL ORDER

SUBJECT: RACIAL PROFILING

PURPOSE: To establish policies and guidelines designed to prevent Racial Profiling.

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INTRODUCTION

A fundamental right guaranteed by the Constitution of the United States is equal protection under the law. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They are also entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from criminals and the actions of reckless and careless drivers.

This Department is charged with protecting these rights, for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system.

Because the nature of our business, deputies are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon, and that detects and apprehends criminals.

This policy is intended to assist deputies in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong message to actual and potential law violators that violations of law will not be overlooked. Our core values dictate that racial profiling will not be tolerated in this Department and those violating this policy will be dealt with appropriately.

POLICY

It is the policy of this Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce local and state laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, a violation of the law.

DEFINITION

Racial Profiling: The detention, interdiction, or other disparate treatment of any person solely on the basis of the racial or ethnic status or characteristics.

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DEFINITION

Racial Profiling: The detention, interdiction, or other disparate treatment of any person solely on the basis of the racial or ethnic status or characteristics.

## PROCEDURE

1. No deputy shall engage in racial profiling. The race and ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to detain or take into custody an individual. An individual's race or ethnicity shall not constitute a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle.

## COMPLAINTS OF RACIAL PROFILING

1. Any person may file a complaint with the Department if they feel they have been stopped or searched based on racial, ethnic, or gender-based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed a complaint.
2. Any member of the Department contacted by a person who wishes to file a complaint, shall provide the person with a Citizen Complaint Form. If the person desires to file the complaint verbally or by telephone, the Department member shall document the complaint on a memorandum and submit it their supervisor, unless the supervisor is whom the complaint is against, in which case it shall be directed to the next person in the chain of command.
3. All complaints will be handled according to the General Order on Complaint Procedure, Public/Internal.