

# Racial Profiling by Ventura County Law Enforcement

## Background

The 2000-2001 Ventura County Grand Jury published a report entitled “*An Investigation Into Alleged Racial Profiling by the Ventura County Sheriff’s Department*,” based on receipt of a citizen’s complaint. As part of their investigation, the Grand Jury requested input from the Ventura Chapter of National Association for Advancement of Colored People (NAACP). This material, received too late to be included in the published report, was forwarded to the 2001-2002 Grand Jury, which convened July 2, 2001. This body elected to further investigate this issue as it is dealt with by all law enforcement agencies in Ventura County.

## Methodology

The 2001-2002 Grand Jury contacted the NAACP as well as The League of United Latin American Citizens (LULAC) for their perspectives on the issue. The materials presented by NAACP, which consisted of declarations by five citizens as to their personal experiences, were studied.

The Grand Jury learned that California Penal Code section 13519.4(f)(I) mandates Peace Officer Standards and Training (POST) on bias based policing be implemented by January 1, 2002.

The Grand Jury contacted the Sheriff’s Department, Sheriff’s Academy, and all five city police departments within Ventura County to obtain information about their policies and training with regard to racial profiling.

## Findings

- F-1. Dates to visit the Grand Jury were proposed to officials of NAACP and LULAC, but those dates passed with no response.
- F-2. Of the five individuals who submitted declarations to the NAACP, one was the subject of the 2000-2001 Grand Jury Report, one is deceased and his death is the subject of a pending lawsuit, and no means of contacting the other three individuals, by telephone or mail, was provided.
- F-3. A spokesperson for LULAC informed the Grand Jury that the agency had no complaining parties from the Hispanic community, and that all the citizens’ complaints he knew of were in the NAACP’s files.
- F-4. **The Ventura County Sheriff’s Academy** uses materials published by POST to train all new deputies, and new police officers for all police departments.

One section of this series, entitled *Cultural Diversity/Discrimination*, is a workbook study of over 100 pages, with chapter headings such as “Recog-

nizing Diversity,” “Prejudice and Discrimination,” and “Effective Law Enforcement Contacts.” A typical chapter will contain a subject overview, legal definitions, definitions of prejudice, discrimination, perceptions and stereotypes, examples of acceptable police procedures, and workbook learning activities. This training manual was published in 1999.

- F-5. **The cities of Camarillo, Fillmore, Moorpark, Ojai, and Thousand Oaks** contract with the Sheriff’s Department for police services. Hence officers employed by these agencies follow Sheriff’s Department policies and procedures. The Ventura County Sheriff’s Academy trains its personnel using the POST materials described above.
- F-6. **Oxnard Police Department’s** POST training on racial profiling is being developed, and will not be ready until January of 2002. The agency’s policy on racial profiling is, “This Department rejects racial profiling as a law enforcement tactic and we will not encourage or condone its use.” Further information on this statement is available on the agency’s website at [www.oxnardpd.org/rp.htm](http://www.oxnardpd.org/rp.htm).
- F-7. **Port Hueneme Police Department’s** racial profiling policy is in print in the form of a department directive. The directive states in part: “This Department rejects racial profiling as a law enforcement tactic and we will not encourage or condone its use...Racial Profiling of any type will not be tolerated in this Department.” The agency uses the Sheriff’s Academy to train new officers. Supervisors also do training during briefings.
- F-8. **Santa Paula Police Department’s** Chief Bob Gonzales states that racial profiling is not a problem in Santa Paula. In a memorandum to all personnel dated March 5, 2001, Chief Gonzales commended his staff for dealing with the public in a professional manner, and directed them to continue this standard of conduct. Santa Paula’s police officers are trained at the Sheriff’s Academy, and would use the POST materials described above.
- F-9. **Simi Valley Police Department** also uses the Sheriff’s Academy for training, and they informed us that there is a 16-week program that every officer attends that touches on racial profiling. The department has no specific directives on this issue in print.
- F-10. **Ventura Police Department’s** racial profiling policy is covered in the following VPD Manual sections:

*Section 101.1.4: “...the Department rejects tactics based solely upon assumptions of race, ethnicity, national origin, or other protected attributes...” and*

*Section 102.13.2: “Proactive traffic enforcement that is racially or ethnically based is neither legal, consistent with democratic ideals... nor...a legitimate and defensible public protection strategy. It is not, cannot, and will not be tolerated by the Department.”*

Ventura police officers are trained at the Sheriff’s Academy using POST materials.

## Conclusions

- C-1. No conclusions can be reached regarding complaints of racial profiling in Ventura County due to lack of information and inability to interview those with potential information. (F-1, F-2, F-3)
- C-2. The Grand Jury has no jurisdiction over matters before the court; hence this body cannot investigate the incident involving the person who is now deceased. (F-2)
- C-3. While the Ventura County Sheriff's Academy has implemented POST training as mandated in Penal Code Section 13519.4(f)(I), there is nothing in the training materials that addresses specific procedures to avoid racial profiling. For example, the material does not answer the question of whether it is racial profiling to stop a black male in an predominately white neighborhood, if the only thing that makes the officer suspicious is that the man looks "out of place." Instead, the material focuses on cultural differences and how to effectively deal with them.

## Recommendation

The Sheriff's Academy and all Police Departments should continue to train officers and deputies on identifying those actions that constitute bias based policing. A mere understanding of cultural diversities is not enough to prevent racial profiling. There must be specific guidelines in writing, and active, ongoing training for all law enforcement personnel as to what constitutes probable cause to detain a citizen, so that there is no question in the individual officer's mind as to what tactics are and are not acceptable.

If such guidelines do not appear in POST training materials by January 1, 2002, then all Ventura County training facilities should provide further materials to make these guidelines clear.

## Responses Required

Ventura County Sheriff's Academy  
Ventura County Sheriff  
Oxnard Police Department  
Port Hueneme Police Department  
Santa Paula Police Department  
Simi Valley Police Department  
Ventura Police Department

**Note To The Public:** The Grand Jury will continue to be available to any citizen or organization that has a complaint against any government agency. Citizen's may submit their complaints in writing, with address, telephone number, and signature, and mailed to Ventura County Grand Jury, 800 South Victoria Avenue, Ventura, CA 93009-3751

**CITY OF SAN BUENAVENTURA**

VENTURA  
SUPERIOR COURTS  
**FILED**

MAR 4 2002

MICHAEI, D. PLANET  
Executive Director and Clerk

BY \_\_\_\_\_ Deputy

CITY COUNCIL  
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MAR 07 2002

February 28, 2002

Ray Di Gualio, Mayor  
Brian Brennan, Deputy Mayor  
Neal Andrews, Councilmember  
James J. Friedman, Councilmember  
James L. Monahan, Councilmember  
Carl E. Morehouse, Councilmember  
Sandy E. Smith, Councilmember

The Honorable Bruce Clark  
Presiding Judge of the Superior Court  
Ventura County Hall of Justice  
800 So. Victoria Ave.  
Ventura, Ca 93009

Dear Judge Clark:

I have reviewed the report from the 2000-2001 Grand Jury regarding Racial Profiling by Ventura County Law Enforcement.

With regard to Finding F-10, the Ventura Police Department's Racial Profiling policy is as follows:

**100.1.4 ENFORCEMENT PHILOSOPHY:** The Ventura Police Department policy is that all police-initiated actions, which include all investigative detentions, traffic stops, arrests, searches, and seizures of persons and/or property by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for the arrest, traffic stop, or investigative detention. Officers shall not consider race, ethnicity, national origin, religion, age, gender, gender identity, or sexual orientation in establishing either reasonable suspicion or probable cause, or as a basis for requesting consent to search.

Officers may consider the reported race, ethnicity, or national origin of a specific suspect or suspects in the same way they would use specific information regarding age, height, weight, etc. about specific suspects.

Section 102.13.2 is correct as written.

With regard to Conclusion C-3, I believe that our current policy does define specific procedures to avoid racial profiling, as it discusses both probable cause and reasonable suspicion as the Grand Jury has recommended.

**POLICE DEPARTMENT**

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1425 Dowell Drive • Ventura, California • 93003-7361 • (805) 339-4400

I am also aware that the POST Training guidelines, as defined in Penal Code Section 13519.4 (f) (l) are being developed and will be taught during the regular academy training.

The Ventura Police Department also conducts regular roll-call or briefing training, with probable cause, reasonable suspicion and racial profiling featured prominently.

If I can be of further assistance, please contact me at (805) 339-4429.

Sincerely,




Mike Tracy  
Police Chief

MT:bh

*Response 1 - City of San Buenaventura (continued)*





**CITY OF  
SIMI VALLEY**

3901 Alamo Street, Simi Valley, CA 93063-2102 • (805) 583-6950 • <http://www.simivalley.org>

**POLICE DEPARTMENT**  
RANDY G. ADAMS, Chief of Police

March 27, 2002

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


Dear Judge Clark:

I have reviewed the 2001-2002 Ventura County Grand Jury report entitled *Racial Profiling By Ventura County Law Enforcement*. I concur, in part, with the Grand Jury's findings with regard to the Simi Valley Police Department. I do wish, however, to elaborate on the issue of the Department not having any specific directives on the issue of racial profiling.

The Civil Rights Act of 1964 prohibits discrimination by law enforcement in the administration of their services and programs. Simply stated, all persons must be treated equally without regard to their race, color or national origin. The Simi Valley Police Department General Orders manual specifically prohibits conduct that infringes on civil rights absent legal justification. General Order 1001, II, E. 1, states in part that Peace Officers shall be subject to disciplinary action for unprofessional conduct whenever:

- They abuse the authority vested in them by willfully restricting the freedom of any person without legal justification; and
- They use their official position to detain, or to restrict the freedom of any individual, by a method or means contrary to law.

The Grand Jury recommendation for ongoing law enforcement training regarding probable cause to detain citizen(s) is currently in place at the Simi Valley Police Department. Officers are continuously updated on the frequent changes in the law with respect to probable cause issues. These updates are administered in the form of Department Training Bulletins, law enforcement classes accredited by P.O.S.T., and roll call training.



FILED

MAR 29 2002

MICHAEL D. PLANET  
Executive Officer and Clerk  
BY \_\_\_\_\_ Deputy

BILL DAVIS  
Mayor

GLEN T. BECERRA  
Mayor Pro Tem

BARBARA WILLIAMSON  
Council Member

PAUL MILLER  
Council Member

STEVEN T. SOJKA  
Council Member

Response 3 - City of Simi Valley

Additionally, since 1998, 72 Department personnel, both civilian and sworn, have attended over 600 hours of training at the Tools for Tolerance program presented by the Museum of Tolerance in Los Angeles. The Department will continue to participate in this program and intends to ensure that all employees have the opportunity to receive this training. The Department is also in the process of amending our General Orders to specifically prohibit *Racial Profiling*; that is, to stop, question or detain a person or persons, based solely upon the race of the individual(s).

If any members of the Grand Jury or yourself have need for additional insight or information regarding the Simi Valley Police Department, please feel free to contact me.

Sincerely,



Randy G. Adams  
Chief of Police

cc: City Council  
City Manager  
City Attorney

De/ltr  
L0241





# VENTURA COUNTY SHERIFF'S DEPARTMENT

- BOB BROOKS SHERIFF
- CRAIG HUSBAND UNDER-SHERIFF

800 SOUTH VICTORIA AVENUE, VENTURA, CA 93009 PHONE (805) 654-2388 FAX (805) 645-1391

February 15, 2002

Honorable Bruce A. Clark  
Presiding Judge of the Superior Court  
800 S. Victoria Avenue  
Ventura, California 93009

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MAR 04 2002  
V.C.C.  
VENTURA SUPERIOR COURTS  
FILED  
FEB 25 2002

MICHAEL D. PLANET  
Executive Officer and Clerk  
Deputy

Re: Response to the 2001-2002 Ventura County Grand Jury Report entitled  
*Racial Profiling by Ventura County Law Enforcement*

BY: *[Signature]*  
3-14

Dear Judge Clark:

As required by California Penal Code section 933.05, this letter is a response to the findings and recommendations of the 2001-2002 Ventura County Grand Jury's Report entitled *Racial Profiling by Ventura County Law Enforcement*. The following are my responses:

Item F-4: Concur with finding that POST training entitled *Cultural Diversity/Discrimination* is part of training offered at the Ventura County Criminal Justice Training Center.

Item C-3: Please refer to the enclosed 2-page document titled "Department Training". The training, as detailed, reflects 96 hours of Basic Academy training and an additional 40 hours of Advanced Officer training offered either at the academy or offsite. In particular I would point out the sections covering Laws of Arrest, and Search and Seizure. In addition, the section covering patrol techniques involves training utilizing role-playing and response to actual scenarios in which appropriate tactics or responses are taught.

Recommendation: It is anticipated that POST will release the new biased based policing curriculum by mid-year. It is our intent to fully implement these changes as soon as they are provided to us. JA copy of our Department General Order regarding Biased-Based Policing is provided for your review. When coupled with the training provided to our personnel, I believe that we already meet the standards you are recommending for all law enforcement agencies in Ventura County.

Sincerely,

*[Signature]*

BOB BROOKS  
Ventura County Sheriff

Attachments:

1. Department Training – Recap
2. General Order – Biased Based Policing

SPECIAL SERVICES

6801 Telegraph Road, Suite 208  
Ventura, CA 93003  
(805) 477-7601 FAX (805) 477-7600

PATROL SERVICES

2101 East Olive Road  
Thousand Oaks, CA 91320  
(805) 494-8261 FAX (805) 494-8265

DETENTION SERVICES

800 South Victoria Avenue  
Ventura, CA 93009  
(805) 654-2387 FAX (805) 654-1500

SUPPORT SERVICES

800 South Victoria Avenue  
Ventura, CA 93009  
(805) 654-9326 FAX (805) 654-2387

Response 4 - Ventura County Sheriff's Department

## Department Training

### Basic Academy Training

1. History, Professionalism and Ethics (8 hours instruction)
  - Intervention into co-worker's behavior
  - Community expectations regarding lawful and ethical behavior
  - Discrimination / racism
  - Violation of a person's civil rights
2. Criminal Justice System (4 hours instruction)
  - Civil rights protected by the US constitution
3. Community Relations (12 hours instruction)
  - Community expectations and perceptions of law enforcement behavior
  - 8-step process for conducting vehicle stop
    - Greeting, identifying self, reason for stop, asking justification for actions, requesting driver's license, requesting registration, decision to warn or cite, closing appropriate decision
4. Laws of Arrest (12 hrs)
  - Reasonable suspicion and probable cause
  - Detentions, arrests; interrogations
  - Consensual encounters
  - Depriving a person of a civil right
5. Search and Seizure (24 hours)
  - US and California constitution ref. unreasonable searches and seizures
6. Patrol Techniques (12 hours)
  - Factors affecting perception
    - Personal prejudice and bias
7. Cultural Diversity (24 hours)
  - Laws defining cultural groups
  - Evolution of human rights
  - Origins of prejudice and discrimination – how understanding can cause more effective cultural contacts
  - Difference between cultural stereotyping and law enforcement profiling
  - Principles of professional community contacts
  - Verbal and nonverbal factors which contribute to negative public responses to LE
  - Strategies for effective cultural contacts
  - Tools for Tolerance (8 hours)

Total training related to cultural diversity / bias / public relations: **96 hours**

**Advanced Officer Training**

1. Cultural Diversity (Racial Profiling / Sexual Harassment)
  - Advanced officers receive 2 hours Racial Profiling training and 2 hours Sexual Harassment training
  - Supervisory (new sergeants) receive a total of 2 hours Cultural Diversity training

**Field Training Officer Training**

No additional training in Cultural Diversity or Racial Profiling issues.

**Supervisory Course (Sergeants)**

1. Cultural Diversity training (2 hours)
2. Values and Ethics (8 Hours)

**Management Training**

1. Tools for Tolerance (8 Hours)

**Civilian Training (Supervisors and Managers)**

1. Respectful Workplace training (8 Hours)

**Miscellaneous Training (Law Enforcement Supervisors, Managers and Veteran Officers)**

1. Tools for Tolerance (8 hours)

*Response 4 - Ventura County Sheriff's Department (continued)*

<b>GENERAL ORDER</b>		<b>CODE NUMBER</b> 01-08-27-01
<b>SUBJECT:</b>	<b>SUPERSEDES:</b>	
<b>BIASED-BASED POLICING</b>	<b>PAGE 1 OF 3 PAGES</b>	

**PURPOSE:** To establish policies and guidelines designed to reaffirm this Department's commitment to unbiased policing; to clarify the circumstances in which employees can consider race/ethnicity, or any other individual characteristic, when making law enforcement decisions; and to reinforce procedures that serve to ensure the public that we are providing service and enforcing laws in an equitable way.

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**DEFINITION**

**Biased-Based Policing:** The detention, interdiction, or other disparate treatment of any person based solely on their racial or ethnic characteristic, national origin, age, sexual orientation, gender, physical handicap, religion, or other belief system.

**INTRODUCTION**

A fundamental right guaranteed by the Constitution of the United States is equal protection under the law. Every person is 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 the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

This Department is charged with protecting these rights, for all, regardless of race, ethnicity, national origin, gender, sexual orientation, physical handicap, religion or other belief system. The observation and identification of unusual occurrence and law violations, and action upon them, is the proactive enforcement that detects and apprehends criminals, keeps our streets and highways safe and community free from crime.

This policy is intended to assist employees in accomplishing our Department's mission in a way that respects the dignity of all persons, yet sends a strong message that actual and suspected violations of the law will not be overlooked. **Our core values dictate that biased-based policing will not be tolerated in this Department and violations of this policy will be addressed appropriately.**

**POLICY**

It is the policy of this Department to police in a proactive manner; to aggressively investigate suspicious persons and circumstances; and, to actively enforce local and state laws, while insisting that persons will only be stopped or detained when there



<b>SUBJECT:</b>  <b>BIASED-BASED POLICING</b>	<b>CODE NUMBER:</b> <b>01-08-27-01</b> <b>PAGE 2 OF 3 PAGES</b>
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exists reasonable suspicion to believe they have committed, are committing, or are about to commit, a violation of the law.

**PROCEDURE**

1. Employees shall not engage in biased-based policing. The profiling of an individual based upon racial or ethnic characteristic, national origin, age, sexual orientation, gender, physical handicap, religion, or other belief system, shall not be the sole factor in determining the existence of reasonable and articulable suspicion to justify the detention of an individual or the investigatory stop of a vehicle.
2. Employees may take into account the reported description of a specific suspect(s) based upon trustworthy, relevant information that links a person or persons of a specific characteristic to a particular unlawful act.

**PREVENTING PERCEPTIONS OF BIASED-BASED POLICING**

In an effort to prevent perceptions of biased-based policing, deputies shall do the following when conducting pedestrian and vehicle stops:

1. Be courteous and professional.
2. Introduce themselves to the person (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will compromise the deputy or public safety.
3. Ensure the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that any delays are explained to the person.
4. Answer any pertinent questions.
5. Provide name and ID number when requested, preferably in writing or on a business card.
6. Apologize and explain if it is determined that the reasonable suspicion is unfounded.

*Response 4 - Ventura County Sheriff's Department (continued)*

<b>SUBJECT:</b>  <b>BIASED-BASED POLICING</b>	<b>CODE NUMBER:</b> <b>01-08-27-01</b> <b>PAGE 3 OF 3 PAGES</b>
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**COMPLAINTS OF BIASED-BASED POLICING**

1. All complaints will be handled according to the General Order on Complaint Procedure, Public/Internal.
2. Any person may file a complaint with the Department if they believe they have been subjected to biased-based policing. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed a complaint.
3. Any member of the Department contacted by a person who desires 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 to their supervisor, unless the supervisor is the subject of the complaint, in which case it shall be directed to the next person in the chain of command.