

**CITIZENS' LAW ENFORCEMENT REVIEW BOARD
POLICY RECOMMENDATIONS**

REDUCTION OF RACIALLY DISPARATE POLICING PRACTICES

BACKGROUND:

In October 2021 and November 2021, CLERB asked for public input into its investigations of racial discrimination allegations. While researching the topic, it was discovered that a Campaign Zero report detailing its investigation into San Diego Sheriff's Department (SDSD) practices from 2016-2108 identified racially disparate policing outcomes. In addition, a report by the Center for Policing Equity (CPE) commissioned by the SDSD also identified racially disparate policing outcomes. Both reports indicated that persons of color are subjected to enforcement at a greater rate than those who are white. Based upon these reports, CLERB created the "Racial Disparity, Racial Profiling, and Implicit Bias Ad Hoc Committee" for the purpose of identifying opportunities for and making recommendations to the SDSD to reduce racially disparate policing practices.

POLICY RECOMMENDATIONS:

Pursuant to Section 340.9(g) of the San Diego County Administrative Code, the Citizens' Law Enforcement Review Board (CLERB) shall have the authority to review and make recommendations on policies and procedures of the San Diego County Sheriff's Department and San Diego County Probation Department. As data indicate that minor infractions and low-level offenses are enforced in a largely disparate fashion, with people of color subjected to the enforcement on a much more frequent basis than those who are white, CLERB makes the following recommendations:

1. Reduce discretionary stops or contacts, traffic or otherwise, pertaining to low-level offenses that do not compromise actual public safety. Many of these stops are pretextual in nature and oftentimes used to make an initial contact with the primary goal of locating weapons, drugs, warrants, suspended licenses, etc.
 - a. Eliminate stopping or contacting people solely for lower-level traffic offenses, such as:
 - i) Expired registration,
 - ii) Equipment violations, and
 - iii) No seatbelt in use.


Just as registered owners of vehicles are responsible for parking violations upon receipt of a citation left on their vehicles, lower-level violations of the vehicle code can be handled by mailing a citation to registered owners. It should also be noted that California Vehicle Code 21455.5 already provides for the use of traffic signal automated enforcement and non-physical contact by deputies when certain requirements are met, thus resulting in persons being mailed citations for traffic signal violations. CLERB envisions deputies photographing violators and SDSD establishing a confidential process for reviewing, approving, and delivering citations, via mail, to the registered owners of involved vehicles.

Parking violation enforcement and traffic signal automated enforcement are cited herein solely to provide examples of citations already being issued without physical contact between suspected violators and deputies. CLERB is not suggesting, in any fashion, that activities jeopardizing public safety, e.g., speeding, failure to stop at a stop sign, running a red light, etc., should not result in a contact or stop. Activities placing public safety at risk must continue to be addressed as they occur.

- b. Eliminate contacting people solely for quality-of-life issues not jeopardizing public safety, such as loitering or jaywalking.

Again, CLERB is not suggesting, in any fashion, that activities jeopardizing public safety should not result in a contact or stop. Activities placing public safety at risk must continue to be addressed as they occur.

2. Add to Subsection B of Field Operation Manual Policy 1, "Use of Discretion," that discretionary decisions should be evaluated for whether they will result in racially disparate treatment or outcomes.
3. Provide justification for a stop or contact on body worn camera (BWC).
4. Proactively review BWC footage for the sole purpose of analyzing deputy interactions with people of color in comparison to interactions with white people.
5. Because there exists a lack of evidence indicating that implicit bias training is effective and sustainable, institute pre-employment screening for existing implicit and explicit bias.

Submitted by:  Date: 04-06-22	Approved by: Buki Domingos, Co-Chair Bonnie Kenk Tim Ware, Co-Chair Gary I. Wilson Date: 04-06-22
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