

## ***Cultural and Bias Based Policing***

### **SB 1102 modified 13519.4 PC**

- Law enforcement shall not engage in racial profiling
- Law enforcement will participate in racial profiling training
- Racism and racial profiling are not the same
- Racism – hate motivated
- Racial profiling – race used as predictor of criminality
- Members of all racial groups commit crimes
- Actions of some should not cast suspicion on all
- Cannot assume all members of a particular race or ethnicity commit specific crimes
- Race does not breed criminality
- Racial profiling does occur
- Statistics reflect disparity in treatment after stops

### **13519.4 PC**

**“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.”**

### **4<sup>th</sup> Amendment**

- Reasonable suspicion or probable cause to stop or detain
- Suspicion must be individualized
- Focused on the person to be stopped or detained

### **14<sup>th</sup> Amendment**

- Equal application of the law
- Law enforcement must be colorblind in conduct of responsibilities
- Individualized suspicion not based on race unless race was specific descriptor

### **Whren v. United States**

- Violation not motivation for stop

**Any time race tips the scale for the decision to take enforcement action, it is racial profiling.**