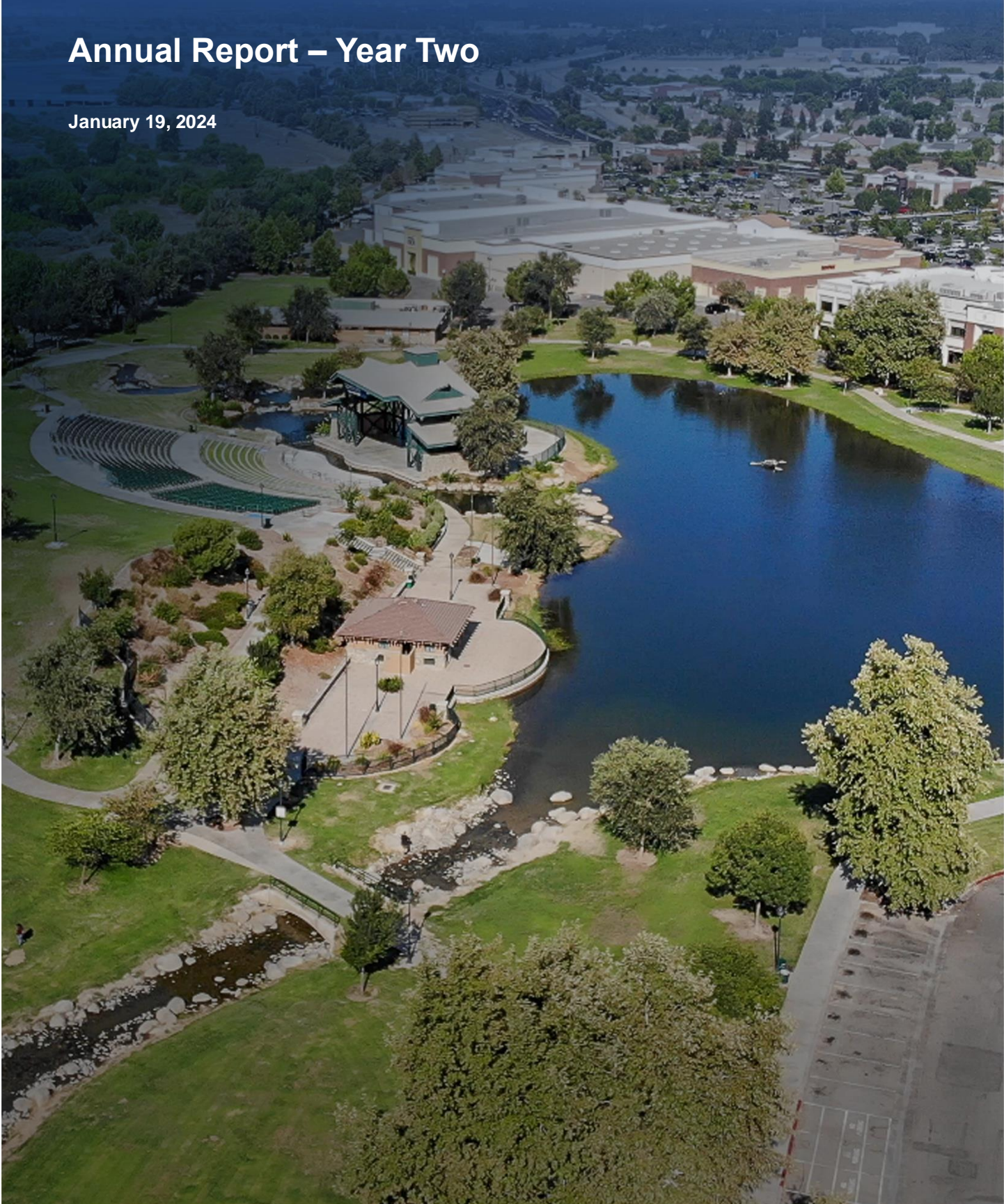


Annual Report – Year Two

January 19, 2024



January 19, 2024

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YEAR TWO REPORT DELIVERY PURSUANT TO PARAGRAPH 194

To the Parties to the Bakersfield Police Department Stipulated Judgment:

Pursuant to the requirements of Stipulated Judgment Paragraph 194, the Bakersfield Monitor is submitting our Year Two Monitoring Report. The Year Two Monitoring Report (Y2 Report) addresses the work of the Bakersfield Police Department (BPD) in implementing the provisions of the Stipulated Judgment.

Pursuant to Paragraph 195, the Monitor and the Parties met on December 12, 2023, to review and discuss an initial draft. The draft report was shared with a 30-day review period that ended on January 12, 2024. Our anticipated publication date is January 26, 2024.

Overall, BPD has demonstrated forward progress in achieving the goals of the Stipulated Judgment. The work this year reinforced awareness of the foundational understanding of what is needed to achieve reform under the Judgment.

Sincerely,
Bakersfield Monitor



Debra Kirby, Esq.
Monitor



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Year Two Monitoring Report - Bakersfield Police Department

Executive Summary

This is the Year Two report for the Bakersfield Monitoring program. In 2015, the California Department of Justice (CALDOJ) initiated an investigation into the Bakersfield Police Department (BPD).¹ The investigation was the outcome of complaints of serious police misconduct relating to use of force and other actions in Bakersfield. On August 23, 2021, the CALDOJ, the City of Bakersfield (City) and the Bakersfield Police Department (BPD) entered into a Stipulated Judgment (Judgment). The Judgment reflects a mutual commitment to “effective, constitutional law enforcement...for the common good of the people of the City of Bakersfield.”² The stated purpose of the Judgment is “to ensure that the City and BPD protect individuals' statutory and constitutional rights, treat individuals with dignity and respect, and promote public safety in a manner that is fiscally responsible and responsive to community priorities. The CALDOJ, City and BPD (collectively, the Parties) recognize these outcomes require a partnership between BPD and the community it serves, one in which BPD is transparent about its processes and provides community members with a voice in its functions. The Judgment is designed to enhance BPD's relationship with its community through increased transparency and public input, improved oversight and accountability systems, and increased support for officers through effective law enforcement policies, training, and supervision.”³

After completing the work and report for Year One, the BPD Monitor (Monitor) submitted its Year Two work plan on January 30, 2023, pursuant to Judgment Paragraph 178. The Bakersfield Monitoring Team (BMT) began work on the Year Two work plan on February 13, 2023. The Year Two report is being submitted pursuant to the requirements of Judgment Paragraph 194 which requires annual reporting by the Monitor. The review timeline for this report is January 1, 2023 – December 1, 2023.⁴ As we headed into Year Two, the work within Bakersfield has had some overlap between Year One and Year Two and we anticipate this to continue with Year Two into Year Three given the interconnectivity of the work year to year.

While all the Judgment paragraphs are important to ensuring constitutional policing in Bakersfield, the monitoring approach provides a structured focus. The goal is to prioritize the sections with the most significant contribution to reform. This in turn will help BPD begin to align the reform requirements in a logical manner to facilitate the achievement of full and effective compliance (FEC), which has three components – policy, training and implementation.

The Year Two work plan introduced monitoring for Judgment Section II Stops, Seizures and Searches and Section VIII Personnel Complaint Review. The Year One work centered on use of force practices and this work continued into Year Two.

1 Stipulated Judgment between the State of California Attorney General and the City of Bakersfield and Bakersfield Police Department. August 23, 2021. (Stipulated Judgment)
<https://oag.ca.gov/system/files/attachments/press-docs/Final%20BPD%20Stipulation%20%2B%20Judgment%20Signed.pdf>

2 Stipulated Judgment Paragraph 2.

3 Stipulated Judgment Paragraph 2.

4 Some lagging issues were addressed through November 8, 2022. For production purposes and the review period for the stakeholders, in order to deliver by end of year 2022, active review ceased as of this date.



The BMT, through its work plans and monitoring activity, prioritized community engagement by BPD, consistent with the Judgment requirements. Community policing and engagement are interwoven throughout the Judgment. Paragraphs 63 and 64 are foundational requirements if BPD is to be successful in achieving the Judgment reform goals. These paragraphs require BPD to establish the Community Advisory Working Group and to make a good-faith effort to have representatives from “various diverse stakeholder groups” that will “provide insight into the community’s concerns and educate the community about BPD.”⁵ Paragraph 64 requires BPD to work with the Community Advisory Working Group to review policies of interest to the community.

Finally, the determination of compliance with the Judgment rests with CALDOJ, based upon the recommendations of the Monitor. This approach ensures the City and BPD are transparent and that the Judgment requirements are implemented. The Monitor is responsible for providing technical assistance as requested and appropriate and for reporting on the progress of the reform efforts of BPD. The Parties to the Judgment maintained coordination and communication in Year Two and the Monitor anticipates continued focus on ensuring reform in Bakersfield in Year Three.

Overview

This is the second report of the Bakersfield Monitor. This report derives from the work plan submitted in January 2023 and formally accepted after discussions and revision based upon stakeholder input. The Year Two observations formally ended early December 2023.⁶ However, BPD’s reform work continues to progress and will be reported in Year Three.

The first two years of reform in Bakersfield have been focused on building the foundation needed to support the Judgment goals. The administrative support required to establish, manage and implement reform is significant. BPD established internal working groups under a project management plan. The plan incorporates all levels of the department from patrol officer through to the Chief of Police which should result in organizational buy-in to the reform principles and help develop future BPD leaders. However, this level of inclusivity also has challenges, as developing the mindset of change through compliance and reform is not always readily visible across all ranks and roles. The BMT has seen progress and confirms that the working groups are focused on ensuring delivery on the reform goals.

The Chief is an advocate for the community engagement and has worked with the BMT in establishing the community advisory working group called for Paragraph 64. The Chief’s Advisory Panel (which is the name BPD chose for the Community Advisory Working Group identified in the Judgment) has been a particular focus of the monitoring efforts given its role in policy review.

⁵ Stipulated Judgment, Paragraph 63, p. 20-21

⁶ Some updates up to December 21, 2023 are present in the report to provide for flow and consistency heading into the Year Three reform work.



Year Two Progress

Most of the Year One work plan goals were carried over into Year Two and accounted for most of the reform activity progress. As a result, the Year Two work goals did not progress as the Parties had anticipated. BPD put forth a good project management plan that continued to expand to incorporate the new Paragraphs opened for monitoring review in Year Two. While the delivery of compliance reviews was not as planned, BPD did move forward in its reform goals. Strategic areas that saw progress in Year Two included work on the policies for use of force, language access and search and seizure. Full and Effective Compliance reviews were completed for two paragraphs and initiated for two others, which bodes well for the Year Three work to come.

Work Plan and Goals

The Monitor submitted the Year Two work plan pursuant to the requirements of Judgment Paragraph 178. The Year Two work plan provided for the Year Two anticipated work, but also recognized the ongoing work relative to the Year One goals and future planning. The Year Two work plan is built upon the outcomes and lessons learned from the first year of monitoring. The work plan continued to prioritize the central reform focus of constitutional policing and community. The Year Two work plan also increased its focus on the community engagement through CAP, which must have a meaningful voice in its work for policy review. Following discussions with both BPD and CALDOJ, as required by the Judgment, the work plan was approved for implementation.⁷ At the time of its acceptance of the work plan, BPD believed the Year Two goals to be achievable.

Throughout the year, the BMT engaged directly with BPD working group members, stakeholders and subject matter experts in accordance with the Year Two work plan. Substantive effort was visible and BPD demonstrated work across all the strategic reform areas. For example, training, other than Paragraph 188, was not a Year Two work plan priority. However, the BMT has focused on training, and training continued in BPD during Year Two. BPD engaged in some updates to its use of force curriculum, given the work occurring within the use of force policy group. The BMT engaged in training strategy discussions with the department and conducted training a range of observations, including training delivered by outside vendors to develop a baseline understanding of how training is delivered for BPD officers. The Year Three work plan anticipates formal monitoring for training, particularly curriculum. This example identifies how the reform actions are linked and continue to move the reform progress forward – even if not an active paragraph for a particular year.

Year Two Work With BPD

The Monitor's Year Two work plan opened additional Judgment Paragraphs for monitoring, beyond those already open under the Year One work. The BMT and BPD continued to work under the practices established in Year One and coordinating through BPD's Compliance Coordinator (Coordinator).⁸

⁷ Judgment Paragraphs 179, 180

⁸ This position was required under Judgment Paragraph 211.



Throughout the year, the Coordinator and QAU team members met with the BMT, independently of the working groups, on a regular basis to address any issues and to improve overall practices under the monitoring program. For example, one issue identified was that within the last quarter of the year, as schedules became more condensed, fidelity to attending the working group meetings lapsed for both BPD and BMT. The Year Three work plan will address the meeting requirements, by providing for more coordination in scheduling and visibility on meeting attendance for both the BPD working groups and the BMT.

Year Two saw the BPD's working groups engage more fully as they became further engaged with the Judgment goals. More time was focused on addressing the Judgment requirements and in discussing challenges presented, as opposed to the set-up work required in Year One. A successful outcome of the Year Two work was the establishment of protocols for the consistent review of critical incidents. BPD implemented a structured approach that is intended to be consistent regardless of the nature of the critical incident. The BMT observed improvement in this process throughout the year and anticipates further refinement as part of the Year Three work plan. Year Two challenges were focused on helping BPD understand the Judgment requirements are narrower than constitutional law as it relates to certain sections applicable to use of force and search and seizure. The BMT worked with BPD to identify where those specific requirements were present and to ensure the policies under development addressed these requirements.

Aside from continuing work for the open Year One paragraphs, Year Two also opened additional paragraphs across the Judgment. The Year Two plan established focus on the requirements in Judgment Section II Stops, Seizures and Searches and in Section VIII Personnel Complaint Review. The overarching goal was to work on the more challenging and serious issues first, which in Year One was police use of force. In Year Two, the monitoring program expanded to these two sections, which are a direct outcome of the Judgment goals. In becoming a party to the Judgment BPD identified its commitment to effective, constitutional law enforcement that protects individuals' statutory and constitutional rights, treat individuals with dignity and respect and promote public safety in a manner that is responsive to the community's priorities, including the right of persons to be treated constitutionally. The Year Two work focused on the strategic areas most impacted – stops, searches and seizures and the right of the public to complain about police conduct.

The BPD working group for search and seizure has been actively engaged with the BMT. The policies under review will continue to be part of the work plan heading into Year Three, and we anticipate they will be introduced to the CAP for review. The Year Two strategic focus, Personnel Complaints, was not as successful in delivering the work under the Year Two plan. As Year Two came to a close, the participation of the BPD working group was more focused and the recent submission on the draft working draft of the personnel complaints policy identifies that the policy work is moving forward to compliance. This policy work is also anticipated to continue into Year Three.



Data

Year Two established a baseline for data analysis and is provided in Appendix G for Use of Force and Appendix H for Personnel Complaints. Our data analysis was supported by the QAU team which has been consistently engaged with the BMT. The BMT anticipated routine reporting in Year Two on data, however that did not materialize given data validation needs by the BMT. While the use of force data is generally consistent and clear, the personnel complaint data is not. In part, this is the result of how data has been managed internally at BPD and in part, how policy directs the collection of the data. This is not inconsistent with some other law enforcement agencies, given use of force data is often subject to greater scrutiny and reporting standards. Additionally, the policy work for personnel complaints is key to ensuring the appropriate data collection given policy defines standards, terms and review processes, which all inform the data collection and analysis. For Year Three, our work plan will include two additional reports, a first-quarter Use of Force analysis and a third-quarter Personnel Complaints analysis. This will include both a qualitative and a quantitative review to better inform the Bakersfield community and the monitoring process. In the annual report, the Monitor will report on general progress in Bakersfield, including data highlights, to provide visibility to the community and the City on the actions taken by BPD to advance the Judgment's requirements.

BPD initiated work across all strategic areas of the Judgment in Year Two. The foundation from the work in Year One was evident in the workflow and focus of BPD. While the overall visible progress is not what was planned, there has been substantive work in support of reform as reported above and in the sections that follow. We anticipate the use of force policies will be ready to introduce to the CAP in early Year Three. This is a substantive accomplishment, and the work on Canine Use of Force has provided the foundation for a template to guide future CAP engagement, process and reporting. Other policies, such as Limited English Proficiency and Public Recording of Police Officers, will also move to the CAP in Year Three as a result of the work that has occurred in Year Two.

Looking forward, the Monitor believes the City of Bakersfield and BPD will continue to put forth the effort to achieve its goals of a police department that is responsive and community-centered and treats all residents fairly.

Community Policing and Engagement

A strategic focus that connects policing operations and community-based problem solving is needed to ensure that BPD is moving forward in a manner consistent with organizational goals, to ensure community participation and to fulfill the Judgment requirements. BPD has established the Community Relations Unit (CRU) which works with the community in establishing events. The forward path is to connect the operational engagement with the community to ensure the continued development of community problem solving partnerships. However, the monitoring work has focused on the CAP as BPD's compliance under the Judgment is directly related to policy review being conducted by this group. Reform in Bakersfield, and compliance with the Judgment, requires the community having a voice and input in the drafting of the policies as required under Paragraph 64.



The CAP was formally convened at the end of 2022 and has met routinely throughout Year Two.⁹ BPD demonstrated commitment to ensuring the CAP had agency and the ability to organize in the way it felt would help the work identified under the Judgment. Unfortunately, this has resulted in a CAP structure that is not sufficiently designed to support the policy review goals of the Judgment. In Year Two, BPD introduced two policies, Canine Use of Force and the master Use of Force, as well as the community policing strategy for CAP review. Additional policies are anticipated to be introduced in early Year Three, therefore, the CAP structure, including defined roles and ongoing BPD support, will be critical to ensuring timely and appropriate policy review engagement. The department has recognized this challenge and continues to work to ensure alignment with the Judgment in both working with CAP and providing the support required.

Summary

BPD engaged in work across all strategic areas of the Judgment in Year Two. The foundation from the work in Year One was evident in the workflow and focus of BPD in Year Two. While the overall visible progress is not what was planned, there has been substantive work in support of reform as reported above and in the sections that follow. We expect the remaining use of force related policies will be ready to introduce to the CAP in early Year Three, which will be a significant accomplishment. Other orders, including Limited English Proficiency and Public Recording of Police Officers, will also move to CAP in Year Three.

There were also challenges for the work in Year Two. Notifications to the Monitor were not consistent. Early in the year, BPD addressed notice on critical incidents, which were then timely. However, notifications regarding critical and newsworthy incidents were not included in the process. As the year closed, the arrest of a BPD officer for a serious felony arising out of the performance his duties occurred without notification to the Monitor. BPD is also not consistent in sharing information regarding good practices independent of the active monitoring work, which can be helpful in measuring the reform progress. Ideally, as the department becomes a more transparent organization, the recognition of its responsibility to inform the public, and the BMT during the monitoring process, becomes ingrained in their operational response to any incident.

Another challenge was BPD's collaboration with CAP. Open engagement with the CAP was not strong in Year Two and as BPD moves into Year Three, it will be necessary to ensure the workflow meets BPD's reform goals. The department will need to be a partner and collaborate with the CAP to support the policy review arising from BPD's work in Year Two and those coming in Year Three. To be successful in achieving Judgment compliance, BPD will need to be openly engaged in this process. This issue is also discussed further in this report and the Monitor notes that BPD has already undertaken some corrective actions that bode well for success in 2023.

Finally, while the policy practices in support of the Judgment requirements moved forward, the BMT is concerned about the transfer of these to standards to training and application. Our participation in the

⁹ The Judgment required bi-monthly meetings, but it was collectively agreed that once a month was the desired meeting cadence.



BPD internal review processes for use of force have identified some concerns regarding how use of force is applied in Bakersfield, as discussed in this report. As the year closed, a use of force incident involving a Bakersfield resident who has participated in BMT meetings was publicly disclosed. Concerns regarding police response, action and investigation were brought to the Monitor by members of the community and in discussions with the California Department of Justice. While the information is still emerging, how BPD engages in the investigation and its transparency with the community will be a test of its reform focus and its move to transparency and accountability.

Looking forward, the Monitor believes the City of Bakersfield will achieve its goals of a police department that is responsive and community-centered and treats all residents fairly. When we first engaged, the City and BPD were hopeful for a Year Three completion of the Judgment requirements. It is unlikely that this will be achieved. However, recent management changes and collective focus on improving use of force policies and practices for review reflect a department that is moving to achieve the goals it agreed upon when signing the Judgment.

The Monitor's Role Under the Judgment

The Monitor

The Monitor is established under the Stipulated Judgment (Judgment). The Monitor is supported by the Bakersfield Monitoring Team (BMT), a team of subject matter experts that work with the department on the range of issues identified within the Judgment. The BMT is comprised of individuals with national experience on key law enforcement issues and training, data methodology and analysis and survey. Many of the BMT members have been working in California on reform issues for a period of years. The Monitor and BMT have worked throughout Year Two to evaluate and advance reform in Bakersfield through the provision of technical assistance. As the work progresses in Bakersfield, so has the BMT. For example, in Year Two the BMT expanded to include a community-based police engagement expert and a nationally recognized expert on Crisis Incident Training and practices.

Overview of the Monitoring Approach

The Judgment covers five strategic areas important to any implementation of police reform: use of force, search and seizure, bias, community engagement, personnel and accountability. Additional Judgment Paragraphs, with a specific focus on search and seizure and personnel complaints, were opened for monitoring review. Therefore, both Year One and Year Two work plans remained active in Year Two. The Parties originally established an implementation timeline that would run for at least three years, with one year of continued compliance.¹⁰ Beginning in Year Three, all paragraphs requiring reform action by BPD will be actively monitored.

It is important to recognize achieving compliance with the Judgment is not linear. As Year Two has demonstrated, progression toward achieving a Judgment Paragraph may initiate in one year but the

¹⁰ Judgment Paragraph 240.



compliance requirements may not be fully realized until the following year or may require other actions to occur prior to submitting the work to the Monitor for FEC review. The BPD working teams were prepared to work with the BMT and to address Judgment requirements in the policy work underway in Year Two. Additionally, the BMT has observed discussions and focus regarding the impact of current actions relative to reform goals within the BPD working group discussions and with leadership. This is promising, as it demonstrates the internal focus on accountability is increasing in the daily operations of the department.

Independent of the engagement with BPD, in Year Two, the Monitor continued to reach out to various community and government stakeholders as part of the monitoring program. This engagement was consistent throughout Year Two, both virtually and in person. Elected officials, the City Manager's Office and a range of community partners were interviewed regarding their perceptions of BPD, their engagement with officers and their expectations for the Judgment outcomes. The community's focus on these themes provided consistent input and guidance to the Monitor relative to the community's issues and concerns. Direct engagement with CAP members occurred through observations of CAP meetings, interviews, discussions and survey of the CAP members. Each site visit resulted in a hosted community meeting and, as the year progressed, these meetings expanded to more than one while on site. Some meetings were hosted by specific community groups rather than the Monitor, which helped to focus the conversations on specific issues and concerns of that particular community. These meetings informed the BMT's understanding of how the community is engaged with the BPD and reform and the public safety concerns of the diverse communities in Bakersfield. We appreciated the focus, engagement and commitment to ensuring community safety demonstrated by those who we met and who participated in our discussions.

The Monitor maintains a website, www.bakersfieldmonitor.com, for general communications and to host other information relevant to the reform program. Additionally, community concerns and comments as shared at meetings are tracked and reported on the Monitor's website throughout the year in both English and Spanish. The Monitor looks forward to engaging with all communities of Bakersfield as part of its Year Three work plan.

Audit and Review Methodology

Specific requirements are tasked to the Monitor for audit and review methodology. The Year Two work plan identified the review and audit framework. Formal audits will not commence until the first two phases of compliance are completed – policy and training. The BMT will then use a formal plan for reviewing and reporting on implementation, the final phase of Full and Effective Compliance. However, agreement was reached between the Parties that the Monitor will provide a compliance review for each component part of FEC. This means that policy and training will be independent as part of the iterative progression to FEC for any given paragraph. This year's report reflects the initiation of the process by reporting on the active paragraphs for Year Two. Formal FEC evaluations will be based on the evidence provided, research by the BMT, interviews, observations and site visits. The BMT will determine the implementation status of the paragraphs based on their expert



knowledge, engagement with the California Department of Justice (CALDOJ) and Bakersfield stakeholders and the evidence provided by BPD.

Full and Effective Compliance

Each of the Year Two Judgment Paragraphs requires action by the City and/or BPD to address policy, training and supervision as applicable. The Judgment paragraphs are evaluated independently, meaning BPD must demonstrate they have implemented the reforms called for within the paragraph. This is sometimes challenging given the connectivity of some of the paragraphs and the need for certain paragraphs to occur for others to achieve compliance. For example, policy promulgation must lead training on the policy.

Pursuant to Paragraph 172, to achieve FEC, the City and BPD must demonstrate that they have:

- a. incorporated all Material Requirements of this Judgment into policy,
- b. trained relevant personnel as necessary to fulfill their responsibilities pursuant to the Material Requirements, and
- c. ensured each Material Requirement is being carried out in practice.¹¹

A finding of FEC also requires that for any policy change, a training plan be developed and approved by the Monitor and CALDOJ prior to initiating training.¹² Forty-five days before a compliance deadline, as set out in the Monitoring Plan, BPD is required to submit the policy, training curriculum or lesson plan to the Monitor for review. The Monitor will provide written comments to CALDOJ and BPD, which the DOJ shall consider in determining whether to approve the policy, training curriculum or lesson plan. The process is one where draft policies and training are shared at meetings as needed to reach agreement on whether the materials comply with the requirements of the Judgment, the Constitution, federal and statutory law, best practices and current professional standards.

Finally, FEC requires direct community engagement on a significant number of reforms in the Judgment. For BPD to achieve FEC on the work that supports key policies, BPD must engage with the community and the community must have a meaningful voice in defining expected outcomes. For example, Paragraphs 50, 53 and 64 all require effective and direct community engagement, which is recognized within the compliance measures for these paragraphs. (See Appendix B).

Policy

Policy directs the actions of police officers. The development and implementation of clear, constitutionally based policies are central to the effective and efficient operation of every law enforcement agency.¹³ Promulgating policies that reflect the material requirements of the Judgment is the first step to BPD achieving FEC. In Year Two, significant work was undertaken in reviewing and

¹¹ Judgment Paragraph 172.

¹² Judgment Paragraphs 183, 184.

¹³ <https://www.theiacp.org/topics/policy>



providing technical assistance in the development of policies for use of force, English as a second language, and search and seizure. Year One and Year Two work plans centered on policy as the predicate to constitutional policing and ensuring culture change.

Training

Concurrent with the policy improvement is the need for training on the new policies, as this is how policy takes root. Training is also the mechanism by which policies are reinforced with officers. It provides context, develops decision frameworks and reinforces organizational goals as established through policy. Training is a foundation for reform in Bakersfield and is intrinsically connected to the Judgment goals, including improved support for law enforcement officers in BPD.

Implementation

This is the final phase of FEC for BPD. The work in this area is governed, generally, by Judgment Paragraphs 170-177. The goal is to take into context the application of policy and training as it relates to the implementation of the Judgment by BPD. Work on this last phase of FEC has not yet initiated.

Compliance Measures

The Monitor and BPD, with oversight from CALDOJ, established the specific compliance tasking for BPD, known as compliance measures, for each paragraph. (See Appendix B). The compliance measures inform the Bakersfield stakeholders of the specific tasking requirements for BPD to meet FEC for the paragraph. Some compliance measures were objectively identified, such as Paragraph 1 requirements to draft a policy consistent with certain legal standards and principles. Others, such as Paragraph 64, which requires BPD “continue to work” with the CAP (CAWG) when revising policies, are more nuanced as compliance with this paragraph requires developing the supporting framework and process for the CAP.

The compliance measures are the basis by which FEC will be evaluated and provide transparency for BPD as to expectations for reform performance. These provide clear standards by which the BPD’s actions will be reviewed. They are also intended to maintain clarity as to Judgment expectations rather than creating a moving standard and provide guidance for both the BMT and BPD. The BMT believes this is a more efficient and transparent way to provide reform focus in Bakersfield. In the end, the compliance measures ensure that the requirements for FEC are consistent and transparent to all Bakersfield stakeholders.

The Year Two work plan identified BPD was not expected to achieve FEC on most of the Paragraphs identified for work. This was due to the requirements for policy, training and field implementation to be in place for the award of compliance. Additionally, the requirements for community engagement precluded the submission of key policies for FEC review given the need for community input. While substantive work occurred in Year Two, 113 paragraphs remain open for active monitoring.



Section I. Use of Force

The Stipulated Judgment (Judgment) has specific requirements of the Bakersfield Police Department (BPD) regarding its policy, training and implementation of use of force (UOF) by members of BPD. These requirements are generally outlined in the Judgment in Section I Use of Force and covered in Paragraphs 1 through 64. These paragraphs are further broken down into groupings:

- Use of Force Policies and Principles, (Paragraphs 2 through 9)
- Use of Canines (Paragraphs 10 through 29)
- Use of Force Reporting Policy (Paragraphs 30 through 41)
- Use of Force Supervisory Investigations (Paragraphs 42 through 53)
- Use of Force Training (Paragraphs 54 through 58)
- Use of Force Analysis (Paragraphs 59 through 64)

The importance of the organizational focus and guidance on appropriate UOF practices is a foundational element throughout the Judgment. This focus is also a key element of modern police practices. Law enforcement is the only entity that has the right to take the life of a person on U.S. soil. The use of force, and how it is trained and applied by officers, is a key factor in determining the effectiveness of law enforcement. Increasingly, legislatures, communities and courts are recognizing the need for transparency and engagement on what is the legal standard of “reasonableness,” which the U.S. Supreme Court established in 1989.¹⁴ In the decades that have followed, a range of legal, policy and training adjustments focused on the decision to use force and its application have occurred across the country. In California, the Legislature has established requirements on police use of force, which is a stricter standard than the Constitutional standards in some areas. These legislative requirements include, but are not limited to, SB230, PC835(a), Cal. Gov. Code §7286.5 and AB 953. The Judgment incorporates California law and speaks directly to the requirements that must be incorporated within BPD policy, practice and training for the purpose of achieving substantial compliance with the Judgment.

The Judgment also recognizes the key role of the community, with Paragraphs 63 and 64 speaking to the development of a community advisory working group (CAWG). BPD calls this group the Chief’s Advisory Panel (CAP). The BMT’s evaluation of BPD’s work on this requirement is reported in Appendix I.

As discussed below, Year Two saw progress and some challenges in effectuating the Judgment requirements. BPD has been an active partner in the reform process since the inception of the Monitoring Program and progress was made this year. As we head into Year Three, the BMT expects several policies will be reviewed by the CAP (CAP) and submitted for Full and Effective Compliance (FEC) with progression to training on the key policy reforms and provisions.

¹⁴ Graham v. Connor 490 U.S. 386 (1989)



Background

Reforming BPD's UOF practices remained a key priority area for Year Two. This year's work continued to focus largely on policy development and, specifically, revising BPD's varied UOF policies to come into alignment with the Judgment. Alignment with the Judgment requirements is determined through the application of the corresponding compliance measures for each paragraph.¹⁵ Primary to BPD duties under the Judgment is the:

“revis[ion] of its use of force policies and practices to reflect its commitment to upholding the rights secured or protected by the Constitution of the State of California and the United States Constitution, and federal and state laws, protecting human life and the dignity of every individual, and maintaining public safety.”¹⁶

To this end:

“BPD agreed to review and revise its use of force policies to include focusing on the concepts of sanctity of life, necessity, proportionality, and de-escalation; require officers to intervene; and define an imminent threat justifying lethal force that is consistent with Penal Code sections 835a, subdivision (e)(2) ... Penal Code section 835a and Government Code section 7286, which (1) limits authorization of the use of lethal force to situations where the officer reasonably believes, based on the totality of the circumstance, it is necessary to defend against an imminent threat of death or serious bodily injury (Penal Code §835a); and (2) direct law enforcement agencies to maintain a use of force policy that requires the use of de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible.”¹⁷

Building on the work that began in Year One, the Monitor's Year Two work plan identified an additional 15 UOF-related paragraphs for assessment. These paragraphs called for the development and/or revision of policies and training on force tools available to officers; the duty to notify supervising officers prior to the deployment of a canine; reporting requirements placed upon officers and supervisors following a UOF incident; the role and responsibilities of the Critical Incident Review Board (CIRB); and the investigative responsibilities of supervisors, lieutenants and captains following a reportable UOF incident. While the remaining UOF paragraphs were not measured for compliance, efforts in furtherance of compliance remain ongoing, and all paragraphs related to UOF will be actively monitored in Year Three.

Monitoring Work

Policy

The BMT reviewed and provided BPD with insight and technical assistance on eight draft policies related to UOF. This work included assessing how they aligned with the Judgment, local and national

¹⁵ See Appendix C for the corresponding compliance measures for the Use of Force paragraphs.

¹⁶ Stipulated Judgment Paragraph 1.

¹⁷ Ibid.



standards, and best practices in law enforcement.¹⁸ The BMT provided feedback throughout the year, including virtually during scheduled meetings with BPD's UOF project team, BPD's leadership and its compliance lead personnel. In addition, the BMT had policy focused UOF meetings with BPD during our four site visits. Key to our review and engagement with BPD during this work was whether the UOF policies provided sufficient guidance to officers in the field when making decisions to use force and whether there were appropriate roles and definitions of supervisory duties.

While BPD has made considerable progress in the revision of these policies, as of the close of this report in early December, the BPD's Canine Policy is the only policy to have closed its review by the CAP. The Policy 300 – Use of Force and Policy 305 – Officer Involved Critical Incidents were approved by the BMT to advance to the CAP for review and input pursuant to Paragraph 64. This is a significant achievement and the remaining UOF-related policies¹⁹ are in the final stages of review. BPD expects they will be ready for release to the CAP no later than the first-quarter 2024.

UOF Oversight

In Year Two, the BMT continued to observe and provide technical assistance regarding BPD's UOF oversight and accountability practices. Early emphasis was placed on how the department addressed officer-involved critical incidents and the role of the internal Use of Force Working Group meetings, which analyze a select group of UOF incidents. The BMT's focus included how BPD emphasized the Judgment requirements that, as a matter of oversight and review, include the sanctity of human life, the duty to first seek to de-escalate, that UOF is not a routine part of policing, and that force should only be used when necessary and then only to the extent proportional to the threat presented.

The BMT worked with BPD to establish protocols for notification and review of critical incidents. We observed the department's oversight actions for eight officer-involved critical incidents. Our review included observation of a BPD Command Briefing, which typically occurs within 72 hours following a critical incident, the department's 30-day incident briefing and ultimately the CIRB meeting. These observations, and review of the policy and reporting, informed the feedback and technical assistance the BMT provided to BPD in the development of BPD's critical incident review practices, its CIRB policy and supporting documentation. The focus of the BMT and BPD was to ensure BPD practices are consistent with contemporary policing best practices. The BMT notes that several key UOF policies are expected to be released to the CAP for review in early 2024. In Year Three, work remains to be done in completion of the policies, particularly around BPD's engagement with family members following an officer-involved shooting or other critical incident.²⁰

In Year Two, the BMT observed the majority of BPD's Use of Force Working Group meetings. These meetings are held monthly and as reported by BPD, are focused on assessing UOF incidents. BPD's stated goal for its Use of Force Working Group is to identify whether there are training improvements for the decision-making and tactical performance of officers who use force and of supervisors and

¹⁸ The policies included Use of Force, Handcuffing and Restraint, Control Devices and Techniques, Conducted Energy Weapon, Use of Force Reporting and Accountability, Officer Involved Critical Incidents, and Canines.

¹⁹ Ibid.

²⁰ Stipulated Judgment Paragraph 41.



managers who investigate, review and approve UOF reporting. As identified in the Year One report, this group consists of the department's force experts and others in the Quality Assurance Unit (QAU) who review cases that are both randomly and specifically identified for review. It is an additional layer to the criminal and investigative protocols for BPD following a UOF incident. The BMT has observed this group review and assess the factors contributing to a use of force incident, identify whether corrective action has been taken by the officer's management and determination of other factors, such as activation of body-worn cameras (BWC). If issues are identified, this group will forward notification through the chain of command, which might range from a need to timely complete a report through recommendation for training. The BMT supports the goal of BPD in this process and finds value in this supplemental layer of oversight. The BPD Working Group has been operational since prior to 2019. Consistent with BPD's efforts to bring its practices into alignment with the Judgment, the BMT has observed modifications to the process in Year Two and believes that with continued development and refinement, this initiative could become a valuable tool to advance the UOF guiding principles within the Judgment.

As Year Two came to a close, the BMT identified completed UOF investigations to obtain a baseline awareness of the quality and thoroughness of BPD's UOF reporting and investigation practices. This work will be reported with our annual assessment of BPD's UOF data following the first-quarter 2024.

Review and Assessment of BPD UOF Policies

UOF remains a priority focus for the BMT and, in accordance with our compliance methodology, the first phase of FEC is policy development.²¹ The BMT recognizes that critical to instilling the organizational change necessary to achieve the Judgment reforms is clear policy that provides sufficient direction to guide an officer's decision-making when deciding whether to use force. The Judgment requires that at the core of this policy, it must be self-evident that the sanctity of life is of paramount importance, and that force is not a routine part of BPD's policing practices. Further, BPD is required first to engage in de-escalation techniques, where feasible, and to use force only when it is necessary and is applied proportionally to the threat presented.

The level of engagement with the BMT over this past year and the resulting dialogue and policy revision reflect BPD's commitment to working to ensure its policies are consistent with the requirements of the Judgment. BPD's project management approach to the reform requirements has proved beneficial to the policy review process. BPD policies have the input of BPD's subject matter experts and the public safety needs and challenges unique to the Bakersfield community. Despite BPD's strategic and inclusive approach to policy development, the organizational culture is a barrier in drafting policies compliant with the Judgment. Significant time and discussions between the BMT and BPD were directed towards identifying how the policies do not align with the requirements. In this work, the BMT noted areas of organizational resistance to aligning the requirements of State law, the requirements outlined in the Judgment and BPD's organizational beliefs regarding use of force have impacted the policy development process.

²¹ Paragraph 187 has three components to achieving FEC - policy, training and implementation - consistent with the Judgment goals and requirements. See Appendix C.



The Judgment requirements and standards go beyond the baseline requirements of federal and California State law.²² Early in the process, there was a lot of work with BPD to integrate the Judgment requirements, and specifically the constraints governing when force may be applied into the use of force policies. It has been clear in our discussions with BPD, and in our observations of BPD's review of incidents of force, that there is an organizational philosophy that control by force, is the most appropriate way to initiate engagement with people believed to have committed a crime or about to commit a crime. For instance, during BPD's review of a use of force incident, the BMT frequently observed department members focus on the legality of the force used and the officer's proficiency using the force. However, little to no discussion was observed regarding the necessity of the force option used. While an application of force may be a legal response to resistance, this baseline does not presumptively make the force necessary. In Year Two, our observation of the critical incident reviews and the other BPD's use of force oversight practices, identified insufficient attention was devoted to whether the force used in a given situation was necessary. BPD's lack of attention to the necessity of the force applied is contrary to Paragraph 3(y)(i) which "...requires that officers use force only when reasonable and necessary to achieve a lawful objective."

During our review and assessment of BPD's UOF-related policies, the BMT and BPD engaged in extensive conversations addressing that an application of force by a BPD member requires a predicate threat and any resulting response must be proportionate to the crime itself and the threat posed. For instance, the Judgment makes clear in Paragraphs 3(y) and (z) that force must be necessary and proportional. Relative to proportionality, Paragraph 3(z)(i) states the force must be "proportionate to the threat and not excessive in light of the lawful objectives involved." California law, specifically Penal Code Section 835(a), states that law enforcement officers may use force to effect an arrest and that any force used must be "reasonable force." Further, CA Govt. Code §7286(b)(2) states that "an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonable perceived level of actual or threatened resistance."

BPD's use of force review processes do not consistently address the fundamental issues of the necessity and proportionality of force but rather presume the force used was lawful and focus on review of officer's control of the individual. By way of illustration, we observed an initial critical incident review for a BPD officer-involved shooting as a response to an individual throwing small "landscape" rocks at the officers. Throughout the entirety of the critical incident review, there was little to no discussion by BPD whether the officer had alternative means of engaging, had feasible options for cover or distance or whether lethal force was necessary and/or proportional given the size or use of the "landscape" rocks as a weapon. The concepts of necessity and proportionality are a baseline for the Judgment's goals for reform in Bakersfield.

Towards the end of Year Two, the BMT observed improvement in the review process wherein during the course of review the question is now asked "...if there are any issues or concerns with necessary or proportionality." However, in our observations, these questions are almost uniformly met with a

²² For example, Paragraph 3y(i) addresses necessity as a function of the analysis and application of use of force generally where California Penal Code 835a(a)(2) addresses necessity in the context of deadly force.



negative response and there is little to no discussion of the circumstances that may have called the necessity or proportionality of deadly force into question. As we move into Year Three the BMT expects greater focus in this area by the BPD.

Another challenge to a timely policy development process involved extensive discussion of whether pointing a firearm or a conducted electrical weapon (CEW) were reportable uses of force and, if so, what level of supervisory review should be required. Paragraph 30 states BPD officers must report all uses of force greater than a standard handcuffing. It further classifies a reportable UOF as follows:

- Any use of force which is required to overcome subject resistance to gain compliance, that results in death, injury, complaint of injury in the presence of an officer, or complaint of pain that persists, and which does not result in an allegation of excessive or unnecessary force; or,
- Any use of force involving the use of personal body weapons, chemical agents, impact weapons, extended range impact weapons, vehicle interventions, firearms, and any intentional pointing of a firearm at a subject, regardless of whether the use of force results in any injury or complaint of injury or pain.

There has been considerable discourse within the public arena and among public safety agencies on the differences between a show of force, as in the display of a firearm or CEW, and a use of force. This distinction has further impact given the reporting and data capture requirements in public safety agencies. Central to these conversations is the importance of ensuring policy guidance includes appropriate controls on the use, reporting and data collection for how and when officers are pointing weapons at members of the public. The BMT has engaged in similar and robust discussions with BPD this past year. BPD's most recent draft policies addressing CEW and pointing and display of a firearm reflect emerging national practice and are in alignment with the Judgment requirements.²³

Policy 310 Canine Use of Force

The use of canines as a force tool is a specialty area in law enforcement; we discuss it not only for this reason but also to recognize that BPD's BMT supporting this work was open and engaged with the BMT. BPD's initial drafts appropriately integrated the requirements of the Judgment and provided work consistent with the compliance measures in a manner that ensured the policy reflected the guiding principles of the Judgment. This included a clear and meaningful commitment to the sanctity of life, de-escalation and force not being a routine part of policing. BPD's approach to the revision of this policy and subsequent openness to constructive feedback resulted in the development of a policy that was sufficiently aligned with the Judgment. This was the first draft policy approved for review and input by the CAP. BPD has received comments from the CAP and anticipates finalizing this policy and submitting the post-review by the BMT in early 2024.

²³ BPD's compliance with the Judgment Paragraphs also supports the Racial Identity Profiling Act (RIPA) reporting requirements for UOF and related actions.



Policy 305 Officer Involved Critical Incidents

The BMT found the work on critical incident reviews, led by the Assistant Chiefs, was focused on improvement with the goal of providing probative and consistent reviews of these incidents. In accordance with Paragraph 50, BPD also worked in earnest with the BMT to update and modernize its officer-involved critical incident policy and practices consistent with Judgment requirements and contemporary policing practices. In the development of this policy, BPD was open to suggestions and constructive feedback, researched practices undertaken by other agencies, and was willing to adjust existing practices. During this collaboration, BPD agreed to adopt a formal protocol to support a time-bound review cycle. The first review now occurs within 72 hours of the incident, the second review occurs at the 30-day mark, and the CIRB occurs at the conclusion of both the criminal and administrative investigations. In the later part of Year Two, the template for CIRB review has been finalized and should drive consistent and probative practices moving forward. This review cycle is consistent with contemporary policing practices and supports the requirements of the Judgment. The BMT expects approving this policy for review and input by the CAP as we head into 2024.

Compliance Activities

The specific status of work toward compliance with the Judgment Year Two Use of Force paragraphs is as follows. We identify the overall paragraphs that were active in Year One to identify the scope of work and to recognize the interconnectivity of the requirements within the Judgment paragraphs. None have achieved FEC at this time. However, significant work has occurred over the last two years of monitoring, which bodes well for future progress.

Year One Paragraphs

The work plan identified 31 paragraphs for monitoring oversight: 1 through 3, 5 through 8, 10 through 12, 14 through 18, 24 through 25, 29, 30, 32-35, 38, 39, 46, 52, 59, 60, 63 and 64.

Year Two Paragraphs

The work plan identified an additional 15 paragraphs for monitoring oversight: 9, 13, 31, 36, 38 and 41 through 45.

Use of Force Principles

BPD submitted policies that include language referencing each policy's review cycle with associated tasking and focus on informing the work to align with the Judgment and the compliance measures. As training is developed, the BMT expects to see similar language that ensures training curricula are subject to review in alignment with the paragraph and the compliance measures. While there has not been a formal submission for the paragraphs within this Judgment section, BPD is engaged and making progress on Paragraphs 2 through 49, as it relates to policy work. This includes Policy 300 Use of Force, 301 Handcuffing and Restraints, 302 Control Devices and Techniques, 303 Conducted



Energy Weapon (CEW), 304 Use of Force Reporting and Accountability, and 305 Officer Involved Critical Incidents.

Canine Use of Force

- **Policy 310:** Canine Use of Force has been introduced to the CAP for review and input, consistent with the Paragraph 64 requirements. This remains with the BPD following review by the CAP.

Use of Force Reporting Policy

The Judgment highlights the importance of UOF reporting and accountability, devoting a dozen paragraphs to the subject. The BPD and the BMT engaged in extensive conversations and meetings discussing the BPD's force reporting policies and practices and how they contribute to its comprehensive reviews of uses of force.

- **Policy 304:** BPD produced Policy 304 Use of Force Reporting and Accountability to assist in structuring the department's standards and expectations regarding the application and reporting of uses of force, the investigation of UOF incidents, organizational UOF accountability, and UOF transparency. BPD's commitment to these principles has resulted in a working policy that identifies what constitutes reportable force, procedures for notifying supervisors of a UOF, the identification of a supervisor's investigation and review responsibilities, and protocols for overall management of the force reporting and review process by the Quality Assurance Unit.

The policy also includes guidance for reporting uses of force according to the level and severity of force, as required by the Judgment. The BMT expects work on this policy to advance to the CAP for community input in early 2024 and to completion in Year Three.

Use of Force Supervisory Investigations

- **Policy 304.3:** Use of Force Review and Accountability identifies the duties and responsibilities of supervisors for review of Level 1 through Level 4 uses of force. This includes guidance on the unique responsibilities for the supervisory ranks for the level and severity of force used. The BMT and BPD continue to engage in discussions regarding the time a supervisor has to complete a UOF review and forward it to the next supervisory rank for completion of command channel review.

The BMT expects work on this policy to advance to the CAP for community input in early 2024 and to completion in Year Three.



Use of Force Training

The BPD and the BMT engaged in extensive discussions regarding how expectations and requirements identified in department policy form the basis for department training and the development of BPD policy and the Judgment requirements.

In Year Two, the BMT reviewed BPD's force training during our site visits and provided feedback to BPD regarding our observations. Further, the BMT continues to engage BPD regarding the department's review of critical incidents and their impact on department training. While our assessment of force training is in its early stage, the BMT notes that a key focus for compliance review of training will be to ensure it stresses the sanctity of life and that BPD training supports the Judgment requirement that UOF is not automatic and routine to every police encounter with a community member, whether or not they are the subject of a criminal inquiry or investigation.

The BMT has also initiated discussions with BPD regarding our observation of the review of critical incidents and the potential for the overuse of training versus other means as a resolution for officer behavior during the incidents. However, training compliance reviews will not initiate until Year Three.

The BMT believes our observation of force training will advance and will incorporate important community expectations regarding the use, reporting, review and analysis of force.

Use of Force Analysis

BPD is required under Paragraphs 59 through 62 to analyze and publicly report on UOF data, including the identification of significant trends, frequency and nature of UOF incidents investigated by Internal Affairs (IA) and by repeat officers and units. The long-term goal is for BPD to identify significant trends and identify and correct deficiencies revealed by such analysis. UOF compliance activities are not actively monitored at this time given the status of the UOF reporting policies and those for personnel complaints. However, BPD has been engaged on this topic and demonstrates a strong knowledge and awareness of the UOF data. The department is focused on sharing data in an informative manner. The Monitor's analysis of data is reported in Appendix G.

Year Three Expectations

BPD's work on the fundamental issue of police UOF has demonstrated commitment and focus. It has not been easy work, and significant challenges were presented and overcome in Year Two. The BMT commends BPD for its efforts.

This work must be examined within the umbrella of its outcomes. The BMT notes that in Year Two, seven Officer Involved Shooting incidents and six Critical Incidents occurred, in addition to 436 reported UOF incidents. Each of these incidents impacted the individual, the officer, the community and the department.²⁴ Ensuring fidelity to the Judgment and its goals is key to successful reform in

²⁴ The analysis of the UOF data is reported in Appendix G of this report.



Bakersfield. To this end, the BMT will concentrate on the BPD's administrative review practices following a UOF incident to ensure its focus on the Judgment's requirements are adhered to in practice.

As we head into Year Three, we believe BPD has made progress on the policy drafts in aligning with requirements under the Judgment. There is still foundational work required to effectively engage and support the CAP and community in their review of the UOF policies. BPD will be able to demonstrate its commitment to partnering with the community on the policy revisions required under the Judgment as these policies move forward to the CAP. The BMT will transition to assessment of curriculum and training and will assess BPD's organizational ability to internalize and apply in practice the concepts of sanctity of life, necessity, proportionality and de-escalation; requiring officers to intervene; and defining an imminent threat justifying lethal force consistent with the Judgment and California law.²⁵ Finally, we expect further growth in BPD's review of critical incidents as the department advances its reviews of critical incidents to incorporate key concepts of the Judgment.

Section II. Stops, Searches and Seizures

Section II of the Stipulated Judgment (Judgment) addresses the reform measures required of the Bakersfield Police Department (BPD) regarding its policy, training and practices relative to stops, searches and seizures. This area of practice is directly aligned with the Judgment goals of "...effective, constitutional law enforcement that protects individuals' statutory and constitutional rights, treats individuals with dignity and respects and promotes public safety in a manner that is responsive to the community's priorities..."²⁶

A key to effective police-community relationships is how BPD officers engage with the public on a day-to-day basis. The BMT believes the Judgment provisions within this Judgment section will serve to enhance BPD's community relationships. Transparency and reporting on stop, search and seizure activity serve to reinforce BPD's commitment to service. Adherence to constitutional standards when engaging members of the public and the proper treatment of those persons they engage also builds community trust. Successful implementation and long-lasting reform begin with clear, direct and transparent departmental policies and procedures to guide officers when engaging in stops, searches and seizures. When a member of the public is stopped, searched or arrested by a police officer, the officer's demeanor and behavior have a lasting effect.

For some members of the public, a traffic stop is likely the only encounter they will have with a BPD officer, while for others, there are more frequent contacts and arrests. Regardless of the nature of the stop, each encounter between a BPD member and the public should be professional, follow

²⁵ Penal Code Section 835a and Government Code Section 7286, which (1) limits authorization of the use of lethal force to situations where the officer reasonably believes, based on the totality of the circumstance, it is necessary to defend against an imminent threat of death or serious bodily injury (Penal Code §835a); and (2) direct law enforcement agencies to maintain a use of force policy that requires the use of de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible."

²⁶ Bakersfield Stipulated Judgment, Page 2.



constitutional standards and comply with BPD policies. As the survey work referenced in Appendix H demonstrates, even those arrested by BPD understand officers have a job to do and that the actions of officers have a lasting impact on their perception and relationship with the police.

Monitoring work for this strategic area initiated in Year Two. The BMT has found the BPD working team to be committed, responsive and focused on the policy work required under the Judgment, including the overarching goals.

As we head into Year Three, we anticipate further policy work for this section, a key strategic area for BPD to achieve its goals under the Judgment.

Background

Stops, searches and seizures are an integral part of the daily work of law enforcement. The Judgment requires recognition that investigatory stops are part of an effective overall crime prevention strategy and must be conducted in a manner that does not contribute to divisiveness in the community. The Judgment also requires adequate documentation of these activities for both tracking and supervision purposes. The analysis of stop, search and arrest activity to determine compliance with law and policy is important, as are the data collection practices of law enforcement agencies. The Judgment recognizes that BPD was an early adopter of reporting under the Racial Identity Profiling Act (RIPA), which requires law enforcement agencies to report data to the California Department of Justice (CALDOJ) for all vehicle and pedestrian stops and citizen complaints alleging racial and identity profiling.²⁷

This Judgment section provides guidelines and specific requirements with respect to stops and detentions, searches, policies and training and supervisory review. This section also demonstrates how the Judgment requires action by BPD that goes beyond the baseline legal requirements. For example, Paragraph 66 requires that BPD to determine whether investigatory stops, searches and arrests, even when determined to follow law and policy, indicate a need for corrective action or review of agency policy, strategy, tactics or training.”²⁸

Monitoring Work

Consistent with the work plan and the monitoring program, this strategic area of work was scheduled to initiate in Year Two. Clear policies that provide guidance and direction to officers engaging in stops, searches and seizures are critical –for building community trust and for transparency into the law enforcement strategies of BPD and for officer performance and safety. During Year Two, the team reviewed and provided technical assistance to BPD on the development of draft policies associated with this Judgment section. Part of the monitoring effort included discussions and technical assistance regarding how the department and the emerging policy aligned with the Judgment, national standards and best practices in law enforcement.

²⁷ <https://oag.ca.gov/ab953>

²⁸ Bakersfield Stipulated Judgment, ¶66.



Under the Year Two work plan, all of Section II, Paragraphs 65 through 88, became active for monitoring and compliance work. Key to achieving the reforms required under this section is drafting a policy that provides specific guidance for officers in their interactions with members of the public and to ensure stop, search and seizure activity is consistent with the law and department policy. We anticipate BPD will begin to share draft policies in this work area with the CAP in Year Three.

The BMT met with the BPD Stop, Search and Seizure working group throughout the year, remotely and during site visits. These meetings were generally twice a month and lasted from one to one and a half hours. Discussions were focused and the BPD subject matter experts demonstrated a strong technical knowledge and commitment to meeting the Judgment goals. Draft submissions contained many of the Judgment requirements and applicable laws. It was clear that the BPD working group had conducted research of laws and other policies and practices. Where they identified good practice, they incorporated portions of these policies into the BPD draft policy.

Compliance Activities

The specific status of work towards compliance with the Judgment Section II. Stop, Search and Seizures Year Two paragraphs is as follows:

- **Policy 312 Search and Seizure**
This policy has been the focus of the Year Two work. Progress has been made and current discussions centered on ensuring appropriate guidance for BPD officers and defined roles and responsibilities for BPD supervisors.
- **Policy - Probation and Parole Searches²⁹**
This draft was last formally discussed in July 2023. It was decided by BPD that this policy would remain independent of Policy 312 Search and Seizure. However, in mid-December 2023, BPD initiated discussions regarding current status of the internal work and explored options for how to include this topic area as part of the larger policy.
- **Policy 437 Public Recording of Police Officers**
This policy has minor edits sitting with BPD before it can be submitted for compliance review. Most of the work required to ensure proper policy guidance has been completed.

The Year Two work with the BPD working group has focused on addressing the issue that the law is a baseline and the department's policy provides the guidance for how the law is applied by its officers. For example, while it is legal for an officer to search a member of another gender identity, many departments have specific guidance on when such searches will occur, who will do them and how they will be done. Ensuring BPD policies provide guidance for officers regarding how to apply the law and BPD's conduct requirements, including the role of supervision, will be part of the work in Year Three. For example, the current policy drafts effectively state the law but do not provide the guidance on the department's requirements in applying the law. The BMT anticipates that BPD will move forward in seeking compliance, including presentation of a draft policy to the CAP.

²⁹ This draft policy has not been shared nor is the BMT aware of a number for it.



Year Three Expectations

Key to success in Year Three will be the connectivity of policy, training and practice in ensuring the goals of the Judgment are met for stops, searches and seizures. Meaningful work occurred in Year Two and we anticipate this will continue in Year Three.

Section III. Year Two Training Observations, inclusive of Responding to People with Behavioral Health Disabilities or In Mental Health Crisis

Training is a foundation for reform in Bakersfield and is intrinsically connected to the Stipulated Judgment (Judgment) goals, including improved support for law enforcement officers in the Bakersfield Police Department (BPD). BPD specifically agreed that, in part, the purpose of the Judgment is increased support for law enforcement officers through training. Under Paragraph 172, training is also a component of FEC. Paragraphs 2, 4, 6, 8, 10, 19, 20, 21, 25 through 28, 44, 49, 50, 52, 54 through 58, 61, 66, 70, 80, 81, 88, 90, 94 through 96, 99, 100, 101, 104, 129, 160 through 162, 165, 178, 183, 184, 185, 187, 188, 189, 190 and 191 all address training as a matter of development, delivery or evaluation. Some paragraphs have direct training requirements, such as Paragraph 188, which requires training for all BPD sworn personnel members on their roles and responsibilities under the Judgment. Others reflect training needs as a component of compliance, such as the use of force paragraphs, which link policy and training in their drafting.

Background

In Year Two, training was not measured as a form of compliance for the department. Rather, Year Two monitoring started to assess BPD's training to understand the overall approach to training. Early in Year Two, the BMT began to meet with the various units and people responsible for training at BPD, which followed traditional divisions of in-service training and academy training. As the year progressed, the department developed the collective understanding of the need for a training strategy that intersects with all individual training roles to support the training required under the Judgment. This cohesive approach to assessing the training requirements of the Judgment should help BPD succeed in developing and delivering training in the upcoming year.

The Judgment is clear regarding the priorities of training and its role in the reform process in Bakersfield. There is a clearly defined progression from policy approval to training, as defined in Paragraph 187:

“Within 30 days after issuing a policy or procedure pursuant to this Judgment, BPD shall ensure that all relevant BPD personnel have received, read, and understand their responsibilities pursuant to the policy or procedure, including the requirement that each officer or employee report violations of policy; that supervisors of all ranks shall be held accountable for identifying and responding to policy or procedure violations by personnel under their command; and that personnel will be held accountable for policy and procedure violations. BPD shall document that



each relevant BPD officer or other employee has received, read, and sufficiently understands policy. Training beyond rollcall or similar training will be necessary for many new policies to ensure officers understand and can perform their duties pursuant to the policy. Within 30 days of issuing a policy pursuant to the Judgment, BPD must implement training on the policy.”

While training necessarily follows policy development under the construct of monitoring, in the real world, law enforcement agencies, including BPD, provide ongoing training throughout the year. The distinction is that as a matter of FEC, and pursuant to Paragraph 185, the training provided to BPD officers must reinforce the goals and objectives of the Judgment. BPD is like most law enforcement agencies in that it has annual scheduled training called advanced officer training (AOT), which is mandated by Peace Officer Standards and Training (POST). BPD also has academy training for new hires, also mandated by POST. In addition, the Judgment references a supervisory field training program used by BPD. Generally, this type of program is a solid approach to helping officers transition into their new roles as leaders. Within this formal training mix is ongoing training – either at roll calls, through outside training opportunities or through invited speakers. By way of example, at the request of the department, the BMT provided training for BPD officers on how to communicate more effectively with members of the public. This was a seminar-based training that was directed toward field training officers (FTOs) but also attended by a range of BPD personnel. Finally, many officers are self-driven to learn and engage in external and individual training development.

Two paragraphs associated with this section were awarded FEC from the California Department of Justice (CALDOJ) - Paragraph 97, which addresses the appointment of a Crisis Intervention Coordinator, and Paragraph 188, which addresses training BPD members on their roles and responsibilities under the Judgment. BPD is to be commended for its focus on delivering this work. Both paragraphs support continued compliance as a matter of internal coordination, given the appointment of the Crisis Intervention Coordinator, and for training formats going forward, as the work under Paragraph 188 was substantive with good outcomes.

As we head into Year Three, the Judgment training requirements, coupled with BPD’s resource investment in place for the existing reform work, will require a strategic approach to meet the training required under the Judgment. The focus will be on identifying the best modalities, including in-person, self-driven or distance-based, as well as learning goals, delivery and measurement by BPD. For its part, BPD has demonstrated focus and commitment to identifying solutions for what is a challenge for any law enforcement agency but is particularly so for those under reform programs – how to best meet the training goals while ensuring an appropriate level of visibility and public service.

Monitoring Work

Starting in early 2023, the BMT initiated discussions with BPD regarding its plans, including strategy and approach, for training required under the Judgment. The training requirements were both specific, such as in Paragraph 188 where the Judgment required all BPD members to be trained on the Judgment, and in response to training on the policy changes required by the Judgment. The discussions focused on developing a strategic approach to the training goals and were intended to



reinforce awareness of the level of effort that training support for the Judgment will require. To be clear, BPD elective and mandated training continues within BPD. The BMT will monitor training as it relates to the Judgment requirements. Given the policy predicates, the training required under the Judgment was not actively monitored in Year Two, save for Paragraph 188, which required training in the first year for BPD members regarding their roles and responsibilities under the Judgment.

Compliance Activities

The BMT engaged directly with BPD project leads, stakeholders and subject matter experts in accordance with the Year Two work plan. Early on, we found a split focus, consistent with the typical training approach of law enforcement agencies – academy and in-service have distinct roles and responsibilities. Additionally, the policy working groups were not keyed into the subsequent training requirements of the Judgment. The BMT worked with the department in Year Two to identify the need for an enterprise approach to training and met with various entities throughout the year. The BMT notes that a strategic focus on the roles and responsibilities in delivering training is needed to maximize training delivery and opportunities to achieve the reform and policy goals. As the year progressed, the department worked to develop a cohesive approach, including linking the policy working groups with the traditional training groups. This bodes well for training outcomes which will be monitored in Year Three.

Throughout Year Two, the BMT observed training, conducted presentations to training classes and reviewed training curriculum for existing training provided by BPD. This included observations of the Crisis Intervention Training (CIT) covered under Judgment Section III. The purpose was to understand the baseline for how training is conducted at the department and to identify potential gaps to direct focus when monitoring of training initiates. We were also informed that in anticipation of the Judgment requirements and other factors, BPD had updated its curriculum, so the observations were intended to assess what additional improvements may be necessary. The work conducted in Year Two provides further guidance the BMT will use to build its plans, goals and assessments for the Year Three work plan. Further, these discussions have centered on the development of a strategic training plan for the reform policy changes. While not an active monitoring topic in Year Two, initial review and discussions identified a thoughtful training approach under development. The BMT observed CIT training to establish a baseline awareness of BPD's approach to this training, as discussed below.

Use of Force Training

The BMT reviewed curriculum and observed a range of use of force training activities, including basic recruit training for both tactical and classroom instruction. The tactical training was led by BPD academy instructors and included hands-on support and guidance as the recruits worked on structured exercises. The BMT also observed two classroom blocks of instruction led by BPD personnel. The instructors encouraged active participation and were knowledgeable about the training, the application of techniques and educational goals.



Additional observations of a range of training relating to the use of force and decision-making also occurred in Year Two. BPD worked through options in Year Two to identify training to its members and seeks to bring in outside trainers to supplement the training demands for its staff. As we head into Year Three monitoring for training, and outside trainers are engaged to supplement BPD resources, BPD will need to ensure review of the programs to ensure the training provided meets the goals of the department and the requirements of Judgment. We anticipate ongoing discussion as we head into Year Three and training becomes a focus under the compliance framework.

Crisis Intervention Training

Interactions between law enforcement and people with mental illness or in mental health crises are common. Training on mental health awareness is a key focus of law enforcement agencies invested in CIT programs. Training law enforcement on CIT is intended to improve outcomes, reduce the stigma associated with mental illness, and reduce the risk of serious injury or death during interactions between persons with mental illness and police officers.³⁰ CIT is designed to help police officers identify signs of psychological distress and employ de-escalation practices to reduce stressful interactions and potentially decrease the use of lethal force used by officers.³¹

Judgment Section III, Paragraphs 89 through 99, establishes requirements for BPD in responding to and interacting with people with behavioral health disabilities or in mental health crises. As discussed below, this is a whole system response, one designed to mitigate harm to anyone responding to or involved in these types of calls for service. Key to a successful program is both partnership with community-based mental health providers and an effective training program.

Key to an effective police response to a person experiencing a mental health crisis is maintaining awareness and possessing the skills to de-escalate the situation. Agencies across the country have invested considerable resources into training and developing programs for such interventions, supported by scientific review that these programs save lives.³²

The BMT reviewed the Advanced Officer's Training (AOT) 40-hour CIT curriculum as part of the Year Two engagement. The classes were conducted for 10 hours a day over four days and were intensive in terms of the materials and topics covered. The class presenters and BPD instructors were diverse and provided a range of perspectives relative to lived experiences and CIT. They consistently displayed support for the CIT concepts and training.

At its core, CIT is community-based and works to bring police and other stakeholders together in their responses to mental health crises.³³ During the training, BPD recruited police officers to present on a panel covering behavioral health and cultural awareness. The officers presented on issues relative to their respective communities and were knowledgeable and engaged. However, the BMT notes that in other jurisdictions, using members of the community in this type of presentation has provided an

30 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9949319/>

31 Ibid.

32 <https://portal.cops.usdoj.gov/resourcecenter/ric/Publications/cops-w0875-pub.pdf>

33 <https://www.citiinternational.org/bestpracticeguide>



opportunity to partner with the community and incorporate their feedback, thereby building greater understanding and relationships outside the department.

Scenario Based Training

BPD engages in good practice during training by providing practical exercises to support the application of skills learned and to reinforce classroom training. While this type of training is not used for all training topics, practical skills testing is useful for those training topics identified as “perishable skills” such as use of force and crisis intervention training. Scenario based training provides low-risk opportunities to enhance and apply the knowledge from the classroom.

Key to success with this type of training is formally defining scenario roles and maintaining the role throughout the scenario, ensuring that classroom instructors are included in the scenario training and ensuring feedback and review after an exercise, including any corrective actions. Allowing officers to replay the scenario and to apply the skill set or strategy that is the focus of the scenario effectively is key to ensuring practical application in the field. A consistent training focus for scenarios will enable BPD to connect adult learning skills to the application of knowledge in the officers' progress through the scenarios.

Training Curriculum

Judgment Paragraph 183 requires the BMT to evaluate the curriculum and training materials, which includes ensuring the training provided by the department is consistent with the curriculum. In Year Two, the BMT's training observations identified some inconsistencies between the curriculum, classroom materials and training. This matter was discussed with the department and BPD noted that it had reviewed training systems – both as a matter of learning delivery and record retention. The department anticipates using technology to ensure accuracy in training materials and records. This is a promising development and should ease some of the administrative burden in delivering training under the Judgment. It will also assist the department with its own internal accountability practices. As we plan for the Year Three training evaluation, the BMT restates the importance of ensuring fidelity between the curriculum and the training delivery. This is particularly true when using external vendors.

Full and Effective Compliance

BPD submitted two paragraphs for FEC review in Year Two.

- **Paragraph 97:** On July 3, 2023, BPD submitted a formal request for FEC review. Essentially, this paragraph requires the appointment of a qualified Crisis Intervention Coordinator to better facilitate communication between BPD and members of the behavioral health provider community. The BMT reviewed the work by BPD and recommended approval of FEC by CALDOJ. For further detail, see Appendix E.



- **Paragraph 188:** On June 29, 2023, BPD provided an updated formal request for FEC review of Paragraph 188.³⁴ This paragraph required BPD to develop training on the content and responsibilities of each officer and employee within 180 days of execution of the Judgment. BPD developed a comprehensive strategy and training plan that not only fulfilled the technical requirements of the Judgment but also ensured detailed knowledge of the Judgment, as supported by a knowledge quiz for each section of the Judgment. Ongoing compliance was identified for those who missed training or were hired subsequent to the training and supported by evidence submitted by BPD. The BMT reviewed the work by BPD and recommended approval of FEC by CALDOJ. For further detail, see Appendix E.

Year Three Expectations

Training will shift to active monitoring in Year Three, based upon the expectations that BPD will promulgate the use of force policies arising out of the Year Two work. Training must reinforce the policy changes under the Judgment to provide guidance and support to officers in ensuring consistent, constitutional and community-focused application in the field.

The Year Three work plan will seek to develop protocols for the retention of training records, including training schedules, curriculum and materials across the BPD training environment. From an administrative perspective, consistency and coordination of training records, including materials used for training and records of attendance, will provide the records necessary to support FEC. This will facilitate the monitoring process and the material requirements of the Judgment, pursuant to Paragraphs 171, 172 and 183.

Finally, the work of the department has demonstrated focus and intentionality in developing policies consistent with the Judgment requirements. The BMT anticipates training development will follow this same path and will not only comply with the Judgment requirements but will provide benefits to officers receiving the training. Effective policy and training equate to improved performance. Training will be key to ensuring the application of the State's reform goals under the Judgment.

Section IV. Management and Supervisory Oversight

Section IV of the Stipulated Judgment (Judgment) addresses the reform measures required of the Bakersfield Police Department (BPD) regarding its leadership and management practices, including the development of supervisors. A key Judgment goal is ensuring that BPD provides training and skills development to help supervisors effectively guide the actions of subordinate personnel as leaders in promoting effective and constitutional policing practices. The leading reform driver in Bakersfield will be those supervisors in the field, primarily BPD sergeants, who are observing, directing and engaging officers on a daily basis.

³⁴ The FEC review process remained in development heading into Year Two.



In Year Two, the BPD and Bakersfield Monitoring Team (BMT) engaged in general discussions on leadership and the role BPD supervisors will play in implementing the provisions of the Judgment. As we head into Year Three, we anticipate ongoing discussion and policy work regarding the roles supervisors hold when investigating use of force and in helping guide officers conducting stops, searches and seizures. The long-term goal is to ensure that supervisors in BPD have the tools and training necessary to engage the men and women of the department to support constitutional policing practices with a focus on community partnership.

Background

Police supervision plays an important role in maintaining the standards and expectations of the law enforcement agency. Leadership that guides, directs and holds officers to account is a baseline requirement for professional law enforcement practices. Research has proven that the quality of supervision is more important than the quantity of supervision.³⁵ Strong leadership is key given the manner in which officers are tasked – often with direct engagement independent of direct supervision. The ability to ensure policing practices consistent with department policy and appropriate community engagement, coupled with the overall demands on supervision, can be challenging. This Judgment section is focused on ensuring that supervisors have the tools necessary to be successful in managing the often-competing demands on their time and focus.

The Judgment provides general guidelines and specific requirements with respect to supervision in BPD. Within the directly applicable paragraphs, 100 through 103, the requirements are both supportive and evaluative, as it relates to supervisory performance. However, the importance of the role of the supervisor is referenced throughout the Judgment, including paragraphs on use of force investigation and reporting, stops, searches and seizures, CIT incidents and processing public complaints. Additionally, within the Judgment Section VI, supervisory promotions are addressed in Paragraphs 116 through 123, with a focus on ensuring internal procedural justice, including transparency and communication of the standards for promotions within the BPD. In effect, supervision is a key component of reform as recognized throughout the Judgment. More practically, it is the front-line supervisor who oversees the day-to-day application of policy and training and is the visible face of leadership in any law enforcement organization.

Monitoring Work

Formal monitoring activities included discussions in relation to the ongoing policy development and training goals for BPD. This Judgment section is predicated upon the policy and training components to be in place before compliance measurement can ensue. There were no submissions for Full and Effective Compliance (FEC) review from this section.

The BMT met with the Chief and Assistant Chiefs routinely throughout the year, observed how BPD leaders engaged in incident reviews and spoke directly with multiple supervisors regarding their roles

³⁵ <https://www.ojp.gov/pdffiles1/nij/194078.pdf>



and opinions regarding the reform requirements. The BPD working teams for use of force included supervisors and their perspectives informed the discussions.

Year Three Expectations

The key to success in Year Three will be to further ingrain the organizational vision regarding the role of BPD supervisors in helping to ensure the Judgment's policy and training goals are visible in the practical application of the daily work of officers. The BMT anticipates robust discussions on the role of supervision and the support for supervisors to engage in their defined roles and responsibilities.

Section V. Language Access

The Stipulated Judgment (Judgment) has specific requirements of the City and Bakersfield Police Department (BPD) regarding their engagement with people who have a limited ability to speak, read, write, hear or understand English. Generally, the requirements are outlined in Judgment Section V – Language Access and covered in Paragraphs 104 and 105. However, the importance of language access is also referenced in other areas of the Judgment, including Paragraphs 43d, 77, 134, 139, 140, 141 and 142. Essentially, if a person cannot understand police directions or access police services, they are inherently disadvantaged both as a matter of personal safety and in their right to access governmental services. The requirements are mutually shared by BPD and the City, as the City leads the language programs for the police and other city agencies.

Year Two saw progress and some challenges in achieving the Judgment requirements. However, the City and BPD remain focused and continue to deliver work in support of the Judgment. As we head into Year Three, the BMT anticipates continued progress toward implementation and Full and Effective Compliance (FEC).

Background

Bakersfield is home to many residents who speak languages other than English as their primary language. The U.S. Census Bureau reports that almost 42.7% of the Bakersfield population speaks a language other than English in their home, almost double that of the national population at 21.7%.³⁶ One of the key responsibilities of BPD is to provide timely and meaningful access to police services. For people with proficiency in languages other than English, law enforcement has not traditionally met their obligations to communicate effectively with people they encounter. However, as the first point of contact for many government services, it is paramount that law enforcement officers recognize meaningful access is the ability to provide services in the language spoken by the person seeking assistance. It is also a legal requirement.

³⁶ <https://www.census.gov/quickfacts/fact/table/bakersfieldcitycalifornia,US/POP815222>



Under Title VI, law enforcement agencies are required to provide limited English proficient (LEP) individuals with meaningful access to services and programs.³⁷ BPD officers encounter a range of languages in their day-to-day activities, so ensuring open and appropriate access for all is an ongoing priority. BPD was a member of an Advisory Committee, which identified, in 2019, that no respondent who had contact with the police had access to an interpreter who spoke their language.³⁸ Currently, BPD uses a range of translation services, from technology-supported to in-person. Kern County translates its ballots to include Spanish, Tagalog, Ilocano and Punjabi. The City of Bakersfield requires only Spanish-translated ballots. The BPD working group has identified, through the use of their technology-supported translation services, that the most requested translation languages include Spanish (70% of all requests), Arabic (4% of all requests) and Pashto (3% of all requests). Judgment Paragraph 142 specifically requires BPD to make available complaint materials in those languages required to be used for election materials.³⁹

As reported below, active monitoring for Paragraphs 104 and 105 occurred in Year Two. As we prepare to head into Year Three, the BMT expects continued progress, with the goal of compliance review for policy and training.

Monitoring Work

The BMT met with BPD regarding the language access requirements. Paragraphs 104 and 105 were active during the Year Two work. The working group met throughout the year to discuss language access generally and policy development specifically.

The department is making progress in drafting policies and procedures intended to fulfill Judgment requirements. The department has identified multiple solutions for addressing language barriers with people who engage with BPD. Specifically, the department has developed multiple technological solutions to enable on-demand translation services for many languages provided by commercial vendors. Finally, a training review is underway to ensure awareness of and compliance with the LEP policy and the legal responsibilities of officers. The department is working on a strategy for certifying employees as bilingual personnel who would be independently assessed as having non-English language proficiency. These certified employees would be used to serve as interpreters when needed, which includes an order of preference for the various options of language access. The BMT has not observed consistent engagement by BPD with the community regarding language services and the policy work has been internally driven by the BPD working group. The BMT anticipates focusing on community needs as part of the Year Three work.

³⁷ See, generally, <https://www.lep.gov/>

³⁸ <https://www.pewtrusts.org/-/media/assets/external-sites/health-impact-project/2022/06/language-interpretation-services-hia-report.pdf>

³⁹ Under the California Elections Code Section 14201, county elections officials must provide a ballot and instructions in the additional language in precincts where 3% or more of the voting-age residents are members of a single language minority.



Compliance Activities

The status of work toward achieving compliance with the Year Two Paragraphs is as follows.

- **Paragraph 104:** The department is working on Policy 330 Limited English Proficiency Services, intended to provide guidance and direction to officers for meaningful engagement with and language access service requirements for people who do not speak English as their primary language. The BMT has been engaged in these discussions and finds the work on the policy to be consistent with that of the policy approved by the U.S. Department of Justice for the Denver Police Department.⁴⁰ However, BPD has not sought broader input from community stakeholders into the policy work. BPD plans to present the draft policy to the CAP, as required by the Judgment.

While the City initially appointed a Language Access Coordinator (LAC) as required under Paragraph 104b, this person left in Year Two, slowing some of the progress. There was also a shift in the internal team at BPD. The LAC was replaced with the City's Americans with Disabilities Act Coordinator. The LAC is now called the Limited English Proficiency (LEP) Coordinator/Title VI Coordinator. This person is assigned to the City Manager's Office and is engaged in additional training to ensure they are successful in this role. How this role will interact with BPD remains a work in progress, as BPD anticipates an internal position responsible for coordinating and implementing the LEP policy and plan throughout the department. However, the Judgment is clear on the role and the coordination required with the LAC, and the BMT believes BPD continues to work to this end.

- **Paragraph 105:** The BMT and working group discussions regarding compliance have progressed the work throughout the year. Community input is necessary to ensure compliance is achieved with the Judgment requirements and will be required for BPD to determine alignment with community needs.

Year Three Expectations

The BMT has observed a focus and commitment within the BPD working group to advance the policy and required work for language access. In Year Three, the BMT will continue to work with the department to finalize the policy and to help assess and implement training required to support Judgment compliance. One goal will be to have BPD demonstrate a stronger connection with communities that require improved language access so community members can engage effectively with the BPD to receive services consistent with those who speak English as a primary language.

Section VI. Personnel Practices: Recruitment, Hiring and Promotions

The Stipulated Judgment (Judgment) has specific requirements of the City and Bakersfield Police Department (BPD) regarding personnel practices, including recruitment, hiring and promotions.

⁴⁰ <https://www.justice.gov/opa/press-release/file/1558801/download>



Generally, these requirements are outlined in the Judgment in Section VI – Recruitment, Hiring and Promotions. This section covers Paragraphs 106 through 124. These requirements are mutually shared by BPD and the City, as most personnel management practices for recruitment, hiring and promotions are managed by the City’s Department of Human Resources (DHR).

The City and BPD continue to work on the Year One Judgment paragraphs and expand into the Year Two paragraphs. Work was completed on Paragraph 124, which has been approved for FEC. DHR has made progress toward executing the Judgment requirements. The BMT has been engaged and reviewing this work.

As we head into Year Three, all paragraphs within Judgment Section VI will be active, and the BMT anticipates continued progress in this area.

Background

BPD and DHR share the responsibility for the management of BPD personnel. DHR owns the recruitment, hiring and promotions processes for BPD. In turn, BPD provides access, information and collaboration in the development and progression of these practices. DHR, for the most part, manages the professional staff (civilian) of BPD, including the hiring, career development and disciplinary investigations. Many of the Judgment requirements for this area are established under Bakersfield ordinances, including the roles and responsibilities of the City Civil Service Board, or under California requirements, such as the hiring standards established by the California Commission on Peace Officer Standards and Training (POST). However, the management of the process and the way in which the City seeks to recruit and hire sits directly with DHR.

In Year One, DHR presented an approach for achieving compliance that was thoughtful and strategic. As we worked through the paragraphs in Year Two, the DHR staff was engaged and focused. Throughout the monitoring periods, there were discussions regarding the role of the BMT and how compliance with the Judgment would be measured. Once this process was understood, DHR set to work on moving to compliance. Unlike most other areas of the Judgment, there were set timelines for performance for some of the paragraphs in this section. However, early in the monitoring work, it was identified that compliance with the Judgment timelines would be challenging for BPD regarding some of the paragraphs in this section. In part, this was because the baseline work necessary to implement the requirements of Paragraphs 120, 121 and 123 was not in place. While there has not been a formal adjustment to Judgment timelines, the Monitor concurs there is foundational work that has to be implemented prior to achieving FEC in Paragraphs 116, 117, 118, 120, 121, 122 and 123.

The BMT summarizes the Year Two monitoring and compliance activities below.

Monitoring Work

BPD serves as the primary point of coordination for the Judgment compliance coordination. However, given their city-wide authority and knowledge of personnel issues, DHR leads the BPD working group



for the paragraphs regarding personnel practices. At its core, the Judgment requires the City to recognize the value of transparency, along with the definition and education of its employees to ensure fair and open practices and processes for hiring, retention and promotion.

Early in 2023, DHR developed a project plan identifying a path to compliance for the Year Two paragraphs. As part of the work, routine meetings were scheduled with DHR, the BMT and other working groups. While schedules have shifted throughout the year for both the BMT and the working groups, the meetings under this section were not as frequent or robust as were planned. Both the BMT and BPD will ensure fidelity to schedules in the Year Three work plan.

Paragraph 124 required the City to prepare a proposed charter amendment for the November 2022 General Election which would seek to permit the appointment of a person from an external agency to the position of Chief of Police. Prior to this, only BPD members could be appointed to the position of Chief of Police. In 2022, the City worked on drafting the language and setting up the process to put the amendment to a vote. The Amendment to the City Charter was ratified by the voters in the election held on November 8, 2022, and the matter was submitted for FEC approval in early 2023.

Work regarding compliance with Paragraphs 116 and 122 has been ongoing throughout Year Two. An initial compliance review of the work conducted by DHR and BPD for these two paragraphs is anticipated early in 2024.

Compliance Activities

The specific status of work toward compliance with the Judgment Year Two Personnel Practices Paragraphs is as follows.

- **Paragraph 115:** This was a Year One goal and requires that the decision to suspend or not elect a candidate will rest with the rank of lieutenant or higher. In November 2023, DHR submitted initial draft documentation to the BMT for review of its compliance efforts for Paragraph 115. It is anticipated this matter will be finalized in early 2024.
- **Paragraph 116:** The BMT and DHR have had discussions regarding compliance with Paragraph 116 that requires the implementation of a promotion policy to satisfy the requirements of this section of the Judgment. Work has progressed throughout the year. Initial documentation of the work completed to date, which BPD and DHR believe is compliant with the Judgment, is anticipated as part of the Year Three work.
- **Paragraph 119:** Approval of the compliance measures for this paragraph occurred in Year Two, which requires annual reporting to the City Council and the public. Draft reporting formats have been shared with the City Manager and the Chief of Police for review and approval. The goal is to share this information in the weekly City Council update and to post the data on the City's website. Submission for FEC review is anticipated in Year Three.
- **Paragraph 120:** This paragraph requires reviews and updates to the promotion plans for all ranks within BPD every two years and is directly linked to Paragraphs 116, 117 and 118. As



these leading paragraphs have not attained FEC, compliance with a two-year update was not achievable.

- **Paragraph 121:** This paragraph has a 60-day timeline for review of the promotions assessment called for in Paragraph 120, to include an implementation plan in response to recommendations. However, given the limited progress on the supporting paragraphs, this paragraph has not progressed in Year Two.
- **Paragraph 122:** This paragraph requires internal and external publication of the duties, eligibility criteria, knowledge, skills, and abilities considered to select qualified candidates who are effective supervisors in compliance with City policy and the Judgment. Working group discussions have occurred, and compliance measures were established in Year Two. However, there has not been compliance with the requirement this occur “within one year of the effective date of the Judgment.”
- **Paragraph 123:** This paragraph requires BPD and DHR to “develop strategies to increase transparency and awareness about the promotions process ... including, but not limited, to criteria for promotions and promotion decisions.” Working group discussions have occurred, and compliance measures were established in Year Two. However, there has not been compliance with the requirement that “within one year of the effective date of the Judgment,” In part, because this paragraph relies upon the foundational work required in Paragraphs 116 through 121.

Full and Effective Compliance

- **Paragraph 124:** On May 1, 2023, DHR formally submitted its work on this paragraph for consideration of FEC approval. This paragraph requires that the City submit for voter approval a charter amendment to allow for the selection of a Chief of Police from outside the ranks of BPD. The BMT reviewed BPD’s submission. Regarding the agreed standards by which to measure implementation, Compliance Measure 4 required the City to draft a policy or protocol. BPD responded it would not draft a policy, as the City Charter is in effect an ordinance and as such would supersede any written policy. Given the language of the paragraph and the City’s voiced intent to comply with the spirit of the Judgment, the BMT recommended approval of FEC. The California Department of Justice (CALDOJ) concurred and approved FEC for Paragraph 124.

Year Three Expectations

DHR has been focused and engaged in developing the plans and work to achieve compliance, but there is a heavy lift ahead. As of this report, there are now 19 active paragraphs, of which one has achieved FEC. Much of this work is centered on ensuring competitive hiring and promotional processes centered on procedural justice principles of neutrality and transparency. The reform work is also impacted by civil service hiring rules and collective bargaining agreements. At its core, the Judgment requires the City to recognize the value of transparency, definition and education of its



employees to ensure a fair and open hiring process that shares the State's goals of equity, inclusion and diversity in the workplace.

Section VII. Community Policing

The Stipulated Judgment (Judgment) identifies community as central to the Bakersfield Police Department (BPD) and their reform efforts. Community policing is often described as the formal mechanism by which law enforcement agencies engage with their communities. However, to be effective, community policing must be seen as an organizational strategy, one in which the law enforcement agency integrates the concept of community engagement and partnership in problem solving as a baseline organizational strategy in how it delivers services to the community. The requirements are outlined in the Judgment in Section VII – Community Policing and covered in Paragraphs 125 through 136. However, the importance of community policing as envisioned in the Judgment is also referenced in other areas, including Paragraphs 53, 64 and 108. For example, under the Judgment, CAP⁴¹ is a key community policing engagement that requires BPD to work with the community representatives on CAP to develop policy, but also to engage in the exchange of information and ideas, which the CAP representatives are to share both with BPD and the communities represented by CAP members.

Year Two saw progress in working towards the Judgment requirements. BPD's community strategic plan was presented to the CAP for review and was finalized at the CAP during the March 2023 meeting. However, there has been limited discussion relative to and focus on BPD's operational strategies to enhance its community policing practices. As we head into Year Three, the BMT expects continued and measurable progress toward implementation of the Judgment requirements.

Background

Bakersfield is a diverse community with significant civic pride in its neighborhoods and history. Community policing as strategy is most visible in the BPD's Community Relations Unit (CRU).⁴² CRU event-driven activities that engage the BPD and community occur regularly and cover a range of activities. The work focuses primarily on engagement events across the city, all done to a high level of focus by the staff within CRU. Other units within BPD are tasked with supporting events as requested, including the community academies and events such as coffee with a cop. BPD notes there are other operational engagements with the community. For example, patrol officers are tasked with support of programs such as Neighborhood Watch. However, BPD does not specifically task its members, other than those in CRU, under a community policing strategic plan focused on directed community policing engagement.

⁴¹ As identified in other report sections, BPD has elected to call the Community Advisory Working Group, as defined in the Judgment, the Chief's Advisory Panel, or CAP.

⁴² <https://www.bakersfieldcity.us/383/Community-Relations-Programs>



The community policing sections of the Judgment address a wide range of concepts associated with community policing in general. Paragraphs 127 through 132 address Problem-Oriented Policing and include officer visibility and community engagement, training for BPD and the community, organizational strategies and leveraging the CAP to ensure wide dissemination of information to the community. Paragraphs 133 through 136 require ongoing community survey, and the outcomes of the first survey are reported in Appendix F. BPD fully supported the BMT in developing the surveys, fostering participation and ensuring ongoing operational support for the team conducting the survey. This included coordination and changes in staffing to support obtaining public and internal survey participation.

As we prepare to head into Year Three, the BMT expects continued progress by BPD in building strategic engagement with the communities of Bakersfield.

Monitoring Work

The BMT reported in Year One that the CRU was BPD's primary vehicle for community policing. CRU was also responsible for the administrative support of the CAP and the Lieutenant supported the CAP meetings with the Chief. Given the goal of moving the reform work on policy through the CAP in Year Two, CRU was heavily engaged in BPD's establishment of the CAP, which has its own specific paragraph requirements but is also a vehicle for the advancement of the community policing requirements under the Judgment. Therefore, much of BPD's visible compliance work was centered on establishing the CAP and the policy review process. The CRU provided administrative support and facilitated meetings for the CAP, in addition to the work of the Chief in support of the CAP. The work with the CAP been substantive and the time and effort focused coordination and engagement were greater than originally anticipated by BPD. We note below there were communication challenges with the CAP review processes and general agenda items in Year Two. These issues were not the result of the CRU engagement, as we observed consistent focus in the attempt to support the CAP. The CRU also assisted the BMT in engaging with community members more broadly, and these efforts were appreciated. Discussions with BPD regarding process at the CAP resulted, in part, in BPD seeking an independent facilitator to support the coordination and communication between the CAP and BPD.⁴³ This should allow more ability for CRU to focus on the other community policing requirements under the Judgment.

Throughout the year, the BMT observed and attended routine community meetings held between BPD and its community partners. There are formal stakeholder partnerships focused on problem-solving with the community and other practices that support some of the Judgment requirements ongoing in BPD. However, work directed at the community policing requirements under the Judgment was not shared with the BMT. We expect an increased focus on the overall community policing strategic approach to building problem-solving partnerships and enhanced relationships with all communities in Year Three.

⁴³ The BMT is aware that a project manager has been hired and this process will be part of the Year Three monitoring activities.



Compliance Activities

A range of community policing actions are required of BPD under Judgment Paragraphs 125 through 132, and all but Paragraph 129 were active in Year Two. BPD did not submit work related to the Judgment's community policing requirements for formal review by the BMT in Year Two. However, the BMT engaged with BPD regarding its community engagement and observed some of BPD's community policing practices. The lieutenant in charge of CRU is also the coordinator of the CAP. In Year One, CRU drafted a report outlining its community policing activities. This report and the community strategic plan are not currently published on the BPD website. Given the focus on policy development and the establishment of the CAP, most of the monitoring activity in Year Two was linked to BPD's engagement with the CAP.

Paragraph 126 requires BPD to develop a strategic plan to meaningfully engage with the CAP in developing revised policies as called for under the Judgment. In Year One, the CRU introduced to the CAP its Community Engagement Strategic Plan, which was reviewed by CAP and fulfills part of the department's compliance requirement under Paragraph 126.⁴⁴ BPD has a strong focus on police community events, which are good mechanisms to initially engage with community members. Aside from formal stakeholder partnerships, such as the Gun Violence Reduction Strategy,⁴⁵ a strategic focus on community policing was not visible to BMT nor discussed in meetings with BPD. Engaging the community in problem solving is required under the Judgment, and in Year Three, we expect to further define what BPD is doing in this area.

BPD continues to support community outreach efforts, primarily through CRU. While a report outlining the engagement activities was shared with the BMT in Year One, a search of the BPD website does not contain this report or other reporting on the progress of the community engagement activities, as required under Paragraph 131.

Paragraph 132 requires BPD to seek assistance from the CAP members to widely disseminate information to the public in English and Spanish. The new policy regarding the police response to people who have limited English proficiency remains under development. However, the role of the CAP members under this paragraph has not been defined, and there was no discussion on this at the meetings the BMT attended.

Judgment Section VII also requires broader publication of BPD initiatives, access to department members and opportunities to receive community feedback. As noted in the Year One report, BPD has engaged systems for customer feedback that have the potential for good practice. In Year Two, some of this work has progressed, such as posting policies and using social media, but the department's website does not support direct engagement or consistently provide updated information regarding BPD's community policing initiatives or reform efforts.

⁴⁴ This strategy has not been submitted for formal review. The Year Three plan will finalize the process for post-CAP return from BPD and review by the BMT and the California Department of Justice (CALDOJ).

⁴⁵ This program was implemented as part of a citywide initiative in January 2022. See, <https://www.bakersfieldcity.us/458/City-Council?contentId=5c1af08e-789d-442c-ab6d-73e4985db980>



Paragraph 128 requires BPD to more broadly engage all ranks and units in community policing practices. The actions of BPD in support of this paragraph were not submitted for BMT review. However, the BMT notes that the Chief invited supervisors to attend CAP meetings and CRU invites officers to attend community events. The goals in inviting personnel from all ranks to these events are consistent with the Judgment. The BMT notes that defining roles and tasking BPD members in attendance with specific engagement responsibilities would improve the interaction between the community and BPD members at these events.

Year Three Expectations

The BMT has observed a focus and commitment to working with Bakersfield communities, particularly by the CRU. In Year Three, the BMT will continue to work with the department to encourage discussions and compliance with the specific Judgment requirements for community policing. Such work includes discussions regarding diversion programs as envisioned in Paragraph 127, the establishment of a plan for officers attending community events in support of their community policing responsibilities consistent with Paragraph 128 and continued training in a manner called for under Paragraph 129.

Section VIIA. Community Advisory Panel

As reported in Year One, the Bakersfield Police Department (BPD) built a plan and strategy to initiate its work on the Community Advisory Panel (CAP), as required under Paragraph 63. While delayed in its initiation, the early planning undertaken by BPD regarding the CAP demonstrated a thoughtful approach designed to broaden community participation beyond that required under the Judgment. BPD engaged neutral parties, including those outside BPD, to evaluate the application and engage in the selection process of CAP members. The CAP members were notified of their selection for the panel in late 2022. The inaugural CAP meeting occurred on January 19, 2023.

The BMT provided technical assistance to BPD as it initiated the CAP and continues to do so as BPD works through the Judgment requirements related to the CAP. The Chief has assumed direct leadership over the CAP with the Lieutenant in charge of the Community Relations Unit (CRU) providing coordination. BPD undertook training to improve the facilitation and discussion skills of the BPD members who would present to the CAP.⁴⁶ The Chief identified the reason he invites his command staff, captains and above, to attend CAP meetings to develop an awareness and understanding of the issues and opinions raised by the CAP members. At the end of 2023, one policy has been reviewed by CAP, Policy 310 Canine Use of Force. Two other policies, Policy 300 Use of Force and Policy 305 Officer Involved Critical Incidents, have been released to the CAP for input and remain under review. The Community Policing Strategy, as discussed in Section VII, has been reviewed and finalized through the CAP. The BMT has not seen the final outcome.

⁴⁶ The BMT provided training to BPD members in a seminar format to discuss conversation techniques and public engagement. This training occurred during a site visit and is part of the technical assistance offered by the BMT.



In Year Two, despite a well-structured start, BPD has been inconsistent in its engagement with the CAP. Roles and expectations for the CAP and BPD have not been mutually defined, nor has the policy review process for the work required under Paragraph 64 been fully defined. BPD needs to commit to working collaboratively with the CAP to collectively develop a defined practice for the review and reconciliation of policies, including being transparent with how the comments of the CAP and the broader community are reconciled. Several CAP members have told the BMT about their frustrations with the lack of coordination and communication with BPD. BPD has acknowledged there were challenges with establishing procedures that support effective policy engagement and managing the workflow for the CAP. A well-defined and transparent process for how BPD will reconcile community comments is key to achieving compliance under the Judgment. The BMT expects this process to be established early in Year Three to facilitate the ongoing review of the BPD policies being updated to conform with the Judgment requirements.

As the Judgment heads into Year Three, there is promise for CAP engagement but also concern. BPD has implemented a new productivity tool with the goal of ensuring a more open and transparent process for information exchange between the CAP, the community and BPD. This tool is still being implemented as of the end of Year Two but is anticipated to better facilitate and track policy review edits and discussions. In September of 2023, BPD agreed to having/hiring/staffing CAP meetings with a CAP co-facilitator to ensure greater communication on agenda items. The December 2023 meeting demonstrated a coordinated approach to the CAP meeting by the BPD and the CAP members assigned to facilitate. BPD is seeking to hire an independent facilitator, or project manager as defined in the proposal request. The independent facilitator or project manager is intended to improve the process and accountability for policy review, as well as the administrative management of the CAP.

Background

Achieving compliance with the Judgment hinges on public engagement and improved cooperation between BPD and the community. The CAP is an opportunity for BPD to engage diverse communities actively and hear firsthand what the people of Bakersfield expect of them. It is also a chance to better inform the public, with the onus on CAP members, to give feedback to their communities on what they are learning and to complete the information loop by sharing with BPD the community's response to reform efforts. If correctly executed, it can serve as a collaborative platform that begins to mend relationships, foster trust, and humanize the people tasked with protecting and serving Bakersfield.

The City and BPD agreed that the purpose of the Judgment is to ensure that the City and BPD protect individuals' statutory and constitutional rights, treat individuals with dignity and respect, and promote public safety in a manner that is fiscally responsible and responsive to community priorities. The Parties recognize that these outcomes require partnerships between BPD and the community it serves, one in which BPD is transparent about its processes and provides community members with a voice in its functions. Pursuant to Paragraph 63, the CAP was formed late in 2022, following review from an external selection committee, staffed with the Bakersfield City Manager; a faith-based representative; and a professor from California State University, Bakersfield. BPD demonstrated good practice, consistent with the Judgment goals, in establishing an independent process. Additionally,



the Chief expanded upon the baseline requirements for participants as outlined in Paragraph 63 and opened participation to a broader group of Bakersfield stakeholders to participate in the CAP.

January 2023 saw the BPD host the first CAP meeting and in attendance were 23 community members representing key stakeholders in Bakersfield, including representatives from marginalized community groups and neighborhoods. These meetings did not align with the site visit schedule of the BMT, so we have adjusted the BMT schedule to provide as much observation of the meetings as possible. At the Monitor's request, BPD has shared the 2024 schedule for CAP meetings ahead of our work plan delivery to better align our resources to monitor the CAP progress.

Initially, meetings were organized every two weeks until the CAP eventually moved toward a monthly schedule. BPD leadership, mainly the Chief of Police and others from his command staff who cover in his absence, facilitate these sessions, which last for an average of two hours. As of November 2023, BPD has held 11 meetings and covered the following topics:

- CAP setup, logistics, group expectations and rules of engagement.
- Overview of BPD's technology to engage community feedback.⁴⁷
- Review and revision of BPD's Community Engagement Strategy.
- Review and revision of Policy 310 Canine Policy.
- Introduction of the Policy 300 Use of Force Policy.

Monitoring Work

The BMT engaged early with BPD as it developed its policy and practice in initiating the CAP. In 2023, the BMT provided technical assistance on engagement models and shared best practices, as well as engaged in discussions regarding issues of concern to BPD. At the request of BPD, the BMT provided training to facilitate BPD's ability to engage with community members more openly. We also worked with the Chief and the CRU Lieutenant, who were the leads on CAP within BPD, in addressing scheduling and the process for policy review. After the CAP was initiated, we engaged the community and CAP members as they began to work in their new roles. This community engagement came through observations of meetings, direct conversations with CAP members and a survey of CAP members.

At the outset, CAP members appreciated how the Bakersfield CAP was established. Members interviewed and surveyed noted BPD's efforts and expressed gratitude to Chief Terry for his receptivity and willingness to do something different. Most CAP members were optimistic about improved outcomes despite some challenges faced in Year Two. BPD acknowledged challenges in establishing and connecting with CAP and identified alterations to the approach throughout 2023 and in preparation for Year Three. Our observations aligned with some of the concerns raised by both

⁴⁷ This addressed BPD's customer service technology used to track satisfaction with the response to calls for service. The BMT has noted this as an emerging good practice in Year One.



BPD and CAP members. Minimal guidance and little infrastructure to support the process have resulted in frustration increasing over several meetings, as 20 or so people with no prior knowledge of one another, sometimes unfamiliar with working groups, have tried to develop a framework and definition for their roles under the Judgment. Some CAP members are still learning about police practices and the expectations of the Judgment, including how to find a way to organize the time and effort expected from BPD.

CAP Engagement

The BMT has been engaging members of the CAP to understand their perspectives on reform in Bakersfield. The CAP is convened and chaired by the Chief, so our role has been focused on developing information regarding its progress and perspectives on reform, rather than providing technical assistance or specific direction. Discussions with CAP members and BPD regarding the CAP continued throughout Year Two.

Our methodology for collecting and reporting CAP perspectives in this section included a survey and formal interviews.⁴⁸ In July 2023, invitations to schedule and participate in virtual and/or in-person interviews went out to all CAP members, with two follow-up prompts to elicit greater engagement. At this time, active participants decreased from the original 23 members to 15 -18. This process and outcome are more fully discussed later in this report, and the survey and responses are posted in Appendix I. However, the BMT consistently identified three key issues:

- 1. Undefined expectations and misplaced accountability negatively impact the opportunity for a more collaborative approach.** CAP members were unsure of their roles and how to go about the work – some believing this to be an exercise based purely on the language in the Judgment, with many others seeing the opportunity to weigh in and co-create with BPD the best policies and outputs possible. Additionally, members acknowledged the friction brought by the lack of collaboration. For example, BPD requested and expected members adhere to strict deadlines regarding document review and revisions despite BPD providing no functioning infrastructure – like document sharing – or clarity around how new and/or different ideas and language would be integrated and implemented. Collectively, the CAP and BPD are struggling with their roles and responsibilities.
- 2. The lack of structure has been frustrating and an impediment to CAP attendance and engagement.** Members noted their appreciation of the Chief and BPD not taking a heavy hand when it comes to the functioning of the CAP. However, the absence of clear BPD expectations and direction, structure, or organizing principles is not seen as giving the CAP agency. Rather, concerns were raised to the BMT that such actions are a hindrance to progress.

⁴⁸ The BMT notes that the BPD conducted a survey of CAP members in July 2023, which received 11 responses. The responses shared by BPD appear to be varied but generally supportive of the BPD.



3. **CAP members expressed that the BPD does not engage collaboratively and there is no real discussion on issues of concern, CAP comments or requests are easily dismissed or disregarded.** CAP members indicated that discussion is limited at the meetings and BPD responses are not consistent. One CAP member identified that absent sufficient discussion or review, they were reluctant to move forward in their role with CAP for fear of being used as a form of rubber stamp. Some interviewees noted they felt BPD did not engage or discuss CAP comments during meetings. They also felt that the policies CAP reviewed received limited feedback. The BMT has observed BPD provide general feedback on one policy, but with limited discussion as to why the department made the decisions it did. The BMT is also concerned over the CAP perceptions of not having voice as we have heard leadership at least once state to the CAP that BPD does not need to change its policy based upon CAP input. Some comments include the following.

“We understand we’re advisory but ... before we’ve even started getting into the policy document, to cut off conversation – well, it’s very clear that they’re still in charge.” Interviewee comment

“It seems that our suggestions are being heard and rejected, the Kern business-as-usual method.” Survey comment to Question 8

Most of the CAP members who engaged with the BMT remain committed but were frustrated with the lack of progress. They attributed this to poor communication and an uncoordinated framework and approach. This frustration surfaced more broadly following the November 2023 CAP meeting. The presentation on police use of force by an external speaker hired and selected without CAP input prompted concerns among CAP members after the meeting. This incident is discussed more below, but in the end, the goal should be for BPD to adjust how it conducts meetings and engages CAP given all of the feedback received. The BMT is aware of actions undertaken by BPD to improve the CAP process, such as hiring an external facilitator/project manager, and will continue to attend and monitor the CAP engagement by BPD.

Summary of CAP Observations

Both BPD and CAP agree the CAP meetings got off to a less-than-productive start due to unclear expectations and without a set framework for the anticipated work to come. In Year Two, more focus was spent on meetings general discussions rather than with addressing structure, processes and roles necessary to support the policy review work.

CAP members have learned to be increasingly more vocal about what they might want the CAP/BPD collaboration to look like and how best to use the meetings to get the work done. We have seen recommendations on what, how or whether the CAP should engage on issues come from smaller group configurations, generally the most vocal and the most familiar with this kind of work. This is not unexpected since CAP members are unfamiliar with one another, have disparate understanding and knowledge of police practices, and do not necessarily have a shared perspective on BPD, the community, or the expectations of the police and roles under the Judgment. The diversity in opinion



and focus is common within such groups, and as CAP members become more familiar with and engaged in the work they are asked to perform, we anticipate some of the early issues will resolve. The BMT notes that the December CAP meeting was well organized and had open discussions occurring between BPD and CAP members.

The Chief has been amenable to the CAP recommendations. In the last half of 2023, the group has been examining new ways of organizing and working toward the Judgment's goals of active policy review. However, the BPD team as a whole is still working toward a unified voice and approach in working with the CAP. The BMT has heard from CAP members how the mixed messages are perceived as resistance, reluctance and even defensiveness on the part of BPD. The BMT's observations of the CAP meetings and other community engagement inform us that this perception has some basis and is concerning as it affects the department's relationship with the CAP. Successful compliance with the Judgment will require an earnest openness by the whole of BPD to collaborate with the CAP.

The process for finalizing a policy after CAP input remains a work in progress with BPD, and it is not clear how BPD plans to evaluate and address CAP input. The initial CAP comment process for the review of the canine use of force policy was not well managed. BPD will need to clearly define the process for reviewing CAP comments, as well as those of the larger community. FEC compliance will require a clear protocol for processing comments, including tracking and identifying the department's response to comments not accepted. A clear record of meaningful review of CAP comments is key to achieving compliance with the CAP engagement required under the Judgment.

Finally, credit is due to the CAP members for their commitment, patience, and courage to share their views on what is and is not working in their engagements with BPD. We also recognize BPD's efforts in undertaking a new way of engaging the community and seeking to accept constructive criticism as it moves forward with the hard work of transformation and new ways of engaging with the community.

Policy Review Goals

While BPD has demonstrated commitment in supporting an effective CAP collaboration, the department has not evidenced strong collaboration. For most of Year Two, instead of working in partnership with CAP members to determine how best to inform the CAP regarding BPD policy goals and actions, BPD has moved independently. This is likely done with good intentions but comes across as heavy-handed and is seen as ignoring members' ideas and voices.

A recent example illustrating this approach was the presentation provided at the November meeting. The speaker was identified and scheduled by BPD without CAP input. There was concern by some members of CAP who felt this speaker was controversial. The Chief sent a letter to CAP members stating the purpose of the presentation was to provide insight into use of force.

The Chief announced at the October meeting that a speaker would be attending the November session. Outside of the meeting, various CAP members conducted their own research and emailed



the Chief, and other CAP members expressed concerns regarding the designated speaker. The Chief shared his intention to keep the speaker but invited CAP members to keep an open mind and prepare to address their concerns during the meeting. Unfortunately, due to time constraints, there was little time for questions following the session.

The presentation itself was met with mixed reactions by the CAP members. Some members found the presentation informative, while other members shared the felt experience that the speaker and his presentation diminished reform goals and challenged specific requirements within the Judgment. The BMT believed it called into question, if only generally, the reform requirements of the Judgment and California law regarding use of force.

The process leading to the presentation is a concrete example of the lack of collaboration between BPD and the CAP. BPD independently selected a speaker that did not discuss, address or inform the significant policy work that led to the draft or how it comports with the Judgment requirements. The presentation created controversy within the CAP as to their role and focus and the decision process that led BPD to select this presentation.

As a result, as Year Two ends, the BPD/CAP discussions are focused on speakers rather than policy review. The Judgment language and sentiment strongly encourage collaboration which means engaging with the CAP and co-developing the process as well as the work products. The BMT notes the focus from both the CAP and the BPD on bringing in outside speakers - without clear objectives or an understanding of how this might address the policy work - is distracting and may impede policy review progress. The December 2023 meeting demonstrated improvement, as BPD collaborated with the CAP in setting the meeting's agenda and discussion items. The Chief has also continued to express his pledge to continue collaborating with the CAP and to meet the obligations outlined by the Stipulated Judgment. Both actions are promising, and ideally, collaboration continues to grow in Year Three, thereby allowing for an informed and productive policy review from the CAP that is supported by BPD.

Year Three Focus

As outlined in Paragraphs 63 and 64 of the Judgment, BPD is responsible for working with the CAP when revising policies that are of particular interest to the community and for receiving input into policy and procedure development and review. We anticipate a co-facilitated process that is open and collaborative and predicated upon a partnership focused on improving policing, including community relationships, in Bakersfield. Giving voice to the CAP and ensuring the mechanism needed to hold BPD accountable for agreed roles and responsibilities must be a key focus in Year Three. For its part, BPD must clearly define the expectations and responsibilities of the CAP regarding policy review and the follow-on sharing with the communities represented by the CAP members. BPD must also acknowledge the active roster for CAP and whether additional outreach is needed to better engage the CAP members. This effort will require open and frank discussions. The BMT notes BPD's search for an independent facilitator to support the CAP work and believes that this will help move the work of the group forward. By providing support and open engagement, BPD will be a partner to the CAP



in the policy development process in a manner consistent with the Judgment goals regarding the CAP and community partnerships. To date, only two policies have been presented to the CAP. We anticipated to see BPD continue to prioritize and grow the community partnership that is required under the Judgment.

Community Advisory Panel Insights

Throughout Year Two, the BMT engaged with CAP members and the BPD regarding the work with the CAP and the policy review process. Appendix I reports on the formal engagement through the survey and interviews initiated in July 2023, as well as throughout Year Two. The issues raised were consistent with ongoing discussions with the CAP throughout Year Two and were discussed with BPD as a matter of qualitative feedback throughout the year.

Methodology

In July 2023, invitations to schedule and participate in virtual and/or in-person interviews went out to all CAP members, with two follow-up prompts to elicit greater engagement. Interviews were supplemented by a short survey (17 questions). The surveys were anonymous, so the BMT cannot determine if the survey respondents were the same as those interviewed.

Of the 18 or so active CAP members, nine members agreed to interviews, and eight members engaged in the survey. The BMT appreciates the engagement on this topic and found the members to be open and forthright. Both modalities of engagement were anonymized, creating a safe space that encouraged candid input and sharing.

Interview Questions

We engaged in an interview format that was predicated on their perception, engagement and structure of their roles with the CAP.

Leadership, Structure and the Task of Self-organizing

From our early engagement with the Chief and his team, we noted there was a clear understanding of what needs to happen to ensure a successful CAP. There was a willingness to practice a new approach in adherence with the Judgment to convene and facilitate discussions with community members and to find a way to incorporate community voices in developing police policies and procedures. While BPD has extensive experience engaging and leveraging community groups,⁴⁹ the CAP differs in that the group is expected to actively participate in BPD's work products specified by the Judgment and is best served by developing and implementing processes and protocols that rely on collaboration and partnership.

⁴⁹ For example, monthly meetings are scheduled with the Community Engagement group and community-led gang-related meetings.



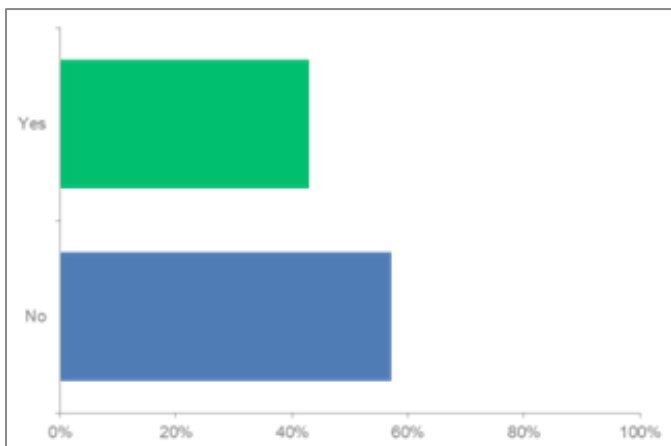
On several occasions, the Chief expressed and demonstrated good intentions, embracing the Judgment to collaborate and leverage the group as a resource to improve policing practices and rebuild relationships with the public. Both in preparing for and then facilitating the first meeting, the Chief expressed his desire for the CAP to have agency while providing a loose framework for the engagement (primarily by way of setup and logistics). As of the end of Year Two, BPD organizes the space, provides food and refreshments, sets the agenda, and facilitates the meetings.

Early on, it was agreed that some groups would be able to bring in substitutions based upon work demand or target area, as well as a representative's availability. The BMT noted that BPD provided some advocacy or community groups the ability to bring other members to the CAP meetings. However, it was never discussed how these additional participants would inform or engage with the CAP's work. This has since created some challenges for organizing, as some CAP members welcome the additional members, while others feel like they may be overreaching or diminishing the roles and voices of others. Regardless, the lack of definition has impacted some actions regarding the CAP's forward movement.

In general, the Chief's goal was to encourage open-ended discussions, allowing CAP members to feel comfortable expressing and asking questions. To this end, CAP member comments reflect the outcome of this goal. In one interview, a CAP member commented:

"I'm learning a lot about local law enforcement and police practices. Really being educated about their processes and what exists. We're being given a lot of information, which is great ... It's also good that we have the ability to have discussions with officers in a safe space."

Survey Question: Are you given a comprehensive agenda and information with sufficient time to review the material prior to the meetings?

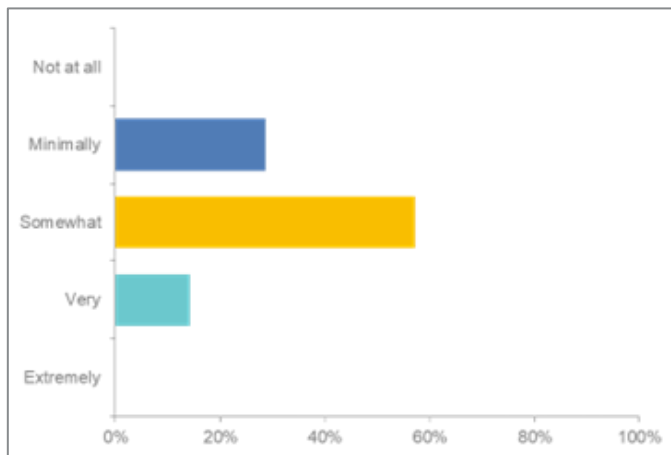


Additional Comments:

“If the agenda comes timely, it is exceptionally vague. If we are addressing substantive issues, we have too little organization or clarity on the project.”

“Sometimes it is late but overall good.”

Survey Question: How effectively are CAP meetings being run?



Additional Comments:

“They’re run respectfully. But we aren’t getting work done; it is more of a lecture format.”

“I did appreciate that the police didn’t come in and tell us what to do and how to do it - they’ve generally been hands-off... Anything heavy-handed would have been inappropriate. But I was expecting some kind of structure and organization, some balance between agency and rigidity.”
(Interview comment)

From our observations, the Chief has been relying on CAP members to self-organize and self-govern without providing direct guidance. We saw and heard this to be an increasing point of frustration as CAP members grapple with understanding their roles, what to do and what is expected of them.

While the Chief’s intention may have been to grant the CAP members license to determine how they would organize and assume the work outlined by the Judgment, some CAP members have found this lack of guidance has slowed the work of policy review. One example we heard included BPD leadership pushing for adherence to an arbitrary deadline in reviewing the first work product, BPD’s Community Engagement Strategy, but doing so without the ability to grant all CAP members access to the document-sharing platform for quite some time. One interviewee noted:



“They provided tight deadlines for us but never discussed or shared what to expect of them. They get angry if we need more time – which is weird, because the time is spent on them fixing the things that should have been in place to begin with, they never tested things like the online document sharing platform and when we asked for more time because we weren’t able to access the documents, they would get angry.” Interview comment

Another more recent example involved the CAP forming subgroups to review sections of the canine policy. Interviewees said they were under the assumption there would be a period of time set aside for everyone to share and hear back from other subgroups about their sections – ensuring everyone hears about all sections of the policy. This was not the case, and many shared a sense of disappointment and frustration at what they felt was a siloed effort.

There is an absence of clarity around expectations and roles for CAP and BPD. This ambiguity is reinforced by inconsistent messaging to the CAP from BPD leadership. Some, the Chief among them, allow and encourage a wide breadth of engagement from CAP members. However, other BPD members are more inclined to shut down discussions that do not speak directly to the language of the Judgment – exacerbating frustrations on both sides, as it impedes the progress of the work.

Absent clear direction and shared expectations, the group has spent much of YEAR TWO and many of the meetings still figuring out what the work is, how to approach it collaboratively and what is expected as an output. This observation has been confirmed during CAP interviews, and some members believe it is a likely cause of membership attrition and frustration for everyone involved.

“It didn’t help that they started these CAP meetings without really providing any context as to why we’re here – they never addressed the Stipulated Judgment, and a lot of members hadn’t ever read it. A lot of folks don’t have context or even know what the Judgment says as a whole.” (Interview comment)

“Incredibly frustrating that we continue to use meeting time to figure out how to organize ourselves and do the work. The Chief had promised to make time ... to figure out how we do this finally, but he wasn’t there, and [the BPD member] who ran the meeting instead wasn’t having it.” (Interview comment)

“It’s like BPD didn’t know how they want this to look or work, and it’s hard to think that that wasn’t on purpose. It has been difficult tracking and understanding what they want the CAP to look like, how they expect us to function, or the results they’re hoping for ... In the beginning, they were hands-off, like up to you, but that created confusion and delayed us from even starting the work and having the tough conversations we would need to have.” (Interview comment)

Many members felt respected and empowered to seek and ask for changes at CAP meetings. However, the perception among some CAP members is that BPD’s action (or inaction) regarding setting clear expectations and direction is a possible avoidance tactic.



Most recently, a subgroup of CAP members used the canceled August meeting to gather and discuss their concerns and frustrations. This same group proposed a new structure, with CAP members appointing a Chair and Co-Chair to support the efficacy of the group and serve as point persons to BPD. Chief Terry and his team met with the representatives and agreed to put the topic on the September meeting agenda.

The BMT attended the September meeting and observed a group still not fully cohesive and a department that seemed unsure as to how to guide it. That said, the group did nominate a member to serve as facilitator/moderator for the duration of the next policy topic – Use of Force.⁵⁰ Other changes the members called for and BPD has agreed to are:

- Co-developing the agenda, allowing CAP members a voice in how to run the meetings.
- Using the meeting time to do the work, not just for BPD presentations and discussions.
- Figuring out how and when to bring in other perspectives beyond those of BPD presenters for a broader understanding of the topic and to provide for a deeper context for discussion.

Expectations Around Implementation

Throughout Year Two, the Chief implemented some of the suggestions and technical assistance provided by the BMT, especially related to possible ways to introduce and familiarize members with BPD policies. These actions included providing context and helping organize materials in a way that allows members to navigate police policies, which are often lengthy, complex documents.

It is still unclear how BPD intends to integrate feedback and revisions. While there have been discussions, there is no defined process for what happens after the CAP reviews and discusses a policy. BPD has not identified the feedback process or the standards by which it intends to accept or reject feedback. Further, there has been no discussion about how BPD will address a possible impasse if the CAP remains unhappy or unsatisfied with the integration of its suggested changes.

We observed CAP members questioning the Chief and his team on several occasions about how proposed changes are recorded and evaluated. CAP members reported that not knowing what would happen next or how the review process would conclude caused some anxiety and heightened mistrust. Some identified that their reputations were involved, and they wanted clarity as to the potential outcomes. Inconsistent messages from BPD members regarding the process and the expected level of community input and engagement have not allayed concerns. Given there has been little in the way of feedback or advisement on how the CAP comments are being resolved, concern remains among some CAP members.

“BPD has expressed appreciation for the ideas generated by the CAP in developing the Community Strategic Plan. They have also mentioned several times that they may ignore recommendations from the CAP in the future. While we understand that our work is advisory, the

⁵⁰ The discussion that took place at the September meeting can be viewed via BPD’s transparency pages, or directly accessed here: <https://www.youtube.com/watch?v=auH7a5W1nbA&feature=youtu.be>.

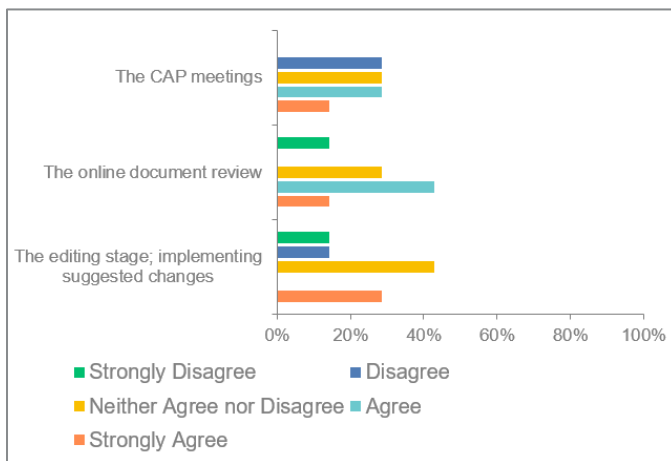


continued use of this warning and BPD’s control over the agenda and the meetings themselves created a question of serious collegiality.” (Interview comment)

“Already, our feedback is dropping off. They wanted us to review the document for spelling and grammar, and we’re giving them way more than that. No idea how this stuff is going to be implemented. The group itself is not functioning at a high level – I suspect it’s why half the members have stopped showing up.” (Interview comment)

“I’m afraid they will reject truly meaningful recommendations or incorporate a few tweaks here and there and say we’re in compliance because the CAP community has seen it. I don’t want to legitimize their behavior because we had one discussion.” (Interview comment)

Survey Question: Do you feel that your input is legitimately considered by BPD during:



Additional Comments:

“I feel that technical edits, such as sentence and paragraph structure, vocabulary choice, and organization, are welcomed and often implemented but wider critiques of the ideology behind the policy are often overlooked and dismissed. It appears the CAP is being utilized as a committee of copy editors instead of collaborators.”

“There has not yet been an opportunity for significant input to be considered. I sense that BPD would like to avoid CAP input as much as possible and until CAP members become more unified and more intentional, our input may not have much impact.”



Inconsistent Messaging and Attitude

There is concern among some CAP members regarding inconsistency in messaging, especially in Chief Terry's absence. This has also been noted by the BMT. While the Chief may agree to an action in one meeting, it is sometimes altered by the BPD member running a subsequent meeting in his absence. For example, regarding the review of the canine policy, early in the process, some members of the CAP expressed an interest in hearing perspectives from outside BPD and requested the Chief consider inviting outside subject matter experts to speak about canines as a use of force tool used by police. We heard openness from the Chief to exploring the idea, as well as mindfulness about the possibility of setting a precedent and therefore the need for some guardrails about the selection. The Chief shared his willingness to continue exploring the topic with CAP members. However, in a following meeting, the use of speakers other than BPD members was rejected by another BPD leader in the Chief's absence. That said, and as previously mentioned, the Chief did engage an external speaker regarding the use of force policy. The value – and collaboration - around such selections going forward will be monitored in Year Three.

Most CAP members expressed an appreciation of and acknowledged BPD members who demonstrated an openness and willingness to change. Unfortunately, the BMT has observed actions that demonstrate some reluctance to embrace reform efforts, as well as open questions regarding the utility of engaging the community in modernizing and updating police practices. We anticipate that as trust grows, there will be greater cohesion and commitment.

“There’s still a lot of resistance – it’s like they have an agenda that they’re not sharing with us. A lot of us wanted to understand different perspectives related to the canine policy and we proposed bringing in experts to help us paint a bigger picture. First Chief said yes and then [a member of BPD] said no. They’re not really open to feedback ... The presentations BPD gives are long-winded and one-sided. We haven’t really got the full picture or heard from impacted communities. Chief Terry agreed to bring in experts to talk to the group and seemed to understand the importance of having other perspectives in the room, especially when it comes to understanding how all of this impacts the community.” (Interview comment)

“[...] We asked about a point we’d made earlier to Chief Terry about inviting expert voices to come and share alternative perspectives about using canines and [a BPD member facilitating the session in the Chief’s absence] seemed blustery, it clearly didn’t land well. At one point [He] asked a question and I answered honestly and was told to stop complaining.” (Interview comment)

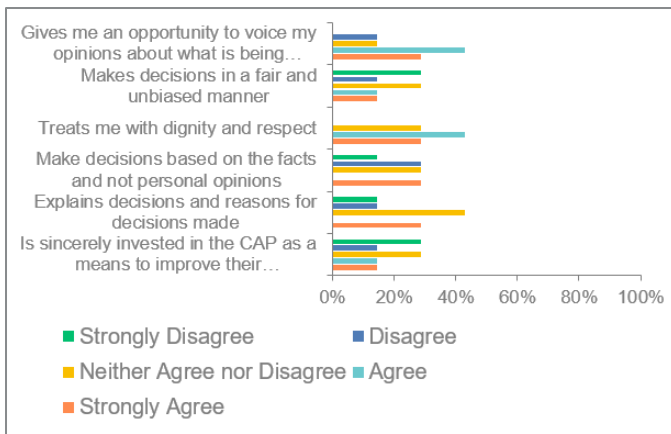
“Doesn’t seem like they [BPD] get the gravity regarding the change that needs to happen. Seems like they feel that PR will save the day. They have to change the culture in significant ways that they and some of the members are downright resistant to.” (Interview comment)

“On at least two occasions, [a BPD member] said we – meaning the Department – don’t have to accept any of these recommendations. We understand we’re advisory but to say such a thing,

before we've even started getting into the policy document, to cut off conversation – well, it's very clear that they're still in charge.” (Interview comment)

The higher ups are disappointing, when Chief Terry isn't there, someone else comes and they are clearly not on the same page.” (Interview comment)

Survey Question: During the CAP process, BPD:



Additional Comments:

“[...] I can make a comment, but there is no in-depth discussion allowed. Chief Terry is generally respectful, but other officers who have led the meetings or talked to us afterwards have been less so. I do not think BPD is really invested in the CAP but feels it is something they have to do and would like to be done with as soon as possible.”

“I believe some members of BPD are genuinely invested and others treat it as a compliance formality. I feel that while we are free to speak and voice questions and opinions during the meeting, that feedback is not necessarily considered outside of the meeting space.” (Interview comment)

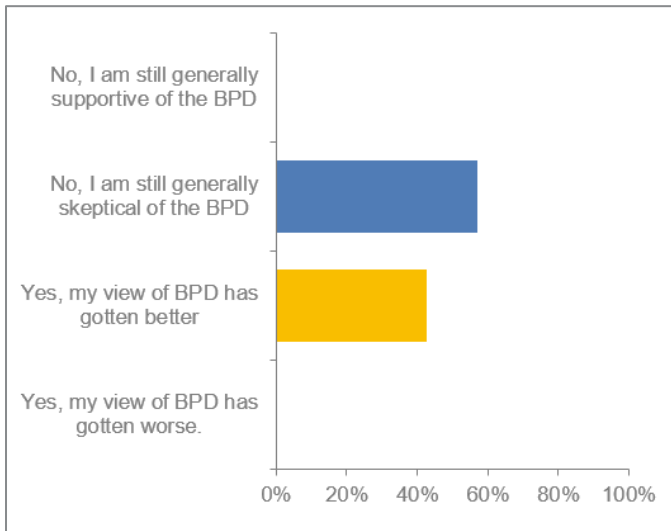
“I do think the Chief is trying; he doesn't look too happy all the time doing it, often he looks and sounds like he's being forced to do it ... I don't know that he believes this is going to work – but even if he's being forced, there's still change that comes from it ... The Department members he surrounds himself with are influential. The old timers don't want to be there, and don't want to do this. The younger people, they're a bit different – they're more open and responsive. He needs to surround himself with the young folk.” (Interview comment)



“The culture needs to shift, I always felt that. The issues we have with the Department are definitely systemic, because we have officers whose intention is to do good and it’s clearly not enough.” (Interview comment)

“Not so much the officers but the BPD staff are very responsive. (Interview comment)

Survey Question: Has participating in the CAP changed your view of the BPD?



Additional Comments:

“I respect BPD and am appreciative of the difficulty of their job. My skepticism is around their recognition of the need for change and their being open to new thinking and new ways of policing.”

Infrastructure and Accountability

Another concern shared among the CAP members was their experiences in using the less-than-optimum infrastructure to share documents and capture feedback, input and edits. BPD initially used the free version of an online sharing platform that some members could not access and did not always function well. The BMT also experienced these challenges with the system. However, despite delays caused by having to figure out an efficient way to do the work and store materials, BPD did not alter established timelines for CAP member review. This action called into question the partnership between the police and the community because BPD established the non-functioning system but was holding CAP to task despite the barriers. This action dismayed some CAP members who were hoping for a truly collaborative and collegial relationship with the department.



“They provided tight deadlines for us but never discussed or shared what to expect of them. They get angry if we need more time – which is weird because the time is spent on them fixing the things that should have been in place to begin with. They never tested things like the online document-sharing platform, and when we asked for more time because we couldn’t access the documents, they would get angry.” (Interview comment)

“The communication from the department has been patchy. The system they’re using isn’t working, and we keep discussing it. It’s not adequate —I’m working on one section and don’t get to see the other sections. We rely on the department collecting everything and then sharing it with everyone. The communications between the CAP and the department could definitely be better, more efficient.” (Interview comment)

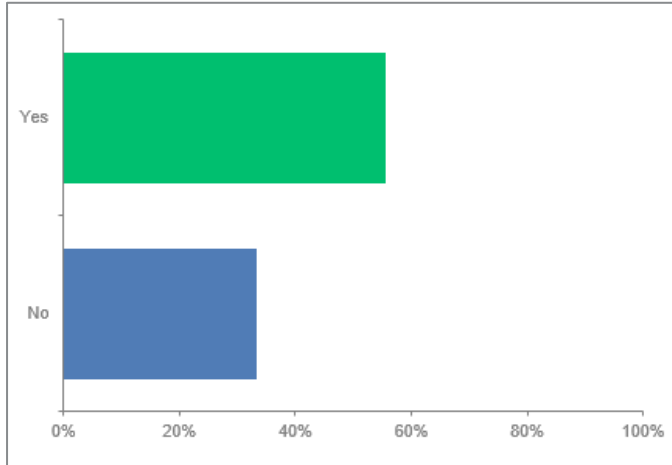
In response to these issues, the department has partnered with a third-party vendor to remedy the situation. At the September meeting, the Chief shared his intention to introduce a new platform and schedule training and onboarding for CAP members ahead of the October meeting.

Attrition and CAP Composition

Other themes observed by the BMT and shared via informal discussions at meetings, interviews and surveys focused on the CAP’s composition and member attrition. (The CAP started with 23 people and is down to approximately 15-18 engaged members). Although a few members noted the efficacy of a smaller committee, they also flagged the distinct absence of specific community groups (e.g., no formal representation from the LGBTQ+ community) and remained concerned that impacted voices were not well-represented, especially in policy discussions that frame police behavior and practices.

In establishing the CAP, BPD expanded membership and invited all groups identified in the Judgment. Following the initial outreach, however, there has not been much visible work by the BPD in managing and continuing outreach and engagement through the CAP, nor in ensuring consistent and visible representation for all Bakersfield communities. CAP participation is voluntary, but diversity is helpful to ensure representation from all communities in Bakersfield. Attrition is a concern because the reasons behind it are not known. Ensuring a voice for all CAP members, and by extension the communities they represent, is the responsibility of the CAP and BPD and should be a discussion point heading into Year Three.

Survey Question: Is the voice of any group missing from the CAP?



Additional Comments:

“Members of the Sikh and other South Asian communities, as well as indigenous people, broader Asian, LGBTQ+, members and/or representatives of community with disabilities, both educational and physical.”

“Low attendance is becoming an issue – we did talk about it at the last meeting [July] and the fact that we agreed that the absences meant you were out.” (Interview comment)

“It has been disappointing to see attendance declining at CAP meetings, and I think there is a need to attempt to understand the reason/s for this decline.” (Interview comment)

“CAP member attrition is hard. It’s hard to self-govern after hours and frustrating when we cannot use the CAP meetings to do any of the work – it means that we have to find more personal time to get the actual work done.” (Interview comment)

Officers In Attendance

We heard repeatedly during our interviews and discussions with some CAP members about the prevalence of BPD officers in attendance at the CAP meetings – sometimes outnumbering the members. This served as a point of contention for some, while others saw it as an opportunity to encourage officer engagement and collaboration. The Chief has indicated that he has encouraged his leadership team to attend the meetings to develop awareness of the progress and community perspectives. The BMT notes that more direct engagement during the meetings, such as specific tasking or with engaging subgroups of the CAP to facilitate discussions during the meetings, might be helpful. This type of engagement occurred at an early meeting of the CAP and seemed to help the CAP and BPD members connect on a more personal level.



“The only officers who should be present should also actively engage in conversation with some presentation or leave that to the subject matter experts. But the majority of them are in neither category – they’re not presenting, they’re not introduced as subject matter experts and they’re not actively engaging – they’re just hanging around.” (Interview comment)

Conclusion

Building trust and nurturing legitimacy are foundational principles underlying the nature of relations between law enforcement agencies and the communities they serve. Decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have authority that is perceived as legitimate by those subject to the authority. The public confers legitimacy only on those they believe are acting in procedurally just ways. In addition, law enforcement cannot build community trust if it is seen as an occupying force coming in from outside to impose control on the community.⁵¹

A functioning CAP is imperative, not just to fulfill the Judgment requirements, but also as a tool for modern-day policing. By engaging collaboratively with the CAP, BPD can develop an awareness of the emerging needs of its communities and shift resources to address them. This type of partnership is a powerful tool for enhancing law enforcement, developing safe neighborhoods and building relationships.

A well-functioning CAP provides additional resources to BPD, gives the community a platform and a voice, and offers an opportunity for the department to share its philosophy and reasoning in a consistent manner. It also demonstrates transparency and openness through shared insights and alternative perspectives that serve to inform police policy and practices more fully in Bakersfield.

It is critical for BPD to display a readiness to have uncomfortable discussions and for community representatives to recognize the humanity in BPD officers. The CAP is a requirement under the Judgment, but it provides the vehicle for this type of exchange to occur. Success is gained from earnest collaboration and partnership between police and public representatives.

Progress is being made and will continue. For long-term success to be realized, the CAP and BPD collectively need to find a process, structure and direction that works, ideally doing so together. How long it takes and how contentious the process continues to be will depend on the receptiveness and leadership of those involved.

Section VIIB. Community Survey

Judgment Section 7.B, inclusive of Paragraphs 133-136, addresses the Community Survey requirements. Paragraph 133 outlines the requirement for a biennial survey of members of Bakersfield regarding their experiences and perceptions of BPD and public safety. Paragraph 134

⁵¹ The President's Task Force on 21st Century Policing



further refines the survey design to require that the survey population consist of residents, officers and detained arrestees. Paragraph 135 requires BPD to participate and support the survey. The survey was initiated in Year One and finalized in Year Two. The outcome of the survey, which consists of three parts, is reported in Appendix F of this report.

Background

Surveys of public perceptions of the police are not a common or widely used tool in modern policing. Yet police departments must manage changing expectations of policing in the communities they serve to accomplish their work well. Key to determining whether the reform goals root within Bakersfield is capturing community sentiment regarding the delivery of public safety services and their engagement with BPD. Understanding the perceptions of police officers over time is important, as they are the forward facing component of the department. Whether perceptions on the support of the department and their view of the community changes over time is a strong indicator as to whether reform has touched the culture of the department. Finally, while we look at communities homogenously in policing, a sub-set of the community includes those who are arrested and detained by police officers. Whether they feel they were treated appropriately and consistently with the law provides insight to the department and to the larger community. The Judgment seeks to establish a baseline and calibrate over the duration of the active monitoring work whether there has been changes in perceptions, attitudes and beliefs regarding police and community in Bakersfield.

Monitoring Work

The BMT worked with the Munk School of Global Affairs, University of Toronto, to address Judgment the survey requirements. The three survey components were delivered individually, with the first being the survey of Bakersfield residents. In the summer of 2022, 1000 residents in Bakersfield were surveyed, by phone and in person intercept, regarding their perceptions and experiences of policing in Bakersfield. The second survey, that of BPD officers, was delivered electronically in December 2022. Of the 668 employees who were invited to participate in the research, 335 employees completed the survey. Third survey, that of detained arrestees, proved to be the more challenging of the instruments to deliver. The BMT acknowledges the support and resources provided by BPD to support this endeavor. This final survey occurred over several months in 2023 and had a sample of 49 arrested detainees. Each of these survey populations provided information that can prove helpful to BPD as it moves forward with its reform efforts. Individually and collectively the survey outcomes can help BPD determine whether the changes in policing in Bakersfield are recognized and improving outcomes and perceptions among stakeholders.

Survey Outcomes

There is a depth of information to derive from the surveys and the individual populations. The range of available data allows for BPD to configure and query as is necessary to assess perspectives and input on Bakersfield policing. Some highlights are outlined here. Notably, there is considerable divergence between officers' and residents' views of the degree of safety and solidarity in



communities they serve or live in as well as measurable gaps in their sense of reciprocal respect and trust. In short, officers were substantially more likely than residents to believe residents distrusted the police and lived in neighborhoods with a lot of crime and little confidence in neighbors. Third, there are marked differences between officers' and residents' perceptions of specific aspects of policing, such as the frequency of unfounded stops, the extent of equal treatment of all members of society, and the priorities for the future of policing in Bakersfield.

From a community perspective, there are indicators of a lack of collective efficacy and other forms of informal social control in those zones of Bakersfield that experience the highest crime rate and demand for police resources. However, even in the North Zone, which has a lower demand for BPD resources, fewer than half of respondents indicated they would be willing to help neighbors or intervene in a fight. This finding, in conjunction with the corresponding levels of fear in all police zones, provides fertile ground for the implementation of successful community policing efforts for residents around the city.

Specifically, while there is some relationship between levels of crime and survey responses, the relationship is far from perfect. This suggests that fear and diminished collective efficacy are quality-of-life issues and not exclusively crime issues. One of the most consistent findings from research on community policing programs is that these programs, when done correctly, are effective at addressing quality of life issues, thereby increasing perceptions of safety. Furthermore, there is a knock-on effect of an improved sense of security and greater perceptions of collective efficacy.

Additionally, when survey respondents were asked about what they would do if they were the chief of police, the majority of respondents (56%) indicated that their priority would be to improve the relationship with the community by training officers better, improving the way they interact with the community, or addressing quality of life issues (e.g., drug problems and homelessness). Furthermore, these totals were relatively consistent across racial/ethnic groups of survey respondents. Additionally, 27.8% of respondents indicated they would focus on hiring more police officers. The data suggests that relative to the staffing crisis that exists in many other police organizations across the United States, BPD is relatively well-staffed. Again, this survey result could suggest that people want to see officers in their communities more frequently rather than wanting additional officers hired.

Taken as a whole, the results from the survey strongly indicate that the community wants BPD to engage in more community policing and trust-building. BPD can use this data, and other sources, to determine how they can best address the community's concerns and work towards the coproduction of public safety in Bakersfield.

Year Three Expectations

The Judgment requirements are for a biennial survey. The BMT expects to work with the survey team to ensure timeliness and transparency as the monitoring work progresses. The ultimate goal is to effectively transfer capacity to BPD to use survey information to assess and calibrate the delivery of police services to the Bakersfield communities.



Section VIII. Personnel Complaint Review

Stipulated Judgment (Judgment) Section VIII addresses the reform measures required by the Bakersfield Police Department (BPD) as it relates to personnel complaint practices. BPD has agreed to implement policies and procedures that address the complaint process from intake through reporting.

A key to long-lasting reform is the creation of clear, direct and transparent departmental policies and procedures for personnel complaints. There are few areas of police policy more important to lasting positive police community relations than a department's focus and intent on resolving public complaints, specifically alleged misconduct, through a transparent, consistent personnel complaints policy.

Year Two saw renewed focus on the policy work required under the Judgment. Since the inception of the monitoring, there have been several leadership changes over the Internal Affairs Division, which has had an impact on the forward progress. While the engagement with BPD was informative and saw progress, the policy work anticipated to be completed was not.

As we head into Year Three, we anticipate the new leadership in the Internal Affairs Division will help streamline the policy reviews and help BPD achieve its goals under the Judgment.

Background

The management of personnel complaints rests with BPD's Internal Affairs Division (IA). IA is responsible for the management of the discipline system and the investigation of complaints not retained by the originating units. IA does not determine the finding or the discipline as that function is retained by the Chief who utilizes a supervisory review process that seeks input of direct supervisors up through the chain of command. However, as the owner of the system, IA plays a central role in ensuring the integrity of the records and the discipline system management.

Personnel complaints is an area wherein a revised policy, consistent with the requirements of the Judgment is required to improve BPD oversight and accountability practices as it relates to complaints of misconduct. As an administrative process, the specific actions in receiving and processing complaints are driven by local law and collective bargaining practices. BPD is no different than other law enforcement agencies in this regard. The work called for in the Judgment cannot go forward in a cohesive manner without the policy update. Therefore, revision of the policy has been a priority of the BMT.

BPD has significant work ahead to achieve compliance under the Judgment. Paragraphs 137 through 166 address every facet of the complaint process to include intake, classification, investigation, management review and adjudication, complaint review and investigation training and audits. Additionally, the impact of personnel complaints is referenced in other paragraphs regarding data measurements for BPD progress to include: Paragraph 60, in reference to misconduct complaints associated with use of force; Paragraph 64, requiring BPD to work with the CAP in addressing policy



work; Paragraphs 175 through 176 with regard to specific aspects of complaint data including brandishing a firearm, use of force and stop and search measurements.⁵² We summarize the activities of Year Two below.

Monitoring Work

In accordance with our compliance methodology, the first phase of Full and Effective Compliance (FEC) is policy development. The BMT recognizes that a clear and compliant personnel complaints policy is critical to instilling public trust in the BPD. The BMT reviewed and provided insight and technical assistance to BPD on the development of draft personnel complaint-related policies. Part of this work was assessing the degree to which they were in alignment with the Judgment requirements, as well as in meeting national standards and best practices in law enforcement. Building on the work that began in Year One,⁵³ the Year Two work plan identified the remaining 12 Personnel Complaint-related paragraphs for assessment.⁵⁴

The Year One Work Plan prioritized for implementation 11 of the Judgment Paragraphs: 137, 138, 140, 147, 149, 150, 151, 153, 154, 156 and 159. The Year Two Work Plan added 12 Paragraphs: 139, 141, 142, 143, 144, 145, 146, 148, 152, 155, 157 and 158. The anticipated goal was that the policy work would complete in Year One with Year Two as a building process ahead of the audit and data review called for in Paragraphs 163 through 167 and for the BMT's review and audit called for in Paragraphs 175 through 176, as well as other sections.

BPD has not submitted a policy for FEC review, but we anticipate continued progress toward a draft policy. The organizational change necessary to achieve the reforms envisioned by the Judgment is drafting a clear, succinct policy that provides specific direction to guide and require the acceptance, filing, and investigation of personnel complaints. Further, the policy needs to identify the obligation to accept all complaints without judgment or an attempt to dissuade the complainant, even in those cases where the reviewing supervisor believes the complaint to be insignificant or without merit.

Compliance Activities

The Judgment paragraphs call for the redevelopment of policy to formulate a comprehensive personnel complaints process. A key component of our review and engagement with BPD during these meetings was ensuring a comprehensive, transparent and well-documented personnel complaints process to provide clear and consistent guidance to BPD personnel when citizens wish to file a complaint against an officer(s) or the organization. The BMT met, conferred and provided direct feedback throughout the year. These meetings occurred virtually and in person during scheduled

⁵² Given the policy predicate, our report on personnel complaints is baseline and found in Appendix H.

⁵³ The Monitor's Year One Work Plan prioritized 11 of the Judgment Personnel Complaints paragraphs, 137, 138, 140, 147, 149, 150, 151, 153, 154, 156 and 159.

⁵⁴ The Monitor's Year Two Work Plan added the remaining 12 Personnel Complaints paragraphs, 139, 141, 142, 143, 144, 145, 146, 148, 152, 155, 157 and 158.



meetings with BPD Personnel Complaints project team, BPD's leadership and its lead compliance personnel.

Initially, BPD had challenges in assembling a complaint policy project team due to staffing and personnel changes. The BPD subject matter experts working with the BMT have strong foundational knowledge of the complaint process. However, this knowledge proved to contribute to some of the challenges in aligning the policy to the Judgment requirements. Challenges included issues in resolving undocumented practices or transferring inherent knowledge of the process to policy. By the end of Year Two, focus was directed on achieving compliance. BPD began the work necessary to develop a policy and to implement practices that will be consistent with the Judgment requirements.

Year Three Expectations

While there has been progress in the policy development, this area of the Judgment requires significant work. For example, Paragraph 150 which requires a supervisor who has a conflict to not be allowed to investigate a complaint or Paragraph 154 which requires a comprehensive investigative summary have not advanced. BPD must focus its policy work to address compliance with the Judgment requirements to finalize the Personnel Complaints policy. Key to success in Year Three will be a consistent vision towards implementation and strong community engagement on this critical topic. Meaningful work occurred in Year Two, and the BMT expects BPD to move forward in a consistent manner supported by the discussions and technical assistance provided. A reasonable goal is to have a policy draft to the CAP by mid-year 2024.



Appendices

Appendix A: Stipulated Judgment

Appendix B: Stipulated Judgment Priorities by Year

Appendix C: Year One and Year Two Compliance Measures

Appendix D: Year Three Paragraphs

Appendix E: Progress Matrix

Appendix F: University of Toronto Survey Supplement

Appendix G: Use of Force Data Analysis Supplement

Appendix H: Personnel Complaint Data Supplement

Appendix I: Community Advisory Panel Survey



Appendix A

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**(Exempt from Filing Fees Pursuant
to Gov. Code, § 6103(a))**

FILED
KERN COUNTY SUPERIOR COURT
08/27/2021
BY Evans, Gricelda
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KERN

**THE PEOPLE OF THE STATE OF
CALIFORNIA, EX REL. ROB BONTA,
ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA,**

Plaintiff,

v.

**CITY OF BAKERSFIELD and
THE BAKERSFIELD POLICE
DEPARTMENT,**

Defendants.

Case No. BCV-21-101928

**STIPULATION FOR ENTRY OF FINAL
JUDGMENT AND PERMANENT
INJUNCTION**

1 Plaintiff, the People of the State of California, by and through its attorney, Rob Bonta,
2 Attorney General of the State of California (the "Attorney General"), and by Supervising Deputy
3 Attorney General Nancy A. Beninati, and Defendants City of Bakersfield and the Bakersfield
4 Police Department, stipulate as follows:

5 1. This Court has jurisdiction of the subject matter hereof and the parties to this
6 Stipulation for Entry of Final Judgment and Permanent Injunction ("Stipulation").

7 2. The Stipulated Judgment ("Judgment"), a true and correct copy of which is
8 attached hereto as Exhibit 1, may be entered by any judge of the Kern County Superior Court.

9 3. The Attorney General's Office may submit the Judgment to any judge of the Kern
10 County Superior Court for approval and signature, based on this stipulation, during the court's ex
11 parte calendar or on any other ex parte basis, without notice to or any appearance by the
12 defendants, which notice and right to appear the defendants hereby waive.

13 4. The parties hereby waive their right to move for a new trial or otherwise seek to
14 set aside the Judgment through any collateral attack, and further waive their right to appeal from
15 the Judgment, except the parties agree that this Court shall retain jurisdiction for the purposes of
16 enforcing said Judgment.

17 5. The parties jointly represent that they have worked cooperatively to come to an
18 agreement as set forth in the Judgment.

19 6. The parties have stipulated and consented to the entry of the Judgment without the
20 taking of proof and without trial or adjudication of any fact or law herein, without the Judgment
21 constituting evidence of or an admission by the defendants regarding any issue of law or fact
22 alleged in the complaint on file herein, and without the defendants admitting any liability
23 regarding allegations of violations that occurred prior to the entry of the Judgment.

24 7. The defendants will accept service of any Notice of Entry of Judgment entered in
25 this action by delivery of such notice to their counsel of record or the Bakersfield City Attorney,
26 and agree that service of the Notice of Entry of Judgment will be deemed personal service upon
27 them for all purposes.

28 ///


1 8. The individuals signing below represent that they have been authorized by the
2 parties they represent to sign this Stipulation.

3 9. This Stipulation may be executed in counterparts, and the parties agree that an
4 electronic signature shall be deemed to be, and shall have the full force and effect as, an original
5 signature.

6 PLAINTIFF THE STATE OF CALIFORNIA

ROB BONTA
Attorney General of California

9 DATED: August 23, 2021




Nancy A. Beninati
Supervising Deputy Attorney General
Attorneys for Plaintiff, The People of the
State of California

15 DEFENDANTS CITY OF BAKERSFIELD and
16 THE BAKERSFIELD POLICE DEPARTMENT

CITY OF BAKERSFIELD AND THE
BAKERSFIELD POLICE DEPARTMENT

19 DATED: August ¹⁹, 2021



Virginia Gennaro,
Bakersfield City Attorney,
Attorneys for Defendants, City of
Bakersfield and The Bakersfield Police
Department

EXHIBIT 1

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**Exempt from Fees
(Gov. Code, § 6103(a))**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KERN

**THE PEOPLE OF THE STATE OF
CALIFORNIA, EX REL. ROB BONTA,
ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA,**

Plaintiff,

v.

**CITY OF BAKERSFIELD and
THE BAKERSFIELD POLICE
DEPARTMENT,**

Defendants.

Case No. BCV-21-101928

STIPULATED JUDGMENT

1 **INTRODUCTION**

2 The People of the State of California, ex rel. Rob Bonta, Attorney General of the State of
3 California (Attorney General), filed a Complaint for Injunctive Relief (Complaint) in the Superior
4 Court of Kern County against the City of Bakersfield (City), and the Bakersfield Police
5 Department (BPD), pursuant to the authority granted to the State of California under California
6 Civil Code section 52.3, to seek declaratory and equitable relief to address alleged incidents of
7 conduct by law enforcement officers that deprive individuals of rights, privileges, or immunities
8 secured by the state or federal Constitution or state or federal law. The Attorney General, the
9 City, and BPD (collectively, Parties) are committed to effective, constitutional law enforcement,
10 and enter into this Stipulated Judgment for the common good of the people of the City of
11 Bakersfield.

12 The City and BPD generally and specifically deny each and every allegation contained in
13 the Complaint. The Attorney General, City, and BPD are committed to effective, constitutional
14 law enforcement that protects individuals’ statutory and constitutional rights, treats individuals
15 with dignity and respects and promotes public safety in a manner that is responsive to the
16 community’s priorities and accomplished in a manner that is fiscally responsible. The Parties
17 herein agree to the entry of judgment without the taking of proof, trial, or the adjudication of any
18 fact or law, without this Stipulated Judgment constituting evidence of liability of the City or BPD,
19 or admission by the City or BPD of any issue of fact or law alleged in the People’s Complaint,
20 without the City or BPD admitting any liability, and with all Parties waiving their right to appeal.
21 Each party agrees to bear its own attorney’s fees and costs to date.

22 The purpose of this Stipulated Judgment (“Judgment” or “Agreement”) is to ensure that the
23 City and BPD protect individuals’ statutory and constitutional rights, treat individuals with
24 dignity and respect, and promote public safety in a manner that is fiscally responsible and
25 responsive to community priorities. The Parties recognize that these outcomes require
26 partnership between BPD and the community it serves, one in which BPD is transparent about its
27 processes and provides community members with a voice in its functions. This Agreement is
28 designed to enhance BPD’s relationship with its community through increased transparency and

1 public input, improved oversight and accountability systems, and increased support for officers
2 through effective law enforcement policies, training, and supervision. The Parties agree that the
3 Effective Date of this Judgment is the date the Judgment is entered by the court.

4 Upon the conclusion of the Attorney General’s investigation of the BPD, the City and BPD
5 acknowledge that they are dedicated to constant evolution and improvement. The BPD
6 acknowledges that it can always benefit from additional and continual reform in a manner that is
7 sustainable over time. The Attorney General acknowledges that BPD has taken action to improve
8 its law enforcement services and accountability, including, but not limited to: outfitting its
9 officers with body-worn cameras; expanding its Quality Assurance Unit which has created many
10 oversight systems to include random audits and inspections; purchasing and implementing public
11 safety management software; hiring consultants to review policies and practices; developing a
12 formal sergeant and lieutenant field training officer (FTO) program; increasing the complement
13 of lieutenants and captains; implementing Text to 911; introducing principled policing and
14 procedural justice training courses; providing employee wellness training; and volunteering to
15 collect data under the Racial and Identity Profiling Act one year earlier than the mandatory
16 collection date.

17 THE COURT, HAVING CONSIDERED THE MATTER, AND GOOD CAUSE APPEARING:

18 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

19 This court has jurisdiction over the allegations and subject matter of the People’s Complaint
20 filed in this action and the Parties to this action; venue is proper in this county; and the court has
21 jurisdiction to enter this Stipulated Judgment as stipulated here as follows:

22 **I. USE OF FORCE**

23 1. BPD agrees to revise its use of force policies and practices to reflect its commitment to
24 upholding the rights secured or protected by the Constitution of the State of California and the
25 United States Constitution, and federal and state laws, protecting human life and the dignity of
26 every individual, and maintaining public safety. As specified below, BPD agrees to review and
27 revise its use of force policies to include focusing on the concepts of sanctity of life, necessity,
28 proportionality, and de-escalation; require officers to intervene; and define an imminent threat

1 justifying lethal force that is consistent with Penal Code section 835a, subdivision (e)(2). BPD's
2 use of force policies, and other related policies, must remain consistent with Penal Code section
3 835a and Government Code section 7286, which (1) limits authorization of the use of lethal force
4 to situations where the officer reasonably believes, based on the totality of the circumstances, it is
5 necessary to defend against an imminent threat of death or serious bodily injury (Pen. Code, §
6 835a); and (2) direct law enforcement agencies to maintain a use of force policy that requires the
7 use of de-escalation techniques, crisis intervention tactics, and other alternatives to force when
8 feasible. To that end, BPD's use of force policies will incorporate these concepts and
9 requirements in the following ways:

10 **A. Use of Force Policies and Principles**

11 2. BPD will continue to review and revise its policies and associated training materials, to
12 ensure compliance with the requirements of this Agreement and enacted California law, including
13 Penal Code section 835a and Government Code section 7286.

14 3. BPD agrees to maintain, and where necessary review and revise, its use of force policies
15 as follows to:

- 16 a. clearly define and describe when force is and is not authorized;
- 17 b. clearly define and describe the purpose of authorized and prohibited force options as
18 well as define and describe the tools and techniques permitted and prohibited for all
19 force options;
- 20 c. better describe the applicable legal standard for use of deadly and non-deadly force;
- 21 d. have its use of force policy be guided by the principle of the sanctity of human life;
- 22 e. limit the use of deadly force to situations where the officer reasonably believes it is
23 necessary, not just reasonable, to defend against an imminent threat of death or serious
24 bodily injury if the officer reasonably believes that the person will cause death or
25 serious bodily injury (Pen. Code, § 835a) ("deadly force" herein and throughout this
26 Stipulated Judgment means any use of force that creates a substantial risk of causing
27 death or serious bodily injury; deadly force includes, but is not limited to, the
28 discharge of a firearm);

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- f. require that officers, whenever feasible, undertake efforts to utilize de-escalation tactics or employ less-lethal options before using deadly force (“feasible” herein and throughout this Stipulated Judgment means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective, without increasing risk to the officer or another person);
- g. require that officers use force only to effect a lawful arrest, detention, or search, to overcome resistance or to prevent escape, to prevent the commission of a public offense, in defense of others or in self-defense, or to gain compliance with an order that is based in the law;
- h. affirm the importance of proportionality (as defined below);
- i. consistent with state law, prohibit chokeholds, carotid restraints, and other maneuvers that are designed to, or may foreseeably result in, cutting off blood or oxygen to a subject’s head;
- j. require employees to avoid restraining a subject face down whenever possible, or to do so only for a very short time, and then place a restrained subject in the recovery position as soon as possible following a use of force so as to reduce the risk of positional asphyxia and/or effects associated with excited delirium syndrome;
- k. require, where feasible, that suspects who must be transported in a recumbent position be transported by rescue ambulance personnel and accompanied by an officer;
- l. prohibit discharging a firearm at moving vehicles, unless the operator or occupant of a moving vehicle poses an imminent threat of death or serious bodily injury to the public or an officer and the officer is unable to move out of the way;
- m. prohibit discharging a firearm from a moving vehicle absent exigent circumstances;
- n. prohibit force against subjects who only verbally confront officers;
- o. prohibit force against subjects who are handcuffed or otherwise restrained, unless the subject is actively resisting and poses a direct and immediate threat to officers and/or themselves;

- 1 p. prohibit the use of electronic control weapons (ECW's) in "drive stun" mode, unless
2 reasonably necessary to avoid the use of any force that could increase injury to the
3 suspect, the officers, or others, with those instances being fully documented and
4 justified in the use of force reports;
- 5 q. prohibit the use of ECW's on handcuffed individuals and children who appear to be
6 under the age of 14;
- 7 r. prohibit the use of ECW's on the following individuals, unless officers can provide
8 justification of articulable facts necessitating the use of the ECW on any of the
9 following: (a) pregnant females; (b) elderly persons; (c) individuals who have been
10 recently sprayed with alcohol-based pepper spray or who are otherwise in close
11 proximity to combustible materials; (d) individuals whose position or activity may
12 result in collateral injury (e.g., falls from height, operating motor vehicles, possibility
13 of drowning in water, etc.); (e) a youth who appears to be between the age of 14 and
14 17; and (f) an individual whom the officer has reason to believe may have a disability;
- 15 s. require that any employee who observes another employee use force that exceeds the
16 degree of force permitted by law and/or policy shall promptly intervene and then
17 report their observations to a supervisor;
- 18 t. where feasible, ensure its officers effectively employ cover, distance, time, tone, and
19 available resources to de-escalate and minimize the need for force;
- 20 u. provide that the conduct of both the officer and the subject leading up to the use of
21 deadly force must be included in the evaluation of the decision to use force (Pen.
22 Code, § 835a, subds. (a)(2) and (e)(3));
- 23 v. prohibit the use of deadly force against a person who is only a danger to him or herself
24 and does not pose a direct and immediate threat to officers or civilians (Pen. Code, §
25 835a, subd. (c)(2));
- 26 w. require officers to use de-escalation techniques, crisis intervention tactics, and other
27 alternatives to force when feasible (Gov. Code, § 7286, subd. (b)(1));
- 28 x. stress the sanctity of life throughout the policy;

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y. Address necessity as follows

- i. Define when force is necessary and require that officers use force only when reasonable and necessary to achieve a lawful objective;
- ii. Emphasize that the use of force is not a routine part of policing;
- iii. Require that officers use force in an unbiased manner, consistent with the anti-bias-based policing policy of BPD; and
- iv. Expressly require that officers use lethal force as a last resort and, before using such force, require, when feasible, exhaustion of all other means reasonably available under the circumstances, including de-escalation techniques and strategies, such as tactical repositioning;

z. Address proportionality as follows

- i. Explicitly require officers only to use a type of force that is proportionate to the threat and not excessive in light of the lawful objectives involved;
- ii. Provide specific guidance on what type of force is appropriate for the level of threat presented by the individual, and require officers to only use the amount of force that is both objectively reasonable under the totality of the circumstances, and necessary to effectuate arrest or achieve a lawful objective;
- iii. Provide express guidance on proportionality, to ensure officers understand the relationship that should exist between the law enforcement objective they are attempting to achieve, the threat presented, and the force required in a particular situation; the guidance may include adopting a spectrum, chart, or matrix, that can take the form of a graphical representation; and
- iv. Prohibit specific types of force that are inconsistent with the concepts of proportionality and necessity, such as retaliatory force;

aa. Address de-escalation as follows

- i. Make it an affirmative duty to de-escalate, before using force, requiring that officers shall employ de-escalation techniques and strategies whenever feasible, as required in Government Code section 7286(b)(1);

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- ii. Provide clear guidelines for the use of de-escalation techniques and strategies, such as using tactical repositioning and strategic communication skills, switching staff, modulating the tone employed, taking cover, or calling upon other resources, such as crisis intervention-trained officers, non-law enforcement agencies, or assistance from family members or friends, when and where appropriate;
- iii. Require officers to provide, when feasible, verbal warnings to individuals before using force, whether lethal or non-lethal, and require officers to (1) document, in any incident or use of force report, whether the individual had an opportunity to comply after the warning was issued and before an officer used force, and, (2) if no verbal warning was given, why one was not feasible; and
- iv. Require officers, when feasible, to employ cover, concealment, distance, time, and tactics to minimize the need for lethal force;

bb. Address the duty to intervene as follows

- i. Make it an affirmative duty for officers/employees to intervene, when in a position to do so, if they know or have reason to know that another officer/employee is about to use, or is using, unreasonable, unnecessary, or excessive force or is otherwise violating BPD’s use of force policy;
- ii. Require officers, following an incident involving the use of unreasonable, unnecessary, or excessive force, to promptly report to a supervisor the use of force and the efforts made to intervene;
- iii. Provide for possible discipline of any officer who so fails to intervene; and
- iv. Hold supervisors and managers accountable for prohibiting retaliation against any officer who so intervenes;

cc. Address an imminent threat as follows

- i. Continue to provide clear guidelines on what conditions may constitute an imminent threat justifying lethal force, consistent with California’s deadly

1 force standard expressed in Penal Code section 835a and Government Code
2 section 7286.

3 4. BPD shall continue to have policies and corresponding annual training governing each
4 type of force instrument that it authorizes officers to carry.

5 5. BPD agrees to clarify that its officers may not use force against individuals who may be
6 exhibiting resistive behavior, but who are under control and do not pose a threat to public safety,
7 themselves, or to officers. BPD agrees to continue to require that its officers assess the threat of
8 an individual prior to using force, and emphasize that a use of force must be proportional to the
9 threat or resistance of the subject. If a threat or resistance no longer exists, officers cannot justify
10 the use of force against a subject.

11 6. BPD will continue to require in policy, and emphasize in its training, that a strike to the
12 head with any impact weapon is prohibited unless deadly force is justified. Unintentional or
13 mistaken strikes to these areas must also be reported in the officer's use of force report, to ensure
14 that all reasonable care was taken to avoid them.

15 7. BPD will have a specific policy requiring that a subject of a use of force who is injured
16 or complains of injury receives medical treatment, photographs are taken of the existence or
17 absence of injury following a use of force, and all injuries be documented in the use of force and
18 arrest reports.

19 8. BPD, with regard to baton deployment, will provide policy and training guidance on the
20 appropriate times to use that type of force relative to other less-lethal options.

21 9. BPD officers shall not deploy oleoresin capsicum (OC) spray or any other chemical
22 spray (e.g. mace, tear gas, or other chemical irritants) on a person who is handcuffed or otherwise
23 restrained, unless the person presents an imminent threat to the safety of the officer or others, and
24 officers first attempt to exercise additional control over the person by using hands-on control
25 measures or arrest control techniques.

26 **B. Use of Canines**

27 10. BPD shall ensure its canine-related policies, training, and field deployment activities
28 are carried out in a manner consistent with "bark and hold" techniques. BPD's canine-related

1 policies and training shall continue to be based on searching and locating (bark and hold) subjects
2 to be apprehended rather than immediately resorting to employing force, except when exigent
3 circumstances or an immediate threat is evident. BPD will continue to ensure its canine policies
4 and related training are consistent with contemporary police best practices, including a process
5 for conducting and promoting ongoing feedback to promote continuous improvements in policies,
6 training, and practices in the field.

7 11. Canine handlers shall limit off-leash canine deployments, searches, and other instances
8 where there is an increased risk of a canine bite to those instances in which the potential use of
9 injuring force is reasonable, the suspect is wanted for a serious offense, or is reasonably suspected
10 to be armed, based upon individualized information specific to the subject.

11 12. A canine handler shall keep his or her canine within visual and auditory range during
12 deployments at all times, except when a canine clears a threshold (e.g., rounding a corner,
13 entering a room, ascending/descending a stairwell, or entering a confined space, such as a crawl-
14 space), or when canine deployment beyond the handler's visual and auditory range is necessary to
15 ensure the immediate safety of others.

16 13. All field supervisors and watch commanders shall continue to be familiar with BPD's
17 canine policy and use of force reporting requirements. A canine handler shall obtain approval
18 from a canine sergeant or lieutenant, a field sergeant, or the watch commander (sergeant or
19 higher) prior to deployment, unless the canine handler must react immediately in apprehension of
20 an escaping felon, or a subject is suspected to be armed based upon individualized information
21 specific to the subject who poses an imminent threat to others, or when protecting themselves or
22 others from assault. The approving supervisor shall not serve as the canine handler in the
23 deployment.

24 14. Prior to canine deployment, canine handlers shall issue three loud and clear warnings
25 that a canine will be deployed and advise the suspect to surrender, and warn the suspect that the
26 deployment of a canine can result in their sustaining a dog bite, unless such warnings pose an
27 imminent threat of danger to other officers on scene, the canine handler, or the public. The
28 canine handler shall ensure the warnings are capable of being heard throughout the area of the

1 deployment and will allow a sufficient period of time between each warning to provide a suspect
2 an opportunity to surrender. These warnings shall be given in Spanish and English if the suspect
3 is reasonably believed to be a Spanish-speaking Limited English Proficient (LEP) individual.

4 15. If a canine bites any individual, the handler or an on-scene officer shall immediately
5 contact a BPD dispatcher to request Emergency Medical Services response. If additional medical
6 attention is required for a person who has been bitten, the individual shall be transported to a
7 City-approved medical facility for treatment.

8 16. For each canine apprehension, the involved handler, and any other officers who used or
9 observed a use of force, shall complete a use of force report before the end of shift unless
10 approved by a supervisor.

11 17. In addition to the information that must be included in all use of force reports, a canine
12 handler's use of force report documenting a canine apprehension shall continue to include the
13 following: (1) whether there was contact between the canine and the subject, including contact
14 with the subject's clothing; (2) documentation of the duration of the canine's contact with a
15 subject; (3) the approximate distance of the canine from the handler at time of apprehension; and
16 (4) whether a warning was given and, if not, why not. In addition, in all apprehensions where
17 there is canine contact with visible injury sustained by someone, or a complaint of injury, a
18 supervisor not involved in the application of force shall be summoned to the scene if feasible for
19 the purpose of completing a Use of Force Report consistent with investigative requirements
20 established under the Agreement.

21 18. Unless personally involved in the incident, the canine supervisor (a canine sergeant or
22 lieutenant) shall evaluate each canine deployment for compliance with BPD policy, this
23 Agreement, and state and federal law, and provide written documentation of this evaluation. If
24 the canine supervisor is unavailable or was directly involved in the incident, this evaluation will
25 be completed by a staff member of higher rank. Deployment reviews, using KATS K-9 Activity
26 Training System or a similar tracking system, shall also be evaluated by the Operations Captain,
27 with each person in the chain of command required to review and document their evaluation of
28 the incident.

1 19. BPD agrees to continue maintaining and enhancing its canine certification program to
2 ensure that: (1) canines and their handlers demonstrate control and proficiency in specific, widely
3 accepted obedience and criminal apprehension exercises; (2) canines and their handlers receive a
4 minimum of 16 hours of training every four weeks; (3) the trainer keeps detailed records of
5 whether each canine team has met specific control criteria for each control exercise, and what
6 remedial training was given if a canine team was deficient in any area; and (4) the trainer reports
7 all deficiencies to the unit supervisor. The program shall ensure that canines are certified
8 annually by a nationally recognized trainer or organization, and that a canine is not deployed
9 unless its certification is current. BPD agrees to ensure that the certifying agency's standards are
10 consistent with BPD policy and standards.

11 20. BPD agrees to continue to employ the services of a qualified trainer who is capable of
12 providing certified canine training, and who delivers such training and maintains training records
13 in accordance with BPD policy and this Agreement.

14 21. BPD agrees to continue to centrally record and track each canine team's training
15 records, certification records, and health records, regardless of whether individual handlers also
16 maintain records.

17 22. BPD agrees to continue to track canine deployments and canine apprehensions on a
18 monthly basis to assess its canine unit and individual canine teams. For tracking purposes related
19 to evaluation of incidents, including the Early Intervention System, a "canine deployment" occurs
20 any time a canine is removed from the patrol vehicle for a potential or an actual engagement with
21 a subject.

22 23. BPD agrees to include canine deployments as an element of the Early Intervention
23 System, and to provide for the review, pursuant to the protocol for that system, of the
24 performance of any handler whose canine has bitten someone during the reporting period. Canine
25 data and analysis shall be included in BPD's Use of Force Annual Report.

26 24. BPD agrees to continue not to use the services of any of its canines without first
27 ensuring that the canine is controllable and otherwise able to meet the standards required by BPD
28 policy.

1 25. BPD will ensure no handler or canine will be deployed unless the handler and canine
2 are current on all training requirements and the canine is fully controllable during exercises.

3 26. BPD shall collect and maintain all records on canine training, deployment,
4 apprehension, and bites, and analyze canine-related data to develop, consistent with best
5 practices, training and operational recommendations for individual dogs, handlers, and the unit as
6 a whole.

7 27. BPD shall establish procedures for auditing canine training, deployment, and
8 administrative documentation, to be performed by the Quality Assurance Unit.

9 28. The responsibilities of the Canine Commander shall be explicitly described in a
10 position description that identifies both operational and administrative expectations, and the
11 knowledge, skills and abilities required to effectively manage canine operations. The duties
12 involved shall include submission of a comprehensive quarterly report to the Chief summarizing
13 all canine deployments that occurred during the reporting period, identification of any patterns or
14 trends of note, evaluation of and efforts to minimize risk exposure, and recommendations for
15 improvements in policy, training, and support for field operations the Canine Unit is engaged in.
16 This report shall describe and address all claims for damages and litigation associated with the
17 unit's operations that were filed during the reporting period.

18 29. BPD shall amend its canine policy to (a) prohibit the deployment of canines for crowd
19 control and when the subject appears to be under the age of 18, unless such deployment is
20 specifically approved by an executive/command-level officer (rank of Captain or higher), (b)
21 require the approvals of any deployment of a canine as provided for in subdivision (a) of this
22 paragraph be fully justified and documented in the use of force report, (c) specifically address
23 what force may be used by an officer to defend a canine, and (d) prohibit any canine team that
24 fails to graduate or obtain certification to be deployed in the field until graduation or certification
25 is achieved.

26 **C. Use of Force Reporting Policy**

27 30. BPD agrees to continue to require officers to report all uses of force greater than a
28 standard handcuffing. A reportable use of force is as follows:

1 a. Any use of force which is required to overcome subject resistance to gain compliance,
2 that results in death, injury, complaint of injury in the presence of an officer, or
3 complaint of pain that persists, and which does not result in an allegation of excessive or
4 unnecessary force; or

5 b. Any use of force involving the use of personal body weapons, chemical agents,
6 impact weapons, extended range impact weapons, vehicle interventions, firearms, and
7 any intentional pointing of a firearm at a subject, regardless of whether the use of force
8 results in any injury or complaint of injury or pain.

9 31. BPD shall require its officers to completely and accurately describe the force used or
10 observed, including describing in detail the actions of the suspect necessitating the use of force
11 and the specific force used in response to the suspect's actions; any warning provided to the
12 subject prior to the use of force, and if no warning given, why one was not feasible; any injuries
13 or complaints of injuries; whether persons who have been sprayed with OC spray have been
14 promptly provided with a neutralizing agent or solution to flush the affected area; and any
15 medical treatment or refusal of medical treatment of the suspect. BPD will work with the
16 Monitor to develop a best practice model to decontaminate subjects sprayed with OC spray. This
17 reporting requirement also relates to any use of force incidents that occur when employees are
18 off-duty but engaged in exercising police powers.

19 32. BPD will categorize reportable uses of force into levels (i.e., Level 1, 2, and 3) based
20 on seriousness and specify associated roles and responsibilities of involved officers, supervisors,
21 and investigative personnel at each level regarding reporting and review. Level 1 shall be the
22 category of force at the lowest level with Level 3 being the highest level of force. The specific
23 levels of force and the types of force that constitute those categories will be defined by the
24 Monitor in consultation with the California Department of Justice (DOJ).

25 33. All levels of force, including non-reportable levels of force, should be clearly identified
26 and described in the use of force policy.

27 34. The use of force reporting policy shall explicitly prohibit the use of conclusory
28 statements without supporting detail, shall include original language in all statements as opposed

1 to boilerplate language, and reports documenting use of force. Officers shall be held accountable
2 for material omissions or inaccuracies in their use of force statements, which may include being
3 subject to disciplinary action.

4 35. BPD agrees to continue to require officers who use or observe force to notify their
5 supervisors immediately following any reportable use of force incident or upon receipt of an
6 allegation of unreasonable or unreported use of force by any officer. Officers who use or observe
7 force and fail to report it shall be subject to disciplinary action, up to and including termination.

8 36. BPD shall specify the reporting, investigation, and review requirements for each level
9 of force, including reporting requirements for the involved and witness officers, the
10 responsibilities of the investigating supervisor, criminal and administrative investigator
11 responsibilities, and review requirements.

12 37. All officers who use reportable force shall be required to complete a use of force
13 statement, as shall officers who witness a Level 2 or Level 3 use of force. The name and rank of
14 every officer on scene shall be included in the supervisor's use of force report, even if that officer
15 did not witness the Level 2 or Level 3 use of force. The use of force reports shall also include a
16 physical description of the height, weight, gender, and race of each officer at the scene.

17 38. The Critical Incident Review Board (CIRB) shall review all Level 3 uses of force and
18 any other matters referred to it by Internal Affairs, the Chief, Assistant Chief, or division
19 commander.

20 39. BPD shall identify in the use of force policy the nature and extent of the use of force
21 information it will release to the public.

22 40. BPD will continue to inform the public and develop a policy and process to inform the
23 public about all officer-involved shootings and deaths in custody. As soon as practical following
24 any officer-involved shootings and deaths in custody, BPD will provide information to the public
25 which is legally allowed and which does not compromise an ongoing investigation.

26 41. BPD will develop a policy that provides for a liaison to the families of individuals
27 involved in an officer shooting or to an individual who sustains serious bodily injury as a result of
28 BPD officer actions. The policy will require the liaison to address the family of such individuals

1 with respect and to provide as much information as possible to address the questions that family
2 members may have and which does not compromise the ongoing investigation.

3 **D. Use of Force Supervisory Investigations**

4 42. For all reportable uses of force, the investigating supervisor shall conduct a thorough
5 investigation. This investigation will require supervisors to:

- 6 a. respond to the scene, examine the subject of the force for injury, interview the subject
7 for complaints of pain, and ensure that any injured subject receives medical attention
8 from an appropriate medical provider;
- 9 b. ensure identification and collection of all relevant evidence, including camera
10 recordings;
- 11 c. direct the canvassing for, and interview of, civilian witnesses; and
- 12 d. collect statements from witness officers; and review all officer use of force statements
13 for adequacy, accuracy, and completeness.

14 43. Following the investigation, the supervisor shall complete a supervisory investigation
15 documented in a "Supervisor's Report on Use of Force." This Report shall include:

- 16 a. the supervisor's narrative description of the incident, including a complete and
17 comprehensive description of all of the physical and testimonial evidence related to the
18 incident;
- 19 b. documentation of all evidence of an injury or lack thereof;
- 20 c. identities of all officers involved in or witnessing the force; and
- 21 d. whether interviews of individuals with LEP were conducted in the interviewee's
22 primary language, and if so, by whom.

23 44. An employee at the rank of lieutenant or higher shall conduct a review of the
24 supervisor's investigation of the use of force, which review will include at least the following:

- 25 a. An assessment of the investigating supervisor's use of force investigation to ensure it
26 is complete, thorough, and objectively conducted, and provides all supporting documents
27 and statements from involved officers and witnesses;

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1 b. a recommendation as to whether the officer’s actions appear to be within BPD policy
2 and consistent with state and federal law, and an assessment of the incident for tactical
3 and training implications; and

4 c. documentation of any training or tactical concerns, and/or corrective action taken or
5 recommended.

6 45. Upon completion of the lieutenant’s review, the investigative reports shall be
7 forwarded through the chain of command, which will review the report to ensure that it is
8 thorough and complete, and that the analysis and subsequent findings are supported by a
9 preponderance of the evidence and documented. A final determination of whether the incident is
10 within policy must be made by a manager at the rank of captain or higher, if the use of force (a)
11 resulted in a complaint of pain or an observable injury, or (b) involved a weapon. The
12 commanding officer shall conduct an analysis and adjudication based upon a preponderance of
13 the evidence and ensure any corrective actions, to include training and discipline, policy
14 modifications, or risk management and mitigation measures, are carried out and documented.

15 46. BPD will hold officers accountable for uses of force that violate policy or law, and
16 continue to require sergeants and lieutenants to refer uses of force that may violate law or BPD’s
17 use of force policy to Internal Affairs for further investigation or review.

18 47. BPD will hold supervisors accountable for not detecting, adequately investigating, or
19 responding to force that is unreasonable or otherwise contrary to BPD policy.

20 48. BPD managers will be responsible for identifying and reporting force trends and for
21 taking preventive steps to curb problematic trends, including issuing or revising policies,
22 directives, training bulletins, or providing additional mentoring and supervision to individual
23 officers.

24 49. BPD managers will regularly review and track “training and tactical review” related
25 findings, recommendations, and comments to ensure that informal supervisory feedback does not
26 replace the need for formal discipline.

27 50. BPD will work with the Monitor to update and modernize its CIRB policy so that it is
28 consistent with this Agreement and tracks with contemporary policing best practices. The

1 purpose of the CIRB will be to work in conjunction with the Administrative Review Process to
2 conduct a timely and more holistic evaluation, beyond just individual policy compliance of all
3 critical incidents. The board's evaluation shall encompass the actions of all involved personnel
4 (including non-force users, supervisors, and support personnel) and issues of training, tactics,
5 supervision, equipment and pre/post incident response and aftermath. BPD is currently
6 considering including different ranks of officers on the CIRB, will also consider including a
7 member of the community, and will work with the Monitor to develop a policy that includes
8 community input.

9 51. At minimum, BPD will convene the CIRB for all Level 3 uses of force, any use of
10 force that results in serious bodily injury or death, and any other matters referred to it by Internal
11 Affairs, the Chief, Assistant Chief, or division commander.

12 52. With regard to officer-involved shootings, the CIRB reports will provide a detailed
13 rationale for their findings and examine not just the deadly force that was used, but the entirety of
14 the officer-involved shooting incident, including tactics used or not used leading up to the use of
15 force and the need for any additional policies or training or improvements to existing policies or
16 training, including but not limited to those identified in the after-action report (AAR). BPD will
17 develop a process for review, feedback, and ongoing assessments to support continuous
18 improvements based on observations and recommendations identified in CIRB and AAR reports.
19 The AAR will include any and all identified findings and recommendations made by the CIRB,
20 including, but not limited to, all recommendations for improvements in training (both for the
21 individual officers involved and for the entire agency), policies, procedures, tactics, equipment,
22 technology, organization, or any other issues that could contribute to improving future individual
23 or organizational performance. Within 90 days of the CIRB's findings, the Quality Assurance
24 Unit lieutenant will ensure all identified issues are addressed and documented in a formal report
25 that clearly states the findings, and how any identified issues were addressed. The Quality
26 Assurance Unit will submit a report documenting that all identified issues either have been or are
27 being addressed, and provide a status report regarding those issues, documenting how the CIRB's
28

1 findings and directions were addressed. The Quality Assurance Unit will be required to
2 reevaluate the corrections at defined time frames to ensure the desired outcomes are achieved.

3 53. BPD will work with the Monitor to include as part of its commendation policy an
4 award or commendation that recognizes employees who demonstrate exceptional skill in
5 employing de-escalation and community policing practices in the field.

6 **E. Use of Force Training**

7 54. BPD will work with the Monitor to determine the use of force training to be provided
8 to all officers. The topics will include the following:

- 9 a. proper use of force decision making, including when force may be unnecessary in
10 response to minor resistance (biennial);
- 11 b. role-playing scenarios and interactive exercises that illustrate proper use of force
12 decision making, including training officers on the importance and impact of ethical
13 decision making and peer intervention (annual);
- 14 c. principles of procedural justice, and avoiding the use of force in response to minor
15 resistance (biennial);
- 16 d. de-escalation techniques that encourage officers to make arrests without using force
17 (annual);
- 18 e. threat assessment, including how race and/or bias can impact officers' threat
19 assessments (biennial); and
- 20 f. for supervisors, initial and annual refresher training on conducting use of force
21 investigations, how to effectively direct officers to minimize uses of force and to
22 intervene effectively to prevent or stop unreasonable force, using BPD's accountability
23 and disciplinary systems after encountering a potentially unreasonable use of force, and
24 supporting officers who report unreasonable or unreported force or who are retaliated
25 against for using only reasonable force or attempting to prevent unreasonable force
26 (annual).

27 55. BPD shall establish a training committee made up of, but not limited to, Training and
28 Logistics Division personnel, Internal Affairs personnel, Quality Assurance Unit personnel, and

1 use of force experts responsible for assessing the effectiveness of the curricula against current
2 policies and the integration of use of force scenario-based training and adult learning theory.

3 56. BPD shall have clear guidelines for selecting training instructors, with prior
4 performance history being a significant factor in the selection criteria.

5 57. BPD shall convene its FTO's and the force-related training instructors no less than
6 once a year to review, update, and ensure BPD is providing consistent, high-quality, and
7 contemporary training in the use of force, and which is consistent with BPD policies.

8 58. BPD use of force training that is particularly relevant to organizational roles and
9 responsibilities shall also be provided to supervisors, managers, and command staff.

10 **F. Use of Force Analysis**

11 59. Within one year of the Effective Date of this Judgment and at least annually thereafter,
12 BPD will analyze the BPD use of force data and the force-related outcome data, to identify
13 significant trends, and identify and correct deficiencies revealed by such analysis.

14 60. BPD's force analysis will include an assessment of the frequency and nature of uses of
15 force that are referred to Internal Affairs for investigation; the subject of misconduct complaints;
16 the subject of civil lawsuits related to criminal obstruction- or resisting-arrest-type charges that
17 are dismissed or declined by the prosecutor; or that involve repeat-officers or units.

18 61. BPD will continue to determine whether policy or training curricula changes must be
19 made as a result of its analysis of use of force incidents.

20 62. BPD will document the results of the use of force analysis in a public report. BPD will
21 agree to a specifically delineated framework to meaningfully engage with community
22 stakeholders in developing the revised policies described above.

23 63. BPD will agree to put together a community advisory working group or panel and will
24 make a good faith effort to have representatives from various diverse stakeholder groups,
25 including, but not limited to, the Kern County Public Defender's Office, California Rural Legal
26 Assistance (CRLA), the American Civil Liberties Union (ACLU), United Farm Workers (UFW),
27 the Dolores Huerta Foundation (DHF), the NAACP, Greater Bakersfield Legal Assistance
28

1 (GBLA), PICO Bakersfield, as well as members of Sikh and LGBTQ+ community groups.

2 During the first year of the panel or working group's existence, it will meet at least bimonthly.

3 The panel or working group will thereafter meet with BPD at least quarterly to provide input into
4 policy and procedure, provide insight into the community's concerns, and educate the community
5 about BPD. At least one BPD manager, at the rank of lieutenant or higher, shall serve as the
6 agency's ongoing liaison to the panel and actively participate in those meetings and discussions,
7 provide that panel with adequate staff support to carry out its mission, and must regularly report
8 on the group's progress and expectations to the Chief of Police.

9 64. BPD agrees to work with its community advisory working group or panel when
10 revising policies that are of particular interest to the community including, but not limited to, its
11 use of force and related policies, bias-free policing policies, community policing, civilian
12 complaints, and diversity in recruiting, hiring, and promotion policies.

13 **II. STOPS, SEIZURES, AND SEARCHES**

14 65. BPD will reiterate, train, and emphasize that all investigatory stops, seizures, and
15 searches are conducted in accordance with the rights, privileges, and immunities secured or
16 protected by the Constitution or laws of the State of California and the United States. BPD will
17 reiterate, train, emphasize and ensure that investigatory stops and searches are part of an effective
18 overall crime prevention strategy, do not contribute to counter-productive divisiveness or tension
19 between BPD and the community, and are adequately documented for tracking and supervision
20 purposes. To achieve these outcomes, BPD shall implement the requirements below.

21 66. BPD will implement policies to be developed in consultation with the Monitor, to
22 ensure that officers document, and BPD supervisors review and evaluate: (1) investigatory stops
23 and pat-down searches, to determine whether they are supported by reasonable suspicion; (2)
24 whether arrests are supported by probable cause and BPD policy; and (3) whether investigatory
25 stops, searches, and arrests, even if comporting with law and policy, indicate a need for corrective
26 action or review of agency policy, strategy, tactics, or training.

27 67. BPD officers should be required to identify themselves by name and rank at the
28 beginning of encounters with individuals unless doing so is not safe.

1 68. BPD agrees to prohibit interfering, threatening, intimidating, blocking or otherwise
2 discouraging a member of the public, who is not violating any other law, from taking photographs
3 or recording video (including photographs or video of police activities) in any place the member
4 of the public is lawfully present. Such prohibited interference includes:

- 5 a. Ordering a person to cease taking photographs or recording video;
- 6 b. Demanding, absent a lawful purpose, that person's identification;
- 7 c. Demanding that the person state a reason why he or she is taking photographs or
8 recording video;
- 9 d. Detaining, absent a lawful purpose, that person;
- 10 e. Intentionally blocking or obstructing cameras or recording devices (not including
11 physical barricades or screens used as part of a tactical operation or crime scene);
- 12 f. Seizing and/or searching a camera or recording device without a warrant or consent of
13 the subject possessing the device;
- 14 g. Using, absent a lawful purpose, force upon that person; or
- 15 h. Detaining or arresting an individual for violating any other law where the purpose of
16 the detention or arrest is to prevent or retaliate for recording police activity.

17 **A. Investigatory Stops and Detentions**

18 69. BPD will reiterate, train, and emphasize that officers will only conduct investigatory
19 stops or detentions where the officer has reasonable suspicion that a person is in the process of
20 committing a crime, or has committed a crime.

21 70. BPD will enhance and revise its current training with respect to investigatory stops by
22 emphasizing the following elements: (1) introducing themselves at the initiation of contact with a
23 civilian when reasonable and practical; (2) stating the reason for an investigatory stop or
24 detention as soon as practicable; (3) ensuring that an investigatory stop or detention is no longer
25 than necessary to take appropriate action; (4) acting with professionalism and courtesy throughout
26 the interaction; and (5) conducting a pat-down search only if the officer has specific and
27 articulable facts justifying the pat-down search.

28

1 71. BPD will reiterate, train and emphasize to officers that race, color, ethnicity, national
2 origin, religion, gender, gender identity, disability, or sexual orientation is not to be used as a
3 factor, to any extent or degree, in establishing reasonable suspicion or probable cause, except as
4 part of actual and credible description(s) of a specific suspect or suspects in any criminal
5 investigation.

6 72. BPD officers shall document all stop data required by Racial and Identity Profiling Act
7 of 2015 and the statute's implementing regulations.

8 73. BPD will reiterate, train, and emphasize that officers should use accurate and specific
9 descriptive language and not rely solely on "boilerplate" or form language in any reports
10 describing factual circumstances of investigatory stops, detentions, and searches.

11 74. BPD shall collect and analyze data related to searches based on probation or parole
12 status. BPD shall assess the efficacy of this tactic and its impact on the community and make
13 policy changes accordingly.

14 **B. Searches**

15 75. BPD will reiterate, train, and emphasize to officers that race, color, ethnicity, national
16 origin, religion, gender, gender identity, disability, or sexual orientation is not to be used in
17 exercising discretion to conduct a search, except as part of an actual and credible description of a
18 specific suspect or suspects in any criminal investigation.

19 76. BPD officers will not conduct arbitrary searches. The request to conduct a consensual
20 search will be reasonable. An officer must be able to articulate a valid reason under law and BPD
21 policy for initially having stopped an individual.

22 77. All BPD officers equipped with body-worn cameras (BWC's) or audio recorders will
23 record all requests for consent to search and the individual's response. Where a subject is LEP,
24 the officer shall affirmatively inform the subject in the appropriate non-English language, or
25 arrange for the subject to be so informed in the subject's speaking language.

26 78. BPD policy shall provide that before conducting a consensual search of a residence, the
27 officer must have an objectively reasonable belief that the individual granting the consent has the
28 lawful authority to do so. All consensual searches of a residence must be authorized in writing,

1 regardless of whether they are captured by the BWC, by the individual giving consent. If consent
2 is granted, a supervisor shall be contacted, briefed on the circumstances, and authorize approval
3 before a search is conducted.

4 79. BPD will make clear that it is the law and BPD policy that officers will only conduct
5 probation or parole searches of individuals when knowledge of a probation or parole search
6 condition has been established prior to the search. BPD will work with the Monitor to develop a
7 policy that provides guidance on this matter and that prohibits randomly or presumptively asking
8 individuals for their probation or parole status, without first having a basis for the inquiry.

9 80. BPD shall continue to ensure that all employees, including non-sworn personnel, have
10 completed the training required by Penal Code section 13519.4, subd. (g) and the required
11 refresher courses as provided for in Penal Code section 13519.4, subd. (i).

12 **C. Stop, Search, and Seizure Policies and Training**

13 81. BPD shall provide all officers with initial training and periodic roll call training on its
14 Racial or Bias-Free Based Profiling Policy at least quarterly, and dispatch personnel initial
15 training on bias-free policing, stops, searches, and seizures, including the requirements of this
16 Agreement, to ensure sworn personnel are capable of conducting these activities in a manner
17 consistent with the provisions and expectations of this section and the Agreement. Such policies
18 will be informed and adopt applicable recommendations made by the State of California Racial
19 and Identity Profiling Advisory Board reports, and other recognized police best practices
20 resources. In addition, BPD will work with the Monitor to develop a training based upon these
21 policies that shall be taught by a qualified instructor with expertise in bias-free policing,
22 constitutional criminal procedure, and Fourth and Fourteenth Amendment issues. The training
23 shall:

- 24 a. ensure officers understand the Fourth and Fourteenth Amendments and related legal
25 restrictions on searches and seizures, including consent searches, probation and parole
26 searches, bias-free policing, bias by proxy for all officers and dispatch personnel, as well
27 as additional limitations under BPD policy;
28 b. address the differences between various police contacts by:

- i. the scope and level of police intrusion;
- ii. differences between probable cause, reasonable suspicion, and mere speculation; and
- iii. true voluntary consent;

c. provide guidance on the facts and circumstances, in addition to legal and policy limitations, that should be considered in initiating, conducting, terminating, and expanding a stop or search, including consent searches and probation and parole searches;

d. incorporate role playing scenarios and other adult-learning mechanisms to facilitate officer ability to exercise good judgment about whether and how to stop and search individuals; and

e. provide guidance on consensual encounters, stopping and/or searching individuals for discretionary and non-violent offenses, including providing guidance about procedural justice, alternatives to conducting investigatory stops and searches, and the impact on civilians of conducting apparently arbitrary stops and searches.

D. Supervisory Review

82. BPD agrees to implement additional accountability and supervision practices outlined below, and ensure that existing policies are followed, to ensure that unlawful stops, searches, and seizures are detected and effectively addressed.

83. BPD will work with the Monitor to establish a process for sergeants to regularly audit officers. Sergeants shall continue to regularly audit their assigned officers' stop, search, and seizure documentation, in addition to arrest reports and citations, for completeness, accuracy, and legal sufficiency. Lieutenants shall ensure that at least one call from the computer-aided dispatch (CAD) log for each officer under their supervision is audited two times every 30 days. Sergeants shall conduct further review as indicated by weekly audits and other indicia, document their findings, and submit that documentation for review and approval to their manager.

84. If an officer's stop, search, or seizure documentation does not provide sufficient detail or articulate sufficient legal and policy justification for the action, the supervisor shall review the

1 action with the officer to determine whether there was sufficient legal and BPD policy
2 justification.

3 85. BPD sergeants and lieutenants shall evaluate and enhance BPD's processes and
4 procedures to address all violations or deficiencies in stops, searches, and seizures, including non-
5 disciplinary corrective action for the involved officer, and/or referring the incident for
6 disciplinary action when other corrective measures have been ineffective or ignored.

7 86. The BPD Compliance Coordinator shall track repeated violations of the provisions of
8 this Agreement or deficiencies and the corrective action taken, if any.

9 87. BPD agrees to continue to hold accountable sergeants and lieutenants for appropriately
10 and thoroughly reviewing reports and documentation related to stops, searches, and seizures, and
11 requiring officers to articulate sufficient rationale under law and BPD policy.

12 88. BPD will analyze the stop data it collects under the Racial and Identity Profiling Act of
13 2015 (RIPA), and consult with the Monitor of the Judgment on a semiannual basis to obtain
14 supplemental recommendations from the Monitor for revisions to its policies and training, based
15 upon that analysis.

16 **III. RESPONDING TO AND INTERACTING WITH PEOPLE WITH**
17 **BEHAVIORAL HEALTH DISABILITIES OR IN CRISIS**

18 89. BPD will continue to evaluate and improve its policies with respect to calls involving a
19 person in mental health crisis or suffering from a mental health disability. Among other things,
20 this policy will continue to emphasize a preference, when responding to calls involving a person
21 in mental health crisis or suffering from a mental health disability, that officers be dispatched who
22 are specifically trained in dealing with these subjects and in the application of de-escalation
23 techniques for handling such crises. Dispatch protocols will continue to emphasize preference for
24 relying upon the Kern County Mobile Evaluation Team (MET) for handling such incidents.
25 When MET resources are unavailable and no immediate threat of harm to others is evident, other
26 trained personnel will be utilized if feasible, and de-escalation tactics will be given highest
27 preference in an effort to resolve these incidents without resorting to the use of force.
28

1 90. Sworn staff, call takers, and dispatch personnel will receive training that emphasizes
2 recognizing a person may be suspected of having a behavioral health disability or be in crisis by
3 taking into account a number of factors, including self-reporting, information provided by
4 witnesses or informants, BPD's previous knowledge of the individual, or an officer's direct
5 observation.

6 91. Officers will be trained not to make assumptions regarding the dangerousness of an
7 individual based on that individual's disability.

8 92. BPD will continue to use a Crisis Intervention Team Training (CIT) first-responder
9 model of police-based crisis intervention with community, health care, and advocacy partnerships
10 to assist individuals with behavioral health disabilities and individuals who are in crisis.

11 93. The goals of the CIT program will continue to be to equip officers with methods to
12 properly interact safely with persons with behavioral health disabilities or in crisis; de-escalate
13 crises and reduce the unnecessary use of force against individuals with behavioral health
14 disabilities or in crisis; minimize arrests; improve the safety of patrol officers, individuals with
15 behavioral health disabilities or in crisis and their families, and others within the community;
16 refer individuals to Kern County's behavioral health crisis system; and reduce the potential for an
17 inappropriate involvement of individuals with behavioral health disabilities with the criminal
18 justice system.

19 94. BPD will continue to work toward ensuring all patrol officers receive a 40-hour CIT
20 training. BPD will continue to provide CIT training to all cadets in its academies and all lateral
21 transfers. In addition, sworn personnel who are newly promoted to a supervisory position shall
22 receive a refresher CIT training as part of their leadership training.

23 95. BPD will continue to provide CIT training on responding to individuals in crisis to all
24 of its recruits and will continue working toward training all officers. BPD will work with the
25 Monitor to determine the necessary amount of in-service training. The annual training will be
26 adequate for officers to demonstrate competence in the subject matter and will include specified
27 topics.

28

1 96. All BPD dispatchers, and their supervisors will receive CIT training that is adequate to
2 enable them to identify, dispatch, and appropriately respond to calls for service that involve
3 individuals in crisis.

4 97. Within 180 days of the effective date of this Agreement, BPD will designate a sworn
5 employee at the rank of sergeant or above to act as a Crisis Intervention Coordinator
6 (Coordinator) to better facilitate communication between BPD and members of the behavioral
7 health provider community and to increase the effectiveness of BPD's crisis intervention
8 program. BPD will ensure that the Coordinator is empowered to fulfill all duties of the
9 Coordinator required by this Agreement.

10 98. BPD will develop a protocol to evaluate the effectiveness of its policies for responding
11 to calls for service involving a person in crisis or with a mental health disability. The protocol
12 will include audits and improvement loops to be developed by the Monitor in consultation with
13 the DOJ.

14 99. BPD will work with the Monitor to include as part of its commendation policy an
15 award or commendation that recognizes employees who demonstrate exceptional skill in
16 employing their CIT training in the field.

17 **IV. MANAGEMENT AND SUPERVISORY OVERSIGHT**

18 100. BPD will, in consultation with the Monitor and with approval by the DOJ, continue to
19 develop and implement policies, guidelines, and training to ensure all supervisors and managers,
20 (a) exercise appropriate supervisory oversight of use of force incidents, (b) conduct objective and
21 impartial investigations of those matters, (c) remain accountable for meeting agency standards
22 and expectations, (d) engage with and listen to community feedback, (e) incorporate community
23 feedback when able and appropriate, and (f) develop and evaluate policing strategies and tactics
24 reflective of contemporary best police practices.

25 101. BPD will, in consultation with the Monitor and approval by DOJ, also develop and
26 implement mandatory supervisory training in accord with contemporary police practices that will
27 include techniques for effectively guiding and directing the actions of their subordinate personnel,
28

1 promoting effective and constitutional police practices, and stressing the importance of de-
2 escalating conflict situations whenever possible.

3 102. BPD will, in consultation with the Monitor and approval by the DOJ, develop specific
4 metrics and guidelines for evaluating the effectiveness of the supervision of its officers, and
5 perform evaluations based on these metrics and guidelines on an annual basis. Based on its
6 review of this practice, the Monitor and/or DOJ will make supplemental recommendations as to
7 revisions to the metrics and guidelines to continue to improve the effectiveness of the supervision
8 of BPD's officers.

9 103. All policies, metrics and guidelines will incorporate processes for internal or external
10 reviews, audits, and/or continuous improvement loops in order to ensure the reforms are effective
11 and sustainable.

12 **V. LANGUAGE ACCESS**

13 104. BPD agrees to effectively communicate with and continue to provide timely and
14 meaningful access to police services to all members of the Bakersfield community, regardless of
15 their limited ability to speak, read, write, hear, or understand English. To achieve this outcome,
16 BPD agrees to:

- 17 a. work and meaningfully engage with its community advisory panel or working group
18 and community stakeholders to develop and implement a language access policy that is
19 consistent with Title VI of the United States Code (42 U.S.C. § 2000d et seq.), to provide
20 meaningful access to BPD programs and services for individuals who have a limited
21 ability to speak, read, write, or understand English, and for individuals that are hard of
22 hearing or deaf;
- 23 b. jointly designate, with the City of Bakersfield, a language access coordinator who will
24 coordinate with BPD and review BPD's language access policy for compliance with
25 applicable federal and California law;
- 26 c. provide training on its language access plan for all officers, communication
27 supervisors, call-takers, and dispatchers that addresses procedures consistent with BPD
28 policy for responding to calls requiring language access services.

1 105. BPD will consult with the Monitor, DOJ and the language access coordinator to
2 review its language access policies to ensure that the services provided align with the community
3 needs and how these services compare with similar entities.

4 **VI. RECRUITMENT, HIRING, AND PROMOTIONS**

5 **A. Recruitment of Sworn Personnel**

6 106. To maintain high-level, quality service, ensure officer safety and accountability, and
7 promote constitutional, effective policing, BPD and the City's Human Resources Department will
8 continue to review and revise as necessary its recruitment and hiring program to ensure that BPD
9 continues to successfully attract and hire a diverse group of qualified individuals.

10 107. According to the timeline specified in the Monitoring Plan, discussed in detail below,
11 BPD and the City's Human Resources Department will continue its development of a written
12 Recruitment Plan that includes clear goals, objectives, and action steps for attracting and retaining
13 a quality work force that reflects the diversity of the Bakersfield community.

14 108. The Recruitment Plan will, at a minimum, require the following:

- 15 a. Broad distribution of recruitment information, including information regarding career
16 opportunities, compensation, the testing and hiring process, and applicable deadlines and
17 requirements. Such information will, at a minimum, be readily accessible on the BPD
18 and the City's Human Resources Department websites and available upon request to
19 BPD or City officials;
- 20 b. That candidates continue to be allowed to submit initial applications online to the
21 City's Human Resources Department;
- 22 c. Opportunities for officers, civilians, and members of City government to continue to
23 assist BPD's efforts to attract a broad spectrum of qualified applicants;
- 24 d. That the City and BPD allow for continuous written testing for peace officer
25 applicants;
- 26 e. Recruitment outreach to a broad spectrum of community stakeholders, aimed at
27 increasing the diversity of its ranks, including race and gender, and applicants who are
28 community policing and problem-solving oriented. BPD and the City will continue to

1 explore opportunities for youth in the City's high schools to gain exposure to policing
2 through internship or other programs, and create ways to support interested youth in
3 fulfilling the requirements to join BPD; and

4 f. Expanding diverse hiring efforts, including outreach to national organizations and
5 resources which can assist and support BPD in their efforts to target and attract qualified
6 candidates who better reflect the community's demographics and can help meet the needs
7 and expectations of under-represented populations.

8 109. The Recruitment Plan will be submitted for the Monitor and DOJ's approval. BPD,
9 the City's Human Resources Department, and the Monitor will meet and confer to resolve any
10 objections the Monitor notes. BPD and the City's Human Resources Department will implement
11 the Recruitment Plan upon approval and as required by the Monitoring Plan.

12 **B. Hiring**

13 110. BPD and the City's Human Resources Department, with the aid of the Monitor, will
14 conduct an in-depth review of BPD's current hiring processes for officers and City hiring criteria,
15 to assess whether any process, criterion, or requirement has a disparate impact based on a
16 demographic category. If BPD and the City's Human Resources Department or the Monitor
17 determines that any step in the hiring process may result in a disparate impact based on
18 demographic category, BPD, the City's Human Resources Department, and the Monitor will
19 determine whether there are reasonable alternative selection procedures available that would
20 comply with City requirements and serve the City's needs while having less of a disparate impact,
21 and if so, BPD and the City will implement those alternative selection procedures.

22 111. BPD and the City will work with the Monitor to evaluate whether the written entrance
23 examination has a disproportionate impact based upon race and/or gender, and if so whether the
24 examination should be modified to reduce or eliminate the disparity.

25 112. BPD and the City will work with the Monitor to evaluate whether the pre-
26 investigative background questionnaire and personal history statement provided by Peace Officer
27 Standards and Training (POST) and any other materials utilized have a disproportionate impact
28

1 based upon race and/or gender, and if so whether those portions of the application process should
2 be modified to reduce or eliminate the disparity.

3 113. The City and BPD's recruitment, hiring, and promotions policies and practices will
4 continue to show a commitment to attracting, hiring, and promoting qualified candidates at all
5 ranks that reflect a broad cross-section of the community BPD serves.

6 114. The City and BPD will continue to ensure that its recruitment, hiring, and promotion
7 policies and practices are lawful, fair, and consistent with best practices, anti-discrimination laws,
8 and the terms of this Agreement.

9 115. The decision to suspend or not select a candidate based upon their background will
10 continue to rest at the lieutenant level or higher and the reason(s) shall be documented.

11 **C. Promotions**

12 116. Within six months of the Effective Date, BPD and the City's Human Resources
13 Department shall develop and implement a promotion policy that is adequate to satisfy the
14 requirements of this section.

15 117. As part of the promotion policy, BPD will continue to consider and expand upon the
16 following factors:

- 17 a. Effective use of community and problem-oriented policing strategies;
- 18 b. The number and circumstances of uses of force;
- 19 c. An officer's service as an FTO or Field Training Sergeant;
- 20 d. Disciplinary record;
- 21 e. Problem-solving skills;
- 22 f. Interpersonal skills;
- 23 g. Supervisory skills sufficient to ensure compliance with BPD policy and the
24 requirements of the Judgment;
- 25 h. Support for departmental integrity measures; and
- 26 i. Awards and commendations.

27 118. The promotion policy shall be designed to continue to ensure promotional decisions
28 are made without favoritism or unlawful discrimination; increase transparency and officer

1 awareness about the promotions process and promotions decisions, including, but not limited to,
2 identifying criteria for promotions; and incorporate enhanced strategies for promoting qualified
3 applicants who reflect a broad cross-section of the Bakersfield community.

4 119. The City's Human Resources Department and BPD will report annually to the City
5 Council, and to the public, on their websites, BPD's promotional activities and outcomes,
6 including the number of applicants, interviewees, and selectees, categorized by gender, race,
7 ethnicity, and national origin.

8 120. The City's Human Resources Department and BPD shall evaluate the promotion plan
9 every two years, to assess BPD's promotions processes for the ranks of senior officer, detective,
10 sergeant, lieutenant, and captain, to ensure that its policies and practices comply with the law, are
11 transparent, and are consistent with the Agreement. The assessment will include the senior
12 officer, sergeant, detective, lieutenant, captain, and assistant chief promotions processes. The
13 senior officer, sergeant, detective, lieutenant, captain, and assistant chief promotions assessment,
14 at a minimum, will identify:

- 15 a. The processes by which BPD selects candidates for promotion to senior officer,
16 sergeant, detective, lieutenant, captain, and assistant chief who possess a core set of
17 competencies, characteristics, and capabilities and, when applicable, who are effective
18 supervisors in compliance with BPD policy and the Agreement;
- 19 b. Methods for consideration of each candidate's work history, including disciplinary
20 actions taken and commendations received, in the selection process;
- 21 c. Department strategies for promoting qualified applicants who reflect a broad cross-
22 section of the City's community;
- 23 d. The frequency with which BPD and the City's Human Resources Department should
24 hold promotional exams;
- 25 e. Opportunities to increase transparency and officer awareness about the promotions
26 process and promotions decisions, including, but not limited to, identifying criteria for
27 promotions; and
28

1 f. Recommendations for any modifications to the current promotions processes that
2 would enable BPD and the City's Human Resources Department to address the
3 requirements of this section.

4 121. Within 60 days of the completion of the promotions assessment, BPD and the City
5 will develop an implementation plan to respond to any recommendations identified in the
6 assessment, including any recommended modifications to the promotions processes and a
7 timeline for implementation. Upon completion, the results of the assessment and its
8 implementation plan will be provided to the Monitor for review and approval. Within 120 days
9 of receiving the Monitor's approval, BPD and the City's Human Resources Department will
10 begin to implement the plan.

11 122. Within one year of the Effective Date of the Judgment, BPD and the City's Human
12 Resources Department will identify and publish, both internally and externally, for the ranks of
13 senior officer, detective, sergeant, lieutenant, captain, and assistant chief, the duties, eligibility
14 criteria, knowledge, skills, and abilities considered to select qualified candidates who are effective
15 supervisors in compliance with City policy and this Judgment.

16 123. Within one year of the Effective Date of this Agreement, BPD and the City's Human
17 Resources Department will develop strategies to increase transparency and awareness about the
18 promotions process for the ranks of senior officer, detective, sergeant, lieutenant, captain, and
19 assistant chief, including, but not limited to, criteria for promotions and promotion decisions.

20 124. The Bakersfield City Council will prepare a proposed charter amendment for the
21 November 2022 General Election which will seek to permit the appointment of a person from an
22 external agency to the position of Chief of Police.

23 **VII. COMMUNITY POLICING**

24 125. BPD agrees to enhance, promote, and strengthen partnerships within the community,
25 to continue engaging constructively with the community to ensure collaborative problem-solving
26 and bias-free policing, and to increase transparency and community confidence in BPD. To
27 achieve this outcome, BPD agrees to implement the requirements set forth below. As noted
28 above, BPD also agrees to form and maintain a community advisory panel or working group, and

1 to develop and amend its use of force policies, community policing strategy and policies, bias-
2 free policing policies, and civilian complaint policies with input from the community advisory
3 panel or working group and other stakeholders within the community.

4 126. BPD will agree to develop a strategic plan to meaningfully engage with community
5 stakeholders and work with its newly formed community advisory panel or working group, as
6 described below, in developing the revised policies described above.

7 **A. Community and Problem-Oriented Policing**

8 127. BPD agrees to broaden its current efforts to actively participate in community
9 engagement efforts, including participating in local community meetings, making itself available
10 for community feedback, and working with the community on the development of diversion
11 programs. BPD agrees to enhance its engagement with all members of the community, including
12 its critics. BPD agrees to create additional easy points of access for community feedback and
13 input, such as providing “community feedback” or “talk to your lieutenant” links on its website
14 and social media pages.

15 128. A variety of sworn personnel, up through the chain of command, shall continue to
16 actively attend community meetings and events. BPD agrees to develop a plan for such
17 attendance. The plan shall indicate the number and types of events to be attended on a regular
18 basis and take into account the need to enhance relationships with particular groups within the
19 community, including, but not limited to, youth, LEP individuals, and communities of color.

20 129. BPD agrees to provide structured annual in-service training on community policing
21 and problem-oriented policing methods and skills for all officers, including unit supervisors and
22 lieutenants. This training shall include:

- 23 a. methods and strategies to improve public safety and crime prevention through
24 community engagement;
- 25 b. scenario-based training, including roll call training, that promotes the development of
26 new partnerships between BPD and the community targeting problem solving and
27 prevention;
- 28 c. leadership, ethics, and interpersonal skills;

- d. community engagement techniques, including how to establish formal partnerships and actively engage community organizations, including youth, immigrant, and LGBTQ+ communities;
- e. problem-oriented policing tactics for both employees and community members;
- f. conflict resolution and verbal de-escalation of conflict; and
- g. cultural awareness and sensitivity training.

130. BPD will continue to incorporate into its organizational strategies and policing philosophy the Final Report of The President’s Task Force on 21st Century Policing and its concepts.

131. To continually improve police-community partnerships, BPD will assess and report on the impact of community engagement initiatives. BPD will issue annual public reports and post them on its website, on its community engagement efforts, identifying successes, obstacles, and recommendations for future improvement.

132. BPD agrees to seek the assistance of its community advisory panel or working group and community advocates in widely disseminating information to the public, in English and Spanish, and as set forth in other requirements of this Agreement.

B. Community Survey

133. BPD agrees to assist the Monitor in conducting a reliable, comprehensive, and representative biennial survey of members of the City community regarding their experiences with and perceptions of BPD and of public safety.

134. To conduct the biennial community survey, the City shall provide funding for the Monitor, as part of the City’s annual budget set forth below to select and retain an individual or entity that shall:

- a. develop a baseline of measures on public satisfaction with policing, attitudes among police personnel, and the quality of police-citizen encounters;
- b. design, conduct, and analyze baseline and subsequent annual surveys of a representative sample of City residents, law enforcement personnel, and detained arrestees;

- 1 c. review and consider prior law enforcement surveys in Bakersfield and other cities, in
2 designing the survey;
- 3 d. engage in formal and informal conversation with City residents, BPD officers and
4 command staff, and DOJ representatives, and observe community meetings;
- 5 e. ensure that the resident and arrestee surveys are designed to capture a representative
6 sample of City residents including members of each demographic category; conduct the
7 survey in English, Spanish, and other languages as necessary to ensure representation of
8 the entire Bakersfield community; and
- 9 f. formally discuss the survey methodology with BPD supervisors and DOJ and consider
10 these opinions in the development of the initial survey and improvements to subsequent
11 surveys.

12 135. BPD agrees to cooperate with the design and conduct of the survey by, for example,
13 helping to organize focus groups of officers and obtaining and providing previous survey
14 instruments and data.

15 136. The report of the baseline survey and subsequent annual surveys shall be publicly
16 distributed and posted on the BPD website.

17 **VIII. PERSONNEL COMPLAINT REVIEW**

18 137. BPD will continue to ensure that all allegations of personnel misconduct are received
19 and documented, are fully and impartially investigated, adjudicated based on a preponderance of
20 the evidence, and that all personnel who commit misconduct are held accountable pursuant to a
21 disciplinary system that is fair and consistent. To achieve these outcomes, BPD and the City
22 agree to implement the requirements below.

23 **A. Complaint Intake**

24 138. BPD shall continue to make personnel complaint forms and informational materials,
25 including brochures and posters, available at appropriate City or municipal properties in
26 Bakersfield, including, at a minimum, BPD stations, courts, City libraries, and the BPD website
27 and social media sites, and shall make a concerted effort to provide them to community groups,
28 churches, and other non-governmental stakeholders.

1 139. BPD will continue to accept all personnel complaints, including anonymous and third-
2 party complaints, for review and investigation. Complaints may be made in writing or verbally,
3 in person or by mail, telephone (or TDD), facsimile, or electronic mail, as well as in the field.
4 Any LEP individual who wishes to file a complaint about a BPD officer or employee shall be
5 provided with a complaint form and informational materials in the appropriate non-English
6 language and/or be provided appropriate translation services in order to file a complaint.

7 140. The refusal to accept a personnel complaint, discouraging the filing of a complaint, or
8 providing false or misleading information about filing a complaint, shall continue to be grounds
9 for discipline, up to and including termination.

10 141. BPD's civilian complaint policies and procedures will be amended to incorporate, at
11 minimum, the best practices contained in the California Racial & Identity Profiling Advisory
12 Board's 2019 Annual Report, at pages 41-44.

13 142. BPD will make its complaint brochure that explains the complaint procedures
14 available in Spanish or any other language that the City must provide to voters during an election.
15 BPD will also amend its website so that complaint forms can be submitted electronically.

16 143. BPD will amend its complaint form to collect the information delineated in the
17 California Racial & Identity Profiling Advisory Board's 2020 Annual Report, at pages 82-84.
18 The complaint form and information provided on the website shall be amended to state that
19 retaliation for making a complaint or cooperating in a complaint investigation is contrary to BPD
20 policy.

21 **B. Complaint Classification**

22 144. BPD will enhance its complaint investigation related policies, to ensure that they are
23 complete, clear and consistent. BPD will implement mechanisms to ensure that all personnel
24 allegations are accurately classified at all investigative stages, from intake through adjudication,
25 so that each allegation receives the appropriate level of review required under policy.

26 145. BPD will ensure that personnel complaints are not misclassified as inquiries. Toward
27 this end BPD, as approved by the Monitor and DOJ, will establish a clear definition to identify
28 what conduct constitutes a civilian complaint. The definition of a civilian complaint should

1 include the Internet posting of a video by a community member, depicting apparent officer
2 misconduct towards a community member and other non-traditional sources of complaints. Any
3 contact from the public designated as a public inquiry must also be reviewed by Internal Affairs.
4 Internal Affairs shall independently review the contact to determine whether it should be
5 categorized as civilian complaint or public inquiry. BPD will agree to modernize its public
6 inquiry system.

7 146. In consultation with the Monitor and subject to DOJ approval, BPD will revise
8 policies to clarify and strengthen requirements related to which allegations of misconduct by BPD
9 personnel, if true, would require imposition of discipline, as opposed to non-disciplinary action,
10 to address the misconduct.

11 147. BPD shall continue to investigate every allegation of misconduct that arises during an
12 investigation, even if an allegation is not specifically articulated as such by the complainant and
13 will work with the monitor to enhance this process.

14 148. In order to ensure that all personnel complaint investigations are thorough, fair, and
15 resolved in a timely and appropriate manner, BPD will continue to designate Internal Affairs to
16 serve as central coordinator and quality control hub for all personnel complaint intake,
17 investigation, adjudication and review processes, even for those cases not requiring a full
18 administrative investigation. BPD will work with the Monitor to enhance this process.

19 **C. Investigations**

20 149. All investigations of BPD personnel complaints, including reviews, shall continue to
21 be as thorough as necessary to reach reliable and complete findings, and the investigation shall
22 address all substantive issues raised by the reporting party. In each investigation, BPD shall
23 consider all relevant evidence, including circumstantial, direct, and physical evidence, as
24 appropriate, and make credibility determinations based upon that evidence. BPD investigators
25 will not use leading questions when interviewing officers and will not permit officers to submit a
26 written statement in lieu of an interview with investigators. There will continue to be no
27 automatic preference for an officer's statement over a non-officer's statement, nor will BPD
28 disregard a witness' statement merely because the witness has some connection to the

1 complainant or because of any criminal history. BPD shall continue to make efforts to resolve
2 material inconsistencies between witness statements. BPD will work with the Monitor to enhance
3 this process.

4 150. BPD will continue not to permit any involved supervisor, any supervisor who
5 authorized the conduct that led to the complaint, or any supervisor who has a conflict with the
6 BPD personnel subject to the investigation to conduct the investigation into the complaint.

7 151. The misconduct investigator shall seek to identify all persons at the scene giving rise
8 to a misconduct allegation, including all BPD officers. The investigator will make all reasonable
9 efforts to interview all witnesses and any other person at the scene giving rise to the misconduct
10 allegation. The investigator shall note in the investigative report the identities of all officers and
11 persons who were on the scene but assert they did not witness and were not involved in the
12 incident. The investigator shall conduct further investigation of any such assertions that appear
13 unsupported by the evidence.

14 152. All witnesses, including, if authorized by the Public Safety Officers Procedural Bill of
15 Rights Act, officers witnessing or involved in an incident that becomes the subject of a personnel
16 complaint, shall provide a written statement regarding their involvement in and/or observations of
17 the incident, or be interviewed as described below.

18 153. Consistent with current policy, interviews shall continue to be recorded. BPD will
19 also conduct all interviews separately. An interpreter not involved in the underlying complaint
20 will be used when taking statements or conducting interviews of any LEP complainant or witness.

21 154. Every BPD misconduct investigation should include a comprehensive investigative
22 summary to ensure that the evidentiary bases for the investigation's findings are clearly supported
23 and accessible to command staff who make disciplinary recommendations.

24 **D. Management Review and Adjudication of Complaints**

25 155. All personnel investigations shall continue to be reviewed and approved in writing by
26 the accused employee's commanding officer. The reviewing commanding officer shall continue
27 to ensure that all substantive allegations were identified and investigated, even if the allegation
28

1 was not specifically articulated by the complainant. BPD will work with the Monitor to enhance
2 this process.

3 156. The reviewing commanding officer will continue to adjudicate each substantive
4 allegation using the preponderance of evidence standard and classify each allegation using the
5 Penal Code standards of Sustained, Not Sustained, Exonerated, or Unfounded (Pen. Code, §§
6 832.5, 13012).

7 157. When an allegation is sustained, the reviewing commanding officers will continue to
8 recommend the appropriate corrective action or penalty, taking into consideration the seriousness
9 of the offense, the offense's impact on the community, and the employee's work history. BPD
10 will work with the Monitor to enhance this process.

11 158. To ensure fairness, transparency, and predictability, BPD will codify its disciplinary
12 recommendation process to ensure that discipline is uniformly applied and takes into account the
13 1) seriousness of the offense; 2) impact or potential impact on the Department and its members;
14 3) employee's work history and acceptance of responsibility; 4) employee's prior disciplinary
15 history; and 5) impact on public trust.

16 159. The reviewing commanding officers will continue to ensure that the disposition of
17 each complaint and allegation(s) therein are recorded accurately in the Department's database
18 used to track such employee actions.

19 **E. Complaint Review and Investigation Training**

20 160. BPD agrees to provide updated and revised training to officers and supervisors about
21 proper complaint intake, classification, and investigation techniques. BPD will provide training
22 about how to record complaints from individuals who may not be proficient in English, and the
23 consequences for failing to properly take and objectively investigate complaints from the public.

24 161. All personnel involved in conducting personnel complaint investigations at BPD shall
25 receive initial training on conducting these misconduct investigations and shall receive refresher
26 training each year. This training shall include instruction in:

- 27 a. investigative skills, including proper interrogation and interview techniques, gathering
28 and objectively analyzing evidence, and data and case management;

- 1 b. the particular challenges of personnel complaint reviews/investigations, including
2 identifying alleged misconduct that is not clearly stated in the complaint or that becomes
3 apparent during the investigation, properly weighing credibility of both civilian witnesses
4 and officers, using objective evidence to resolve inconsistent statements, and the proper
5 application of the preponderance of the evidence standard;
- 6 c. relevant state, local, and federal law, including state employment law related to
7 officers and the rights of public employees, as well as criminal discovery rules such as
8 those set out in *Garrity v. New Jersey* (1967) 385 U.S. 493, *Lybarger v. City of Los*
9 *Angeles* (1985) 40 Cal.3d 822, and *Brady v. Maryland* (1963) 373 U. S. 83; and
- 10 d. BPD rules and policies, including the requirements of this Agreement, and protocols
11 related to criminal and administrative investigations of alleged officer misconduct.

12 162. All personnel responsible for the review of personnel complaint investigations at BPD
13 shall receive initial training on reviewing personnel complaint investigations and shall receive
14 refresher training annually thereafter. The training shall include instruction in:

- 15 a. Ensuring that all witnesses and accused officers are accounted for in the investigation
16 and that they are asked about allegations they may have witnessed or in which they were
17 allegedly involved;
- 18 b. Ensuring that summarized statements accurately reflect the recorded interviews;
- 19 c. Ensuring that evidence is identified, analyzed, and interpreted in the investigation;
- 20 d. Ensuring any risk-management issues are identified and addressed, such as inadequate
21 policies, insufficient training, inadequate or inoperable safety equipment, and ineffective
22 field supervision;
- 23 e. Determining the appropriate corrective action and/or penalty, when appropriate; and
- 24 f. Relevant state and local laws dealing with conducting personnel investigations and
25 disciplinary actions.

26 **F. Personnel Complaint Audits**

27 163. BPD shall conduct an annual, randomized audit of BPD's complaint intake,
28 classification, investigations, and the adjudication of those matters. This audit will assess

1 whether complaints are accepted and classified consistent with policy, investigations are
2 complete, and complaint dispositions are consistent with a preponderance of the evidence. Audits
3 will be submitted through the chain of command to the Chief for a determination regarding
4 recommendations made and further action required.

5 164. BPD will, on a quarterly basis, submit a report to the Monitor identifying all cases in
6 which employees were found to have committed misconduct, and detailing the steps taken to hold
7 them accountable for their conduct. The Monitor will then submit a report to BPD and to DOJ
8 providing its expert opinion as to whether the cases identified and the steps taken have been
9 sufficient or insufficient, and provide recommendations as to improvements, if any, that should be
10 made to the process for holding such personnel accountable.

11 165. BPD's Internal Affairs Unit will regularly assess the effectiveness of the complaint
12 process; analyze the complaints to determine if there is a need for a re-evaluation of existing
13 policies, procedures, or trainings; ensure regular audits of complaint investigations to ensure the
14 quality of those investigations, summarized statements accurately reflect recorded interviews, and
15 standards are being met; and make reports of complaint statistics available to the public on a
16 regular basis. BPD will also utilize its Internal Affairs Division to assess the effectiveness of its
17 complaint process, and the process for determining which complaints are investigated by Internal
18 Affairs Division.

19 166. BPD will publish an annual report of personnel complaint data that reflects the
20 categories of complaints received and the final disposition of those complaint investigations that
21 have been completed as well as the status of any complaint investigations still pending. The
22 report will be made available to the public on BPD's public website, once approved by the Chief
23 and the Monitor. This report will reflect data for the preceding calendar year and will be released
24 by April 1 of each year.

25 **MONITORING**

26 167. This Stipulated Judgment shall be overseen by a qualified third-party Monitor, who
27 shall be provided complete access to BPD's and the City's information and documents to ensure
28 compliance with this Judgment and whose reasonable costs and expenses shall be paid for by the

1 City. The City is committed to allocating all costs necessary to comply with the terms of the
2 Judgment, and if the City believes that any Monitoring costs are not reasonable, the City shall
3 meet and confer with DOJ within 15 days of the receipt of each invoice. The Monitor shall
4 provide the DOJ and the City with monthly invoices detailing each expense along with any
5 documentation necessary to justify each expense.

6 **A. Selection of Monitor**

7 168. Within 15 days of the service of the Notice of Entry of Judgment, the Parties shall
8 meet and confer to select a Monitor and/or monitoring team (Monitor) to oversee the terms of this
9 Judgment. As described in greater detail below, the Monitor will assess the City's progress in
10 implementing, and achieving compliance with, the Judgment; report on the status of
11 implementation to the Parties and the Court; work with the Parties to address any barriers to
12 compliance; and assist the Parties to informally resolve disputes or differences should they
13 emerge.

14 169. The Monitor shall be subject to the supervision of DOJ, consistent with this Judgment
15 and the Monitoring Plan, as defined below. The Monitor shall have the duties, responsibilities,
16 and authority necessary to carry out the terms of the Judgment. The Monitor shall not, and is not
17 intended to, replace or assume the role and duties of the Chief of Police or of the DOJ.

18 170. In order to assess and report on BPD's implementation of this Judgment and whether
19 implementation is resulting in constitutional policing, the Monitor shall conduct qualitative and
20 quantitative compliance reviews, audits, and outcome assessments as specified below, and such
21 additional audits, reviews, and assessments that the Monitor or Parties deem appropriate.

22 **B. Compliance Reviews and Audits**

23 171. The Monitor shall conduct compliance reviews or audits as necessary to determine
24 whether BPD has implemented and continues to comply with the Material Requirements of this
25 Judgment. A "Material Requirement" in this Judgment is a requirement of the Judgment that has
26 a significant relationship to achieving the purposes of this Judgment.

27 172. To achieve "Full and Effective Compliance" under this Judgment, the City and BPD
28 must demonstrate that they have (a) incorporated all Material Requirements of this Judgment into

1 policy, (b) trained relevant personnel as necessary to fulfill their responsibilities pursuant to the
2 Material Requirements, and (c) ensured that each Material Requirement is being carried out in
3 practice. No specific numerical test shall be required to demonstrate Full and Effective
4 Compliance, so long as BPD is demonstrating substantial compliance and adherence with the
5 Material Requirements, continual improvement, and the overall purpose of the Material
6 Requirements has been met. Non-compliance with mere technicalities, or temporary or isolated
7 failure to comply during a period of otherwise sustained compliance, will not constitute failure to
8 achieve or maintain Full and Effective Compliance. At the same time, temporary compliance
9 during a period of otherwise sustained noncompliance will not constitute compliance with this
10 Judgment.

11 173. Compliance reviews and audits will contain both qualitative and quantitative elements
12 as necessary for reliability and comprehensiveness. Where appropriate, the Monitor will make
13 use of audits conducted by BPD's Quality Assurance Unit, taking into account the importance of
14 internal auditing capacity and independent assessment of this Judgment.

15 174. Where the Monitor recommends and the Parties agree, the Monitor may refrain from
16 conducting a compliance audit or review of a requirement previously and consistently found to be
17 in compliance by the Monitor pursuant to audit or review. Thereafter, BPD and/or the City will
18 be deemed to have achieved compliance with those requirements for purposes of this Judgment,
19 absent evidence to the contrary.

20 175. The Monitor, in conjunction with BPD, will conduct an ongoing audit of incidents
21 where an officer brandishes a firearm in the presence of a member of the public. The audit will
22 include a review of all civilian complaints and an appropriate sample of police reports, including
23 use of force incidents, related to any use or such brandishing of a firearm.

24 **C. Outcome Assessments**

25 176. In addition to compliance reviews and audits, the Monitor shall conduct qualitative
26 and quantitative outcome assessments to measure whether BPD's implementation of this
27 Agreement has eliminated practices that resulted in DOJ's filing of the complaint. These
28

1 outcome assessments shall include collection and analysis, both quantitative and qualitative, of
2 the following outcome data:

3 a. Use of Force Measurements, including:

- 4 i. the rate of force used by BPD per arrest, reporting district (i.e. street address,
5 neighborhood, or reporting district), type of arrest, and demographic category;
- 6 ii. the number and rate of uses of force resulting in training or tactical reviews,
7 with formal discipline and/or with informal corrective action; and
- 8 iii. the number and rate of use of external force complaints that result in formal
9 administrative investigations/reviews, and in which each finding is supported
10 by a preponderance of the evidence.

11 b. Stop and Search Measurements, including:

- 12 i. the number and rate of stops and searches for which there is sufficient
13 documented reasonable suspicion, overall and broken down by geographic area,
14 type of arrest, and demographic category;
- 15 ii. the number and rate of searches that result in a finding of contraband, overall
16 and broken down by authority to conduct search, reporting district, type of
17 arrest, and demographic category;
- 18 iii. the number and rate of arrests, overall and broken down by type of arrest and
19 demographic category; and
- 20 iv. the number of consensual searches conducted overall and broken down by
21 reporting area, type of arrest and demographic category.

22 c. Supervision Measurements, including initial identification of officer violations and
23 performance problems by supervisors (including sergeants, lieutenants, and captains),
24 and effectiveness of supervisory response.

25 d. Complaints made by the public, the various categories of those complaints, and the
26 findings made.

27 177. In conducting audits, reviews, and outcome assessments, the Monitor may use any
28 relevant data collected and maintained by BPD that the Monitor and DOJ deem reliable and

1 sufficiently complete, provided that the Monitor has determined, and the Parties agree, that this
2 data is reasonably reliable and complete.

3 **D. Monitoring Plan and Review Methodology**

4 **Monitoring Plan**

5 178. The Monitor will develop and complete a Monitoring Plan, including proposed
6 deadlines for implementation for conducting the compliance reviews and audits (Monitoring
7 Plan). It is the Parties' intent that the development of the Monitoring Plan will likely require
8 input from BPD, and BPD agrees to work with the Monitor toward this end. This Monitoring
9 Plan will include specific deadlines and timelines for the first year of implementation of the
10 Judgment, including: (1) deadlines for the development of policies and training materials, and (2)
11 schedules for conducting compliance reviews and outcome assessments. The Monitoring Plan
12 will be submitted to DOJ for approval within 90 days of the Monitor's appointment.

13 179. Upon approval by DOJ, the Monitor will submit the Monitoring Plan to BPD for final
14 review and approval. BPD will have 30 days to either approve or propose changes to the
15 Monitoring Plan. If BPD proposes changes, the Monitor and DOJ will have 15 days to accept or
16 object to those changes. If the Monitor and DOJ object to any of the proposed changes, the
17 Monitor will provide the rationale for the objection, in writing, and the Parties will attempt to
18 confer to resolve the disagreement.

19 180. If after good faith attempts, disagreement regarding the Monitoring Plan remains
20 unresolved between the Parties and/or Monitor so that the Monitoring Plan is not approved by the
21 Parties, and the disagreement remains unresolved, the Monitor will make the final determination.

22 181. For each subsequent year, the Monitor will develop a detailed Monitoring Plan for
23 implementation of the Judgment. The approval of the subsequent Monitoring Plans will follow
24 the same process as that set forth in paragraphs 178 through 180 of this Judgment.

25 182. At least 30 days prior to the initiation of any outcome measure assessment or
26 compliance review, the Monitor shall submit a proposed methodology for the assessment or
27 review to the Parties. The Parties shall submit any comments or concerns they have regarding the
28 proposed methodology to the Monitor within 15 days of receipt of the Monitor's notification.

1 The Monitor shall modify the methodology as necessary to address any concerns, or shall inform
2 the Parties in writing of the reasons they are not modifying the methodology as proposed.

3 **Development of Policies, Procedures, and Training**

4 183. BPD will submit all related policies, training curricula, and lesson plans required to be
5 written, revised, or maintained by the Agreement to the Monitor and DOJ prior to publication and
6 implementation. The Parties will share draft policies and meet as needed to reach agreement on
7 whether revised policies and training materials are in compliance with the requirements of the
8 Judgment, the Constitution, federal and statutory law, best practices, and current professional
9 standards.

10 184. Forty-five days before a compliance deadline, as set out in the Monitoring Plan, the
11 Parties will submit the policy, training curriculum or lesson plan to the Monitor for review. The
12 Monitor will provide written comments to DOJ and BPD, which the DOJ shall consider in
13 determining whether to approve the policy, training curriculum, and lesson plan.

14 185. If BPD, DOJ, and the Monitor do not all agree that the policy, training curriculum or
15 lesson plan is consistent with this Agreement, legal requirements, and best practices, either Party
16 or the Monitor will provide the rationale for its objection in writing and the Parties and Monitor
17 will attempt to confer to resolve the disagreement. If the disagreement remains unresolved, DOJ
18 will make the final determination.

19 186. BPD will begin implementation of policies and procedures within 30 days of DOJ
20 approval or the Court's decision if a dispute arises, unless otherwise specified or agreed to by the
21 Parties in the Monitoring Plan.

22 187. Within 30 days after issuing a policy or procedure pursuant to this Judgment, BPD
23 shall ensure that all relevant BPD personnel have received, read, and understand their
24 responsibilities pursuant to the policy or procedure, including the requirement that each officer or
25 employee report violations of policy; that supervisors of all ranks shall be held accountable for
26 identifying and responding to policy or procedure violations by personnel under their command;
27 and that personnel will be held accountable for policy and procedure violations. BPD shall
28 document that each relevant BPD officer or other employee has received, read, and sufficiently

1 understands policy. Training beyond roll-call or similar training will be necessary for many new
2 policies to ensure officers understand and can perform their duties pursuant to the policy.

3 188. Within 180 days from the Effective Date of the Judgment, BPD shall ensure that each
4 BPD sworn personnel member attends a training briefing on the content of this Judgment and the
5 responsibilities of each officer and employee pursuant to it. BPD shall begin providing this
6 training briefing within 45 days of the Effective Date of the Judgment.

7 189. All training will include periodic testing to ensure that employees are appropriately
8 comprehending, retaining, and applying the knowledge and skills conveyed during the training
9 required by the Agreement. Based on results of testing, BPD will provide additional periodic
10 training as needed to officers, supervisors, and lieutenants that is sufficient in duration and scope
11 to ensure that all officers can consistently and effectively carry out BPD's policies.

12 190. BPD shall completely and accurately record information regarding BPD officers'
13 training attendance.

14 **E. Monitor Recommendations and Assessments**

15 191. The Monitor may also make recommendations to the Parties regarding measures
16 necessary to ensure timely, Full and Effective Compliance with the Judgment and its underlying
17 objectives. Such recommendations may include a recommendation to change, modify, or amend
18 a provision of the Judgment, a recommendation for additional training related to the Judgment, or
19 a recommendation to seek technical assistance.

20 192. The Monitor may also, at the request of either Party, provide technical assistance
21 consistent with the Agreement.

22 193. The Monitor shall conduct a comprehensive assessment one year after the Effective
23 Date to determine whether and to what extent: (1) the outcomes intended by the Agreement have
24 been achieved, and (2) any modifications to the Judgment are necessary for continued
25 achievement in light of changed circumstances or unanticipated impact (or lack of impact) of a
26 requirement. Based upon this comprehensive assessment, the Monitor shall recommend what
27 modifications to the Judgment, if any, are necessary to achieve and sustain intended outcomes.
28 Where the Parties agree with the Monitor's recommendations, the Parties shall work to adopt

1 mutually acceptable modifications of the Judgment. BPD will have the option to delay this
2 comprehensive assessment for one additional year if they deem this to be the appropriate time
3 period for the comprehensive assessment. If BPD decides to seek this delay of the
4 comprehensive assessment, they will advise the Monitor and DOJ within six months of the
5 Effective Date of this Judgment.

6 **F. Monitor Reports**

7 194. The Monitor will issue to DOJ and BPD a report every year that details the progress
8 in implementing the Judgment and achieving compliance with the Judgment. The reports will
9 include:

- 10 a. a description of the work conducted by the Monitor during the reporting period;
- 11 b. a listing of each Judgment requirement indicating which requirements have been: (1)
- 12 incorporated into policy; (2) the subject of sufficient training for all relevant BPD
- 13 officers and employees; (3) reviewed or audited by the Monitor to determine whether
- 14 they have been fully implemented in actual practice, including the date of the review or
- 15 audit; and (4) found by the Monitor to have been fully implemented in practice;
- 16 c. the methodology and specific findings for each audit or review conducted, redacted as
- 17 necessary for privacy concerns. The underlying data for each audit or review will not be
- 18 publicly available but will be retained by the Monitor and provided to either or both
- 19 Parties upon request;
- 20 d. for any requirements that were reviewed or audited and found not to have been fully
- 21 implemented in practice, the Monitor's recommendations regarding necessary steps to
- 22 achieve compliance;
- 23 e. the methodology and specific findings for each outcome assessment conducted; and
- 24 f. a qualitative assessment of BPD's progress in achieving the desired outcomes for each
- 25 area covered by the Judgment, noting issues of concern or particular achievement; and a
- 26 projection of the work to be completed during the upcoming reporting period and any
- 27 anticipated challenges or concerns related to implementation of, and achieving
- 28 compliance with, the Judgment.

1 195. The Monitor shall provide a copy of the reports to the Parties in draft form at least 30
2 days prior to its due date. The Parties will meet to discuss any comments on the report, and the
3 Monitor shall consider the Parties' comments and edit the report if appropriate before issuing the
4 report.

5 196. The reports shall be public with the exception of material covered by applicable
6 privacy or confidentiality laws. Any parts of the reports that identify specific officers or
7 supervisors will not be made public. To facilitate public access to the reports, BPD shall post the
8 reports to its public website.

9 197. Except as required or authorized by the terms of this Agreement or the Parties acting
10 together, the Monitor, including, for the purposes of this paragraph, any agent, employee, or
11 independent contractor thereof, shall not make any public statements or issue findings with regard
12 to any act or omission of BPD, or their agents, representatives, or employees; or disclose non-
13 public information provided to the Monitor pursuant to this Agreement. Prior to making any
14 press statement regarding their employment or monitoring activities under this Agreement, the
15 Monitor shall first provide notice to both the DOJ and BPD and obtain prior authorization from
16 DOJ.

17 **G. Public Statements, Testimony, and Conflicts of Interest**

18 198. The Monitor may testify as to their observations, findings, and recommendations
19 before the Court with jurisdiction over this matter; however, no Monitor shall testify in any other
20 litigation or proceeding with regard to any act or omission of BPD or any of its agents,
21 representatives, or employees related to this Agreement or regarding any matter or subject that the
22 Monitor may have received knowledge of as a result of his or her performance under this
23 Agreement. This paragraph does not apply to any proceeding before a court related to
24 performance of contracts or subcontracts for Monitoring this Agreement.

25 199. Unless such conflict is waived by the Parties, the Monitor shall not accept
26 employment or provide consulting services that would present a conflict of interest with the
27 Monitor's responsibilities under this Agreement, including being retained (on a paid or unpaid
28 basis) by any current or future litigant or claimant, or such litigant's or claimant's attorney, in

1 connection with a claim or suit against BPD, the City, or its departments, officers, agents, or
2 employees. This provision does not preclude the Monitor from being retained by DOJ on other
3 matters unrelated to BPD.

4 200. The Monitor is not a state or local agency, or an agent thereof, and accordingly the
5 records maintained by the Monitor shall not be deemed public records subject to public
6 inspection.

7 201. The Monitor shall not be liable for any claim, lawsuit, or demand arising out of the
8 Monitor's performance pursuant to this Agreement.

9 **H. Communication Between Monitor and Parties**

10 202. The Monitor will maintain regular contact with the Parties in order to ensure effective
11 and timely communication regarding the status of the BPD's implementation of, and compliance
12 with, the Agreement. To facilitate this communication, the Monitor will conduct meetings every
13 two months, or as needed, which will include participation by BPD, representatives of the City
14 Attorney's office, and DOJ.

15 **I. Access and Confidentiality**

16 203. To facilitate its work, the Monitor may conduct on-site visits and assessments without
17 prior notice to the City or BPD. The Monitor shall have access to all necessary individuals,
18 facilities, and documents, which shall include access to Agreement-related trainings, meetings,
19 and reviews such as critical incident reviews, executive force review committee meetings, and
20 disciplinary hearings.

21 204. The City or BPD shall provide the Monitor with office space and reasonable office
22 support, such as office furniture, secure internet access, telephone, secure document storage, and
23 photocopying, faxing, and scanning equipment, that the Monitor may require while in the City.

24 205. BPD shall ensure that the Monitor shall have full and direct access to all City and
25 BPD staff, employees, and facilities that the Monitor reasonably deems necessary to carry out the
26 duties assigned to the Monitor by this Agreement. The Monitor shall cooperate with the City and
27 BPD to access people and facilities in a reasonable manner that, consistent with the Monitor's
28 responsibilities, minimizes interference with daily operations.

1 206. BPD shall ensure that the Monitor shall have full and direct access to all BPD
2 documents and data that the Monitor reasonably deems necessary to carry out the duties assigned
3 to the Monitor by this Agreement, except any documents or data protected by the attorney-client
4 privilege. The attorney-client privilege may not be used to prevent the Monitor from observing
5 reviews, meetings, and trainings such as use of force review boards; disciplinary hearings; or
6 discussions of misconduct complaint investigations. Should BPD decline to provide the Monitor
7 access to documents or data based on attorney-client privilege, BPD shall inform the Monitor and
8 DOJ that it is withholding documents or data on this basis and shall provide the Monitor and DOJ
9 with a log describing the documents or data.

10 207. For the purpose of implementing this Agreement, DOJ and its consultative experts
11 and agents shall have full and direct access to all BPD staff, employees, facilities, and documents
12 and data who have pertinent information about BPD. DOJ and its consultative experts and agents
13 shall cooperate with BPD to access involved personnel, facilities, and documents in a reasonable
14 manner that, consistent with DOJ's responsibilities to enforce this Agreement, minimizes
15 interference with daily operations.

16 208. The Monitor or DOJ shall provide the City with reasonable notice of a request for
17 copies of documents or data. Upon such request, the City and/or BPD shall provide in a timely
18 manner copies (electronic, where readily available) of the requested documents to the Monitor
19 and DOJ.

20 209. The Monitor shall have access to all records and information relating to criminal
21 investigations of BPD officers as permissible by law. The Monitor shall have access to all
22 documents in criminal investigation files that have been closed by BPD. The Monitor shall also
23 have reasonable access to all arrest reports, warrants, and warrant applications whether or not
24 contained in open criminal investigation files. Where practicable, arrest reports, warrants, and
25 warrant applications shall be obtained from sources other than open criminal investigation files.

26 210. The Monitor and DOJ shall maintain all non-public information provided by BPD and
27 the City in a confidential manner. Other than as expressly provided in this Agreement, this
28 Agreement shall not be deemed a waiver of any privilege or right the BPD or City may assert,

1 including those recognized at common law or created by statute, rule or regulation, against any
2 other person or entity with respect to the disclosure of any document.

3 **J. BPD Compliance Coordinator**

4 211. The Parties agree that BPD will hire and retain or assign a current BPD management
5 level employee to serve as the Compliance Coordinator for the duration of this Judgment. The
6 Compliance Coordinator will serve as a liaison between BPD, the City, the Monitor, and DOJ,
7 and will assist with ensuring BPD's compliance with the Agreement. At a minimum, the
8 Compliance Coordinator will:

- 9 a. coordinate compliance and implementation activities;
- 10 b. facilitate the timely provision of data, documents, and other access to BPD employees
11 and material to the Monitor and DOJ, as needed;
- 12 c. ensure that all documents and records are maintained as provided in the Agreement;
- 13 and
- 14 d. assist in assigning compliance tasks to BPD personnel, as directed by the Chief or his
15 designee. The Compliance Coordinator will take primary responsibility for collecting the
16 information the Monitor requires to carry out the terms of the Agreement.

17 **K. Monitor Budget and Payment**

18 212. The City shall bear all fees and costs of the Monitor. In approving budgets, the
19 Parties recognize the importance of ensuring that all fees and costs borne by the City are
20 reasonable. The Parties shall work with the Monitor to reach mutually agreed upon reasonable
21 limits on the Monitor's fees and costs. Within 10 days of entry of judgment, the City shall
22 deposit with the DOJ a minimum of \$250,000, which shall be held in an interest-bearing account.
23 The Department of Justice shall pay the Monitor from this account. The Attorney General shall
24 notify the City any time the balance in said account reaches less than \$50,000, and the City shall,
25 within 10 days of receiving such notice, deliver to the DOJ sufficient funds to return the account's
26 balance to \$250,000. When the Judgment has been terminated, all funds remaining in the account
27 shall be returned to the City.

1 213. Within 90 days of appointment, the Monitor shall submit to the Parties for approval a
2 proposed budget for the first year of implementation of the Agreement. The proposed budget will
3 describe the qualifications of all the persons or entities to be hired or employed by the Monitor as
4 well as the Monitoring tasks that they will perform. The Monitor, at any time after their
5 appointment, may request to be allowed to hire, employ, or contact such additional persons or
6 entities as are reasonably necessary to perform the tasks assigned to the Monitor by the
7 Agreement, provided that those expenditures fall within the approved budget. The Monitor will
8 notify the City and DOJ in writing if the Monitor wishes to select such additional persons or
9 entities. The notice will identify and describe the qualifications of the person or entity to be hired
10 or employed and the Monitoring task to be performed. The City and DOJ must both approve of
11 the person or entity before they may be hired or employed, although substantial deference will be
12 afforded to the Monitor's choice. Any person or entity hired or otherwise retained by the Monitor
13 will be subject to the provisions of the Agreement.

14 214. Thereafter, the Monitor shall submit annually a proposed budget for the Parties'
15 approval in accordance with the process set forth above. Notwithstanding any other provision of
16 this Agreement, the City shall not be responsible for any costs of the Monitor or related activities
17 that exceed the approved budget.

18 215. At any time, the Monitor may submit to the Parties for approval proposed revisions to
19 the approved budget, along with any explanation of the reason for the proposed revision. Such
20 proposed changes may only be implemented upon written agreement of the Parties. In the event
21 that a dispute arises regarding the reasonableness or payment of the Monitor's fees and costs, the
22 Parties and the Monitor shall attempt to resolve such dispute cooperatively prior to seeking the
23 assistance of the Court to resolve the dispute.

24 216. The Monitor will submit monthly monitoring invoices to the City for approval, and
25 the City will notify the DOJ within 30 days, in writing, that the DOJ is authorized to pay the
26 Monitor's invoice. The City will not unreasonably withhold approval; however, if a dispute
27 arises the City will notify the Monitor and work toward resolving the disagreement. If the
28

1 disagreement cannot be resolved through a meet and confer process with all Parties, then the City
2 may file a motion requesting that the court resolve the dispute.

3 217. In the event that the Monitor is no longer able to perform their functions, the City and
4 DOJ will together select a replacement Monitor, acceptable to both. The Parties' selection of the
5 Monitor will be made pursuant to a method jointly established by DOJ and the City. If the Parties
6 are unable to agree on a Monitor or an alternative method of selection within 60 days of the
7 Monitor's incapacitation, each Party will submit the names of three candidates, or three groups of
8 candidates, along with resumes and cost proposals, to the Court, and the Court will select and
9 appoint the Monitor from among the qualified candidates/candidate groups.

10 218. Should either of the Parties to the Agreement determine that the Monitor or any
11 member of the Monitor's consulting teams, their agents, employees, or independent contractors
12 have exceeded their authority or failed to satisfactorily perform the duties required by the
13 Agreement, the Party may petition the Court for such relief as the Court deems appropriate,
14 including replacement of the Monitor, and/or any individual members, agents, employees, or
15 independent contractors. Any Party bringing such a petition is required to meet and confer with
16 the other Party at least 21 days prior to such a petition in a good faith attempt to resolve the
17 concern.

18 **COURT JURISDICTION, MODIFICATION OF THE JUDGMENT,
19 AND ENFORCEMENT**

20 219. The Parties agree jointly to file this Judgment with the Superior Court of the State of
21 California, County of Kern, in a matter to be captioned *People of the State of California v. City*
22 *of Bakersfield, et. al.*, Civil Action No. BCV21101928 and stipulate to entry of judgment. The
23 stipulation shall request that the Court enter the Judgment, and conditionally dismiss the
24 complaint in this action without prejudice, while retaining jurisdiction to enforce the Judgment.
25 The stipulation shall further request that this action be removed from the Court's active caseload
26 until further application by the Parties or order of the Court. The Parties will request that the
27 Court retain jurisdiction over this action and that the Court's conditional dismissal will not
28 prejudice any party to the action.

1 220. This Judgment resolves all of the State of California Department of Justice's claims
2 under the state and federal constitutions and Civil Code section 52.3 against BPD and the City.
3 No prior drafts or prior contemporaneous communications, oral or written, will be relevant or
4 admissible for the purposes of determining the meaning of any provisions herein in any litigation
5 or other proceeding.

6 221. The Judgment is binding upon all Parties hereto, by and through their officials, agents,
7 employees, and successors. If the City establishes or reorganizes a government agency or entity
8 whose function includes overseeing, regulating, accrediting, investigating, or otherwise reviewing
9 the operations of BPD or any aspect thereof, the City agrees to ensure these functions and entities
10 are consistent with the terms of the Agreement and will incorporate the terms of the Agreement
11 into the oversight, regulatory, accreditation, investigation, or review functions of the government
12 agency or entity as necessary to ensure consistency.

13 222. The Judgment is enforceable only by the Parties. No person or entity is intended to be
14 a third-party beneficiary of the provisions of the Judgment for purposes of any civil, criminal, or
15 administrative action, and accordingly, no person or entity may assert any claim or right as a
16 beneficiary or protected class under the Judgment. The City and BPD deny the allegations in the
17 Complaint. Nothing in this Judgment is intended to be used by third parties to create liability by
18 or against the City or BPD or any of their officials, officers, agents or employees under any
19 federal, state, or municipal law, including 42 United States Code section 1983.
20

21 223. Unless stated otherwise in the Agreement, if either party disagrees with any aspect of
22 the implementation of the Agreement, that party will engage in good faith informal consultation
23 with the other party and the Monitor to attempt to resolve the disagreement. If the disagreement
24 persists, that party will, within 10 days of the apparent impasse, inform the other Parties and the
25 Monitor in writing of the fact of the disagreement. Within 21 days thereafter, the Parties will
26 meet and confer on the disagreement at a mutually agreeable time. If necessary, any party may
27 petition the Court thereafter to resolve the dispute pursuant to the provisions below.
28

1 224. All notices relative to this Agreement shall be given in writing and shall be personally
2 served or sent by certified mail and be effective upon actual personal service or depositing in the
3 United States mail. The parties shall be addressed as follows, or at any other address designated
4 by notice:

5 A. Notice to City of Bakersfield will be addressed as follows:

6 City of Bakersfield – City Hall North
7 City Attorney’s Office
8 1600 Truxtun Avenue, 4th Floor
9 Bakersfield, CA 93301

10 B. Notice to BPD will be addressed as follows:

11 Bakersfield Police Department
12 Greg Terry, Chief of Police
13 1601 Truxtun Avenue
14 Bakersfield, CA 93301

15 C. Notice to California Department of Justice will be addressed as follows:

16 Office of the Attorney General
17 Nancy A. Beninati
18 Supervising Deputy Attorney General
19 P.O. Box 70550
20 1515 Clay Street, Suite 2100
21 Oakland, CA 94612

22 Or

23 Office of the Attorney General
24 Anthony V. Seferian
25 Deputy Attorney General
26 300 S. Spring Street
27 Los Angeles, CA 90013

28 225. To ensure that the requirements of the Agreement are properly and timely
implemented, the Court will retain jurisdiction of this action for all purposes, including but not
limited to any disputed changes to policies, procedures, training, and practices, until such time as
the City has achieved Full and Effective Compliance with the Material Requirements of the
Agreement, and maintained such compliance for no less than one year.

 226. The State of California acknowledges the good faith of the City and BPD in trying to
address the measures that will ensure constitutional policing in the City. The State of California,

1 however, reserves its right to seek enforcement of the provisions of the Agreement if it
2 determines that the City and/or BPD have failed to fully comply with any provision of this
3 Agreement. The State of California agrees to consult with officials from the City and BPD before
4 commencing enforcement proceedings.

5 227. The Monitor, City, and DOJ may jointly stipulate to make changes, modifications,
6 and amendments to this Agreement. Such changes, modifications, and amendments to this
7 Agreement will be encouraged when the Parties agree, or where the reviews, assessments, and/or
8 audits of the Monitor demonstrate, that provision of this Agreement as drafted is not furthering
9 the purpose of this Agreement or that there is a preferable alternative that will achieve the same
10 purpose. The Parties may jointly move for approval of any proposed changes, modifications,
11 and/or amendments, which will become effective upon approval by the Court. No change,
12 modification, or amendment to the Judgment will have any force or effect if not set forth in
13 writing, signed by all the Parties to the Judgment, and approved by the Court.

14 228. Any time limits for performance imposed by the Judgment may be extended by the
15 mutual agreement, in writing, of DOJ, BPD, and the City, and/or by order of the Court for good
16 cause shown by any Party.

17 229. The Parties shall notify each other of any court or administrative challenge to this
18 Judgment.

19 230. Nothing in this Agreement is intended to: (a) alter the existing collective bargaining
20 agreements; or (b) impair the collective bargaining rights of employees under State and local law.
21 Nothing in this Agreement is intended to amend or supersede any provision of State or local law.
22

23 231. To the extent that any Party previously implemented a litigation hold to preserve
24 documents, electronically stored information, or things related to the matters described in this
25 Agreement, the Party is no longer required to maintain such a litigation hold.

26 232. The Attorney General's Office may make reasonable requests to BPD for additional
27 information demonstrating its compliance with any provision(s) of this Agreement. BPD shall
28

1 furnish such information within 30 days after the request is made, unless another date is agreed
2 upon in writing.

3 233. Jurisdiction is retained by the Court to enforce the Judgment for a period of five years,
4 unless that time is extended pursuant to paragraph 228 above, or reduced pursuant to paragraph
5 240 below, for the purpose of enabling any party to the Judgment to apply to the Court at any
6 time for such further orders and directions as may be necessary or appropriate for the construction
7 or the carrying out of this Agreement, for the modification of any of the injunctive provisions
8 hereof, for enforcement of compliance herewith, and for the punishment of violations hereof, if
9 any.

10 234. This Judgment shall take effect immediately upon entry thereof.

11 235. Nothing in this Agreement alters the requirements of federal or state law to the extent
12 these laws may currently, or upon future amendment will, offer greater protection.

13 236. Nothing in this Agreement limits the powers vested in the Attorney General by the
14 California Constitution and state statutory law, including Government Code section 11180 et seq.,
15 to oversee or enforce any California laws or regulations, whether addressed in this Agreement or
16 not. The Attorney General may utilize these powers to monitor the City's and BPD's compliance
17 with the terms of the Agreement, or to address distinct and unrelated investigation or enforcement
18 of the laws of the State of California. Nothing in this Agreement shall abrogate the
19 confidentiality of any materials or information obtained by DOJ during its investigation of BPD,
20 except as provided by law.

21 237. The injunctive provisions of this Agreement shall apply to the City and BPD, as well
22 as their successors, directors, officers, employees, agents, independent contractors, partners,
23 associates, and representatives of each of them with respect to their activities in the State of
24 California.

25 238. The clerk is ordered to enter this Judgment forthwith.

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1 **TERMINATION OF THE JUDGMENT**

2 239. The Parties anticipate that BPD and the City can reach Full and Effective Compliance
3 with the Material Requirements of this Agreement within five years of the Effective Date.

4 240. The Parties may jointly petition the Court to terminate this Agreement at any time
5 after three years of the Effective Date if the Parties believe that BPD has reached Full and
6 Effective Compliance with the Material Requirements of this Agreement, and has maintained that
7 compliance for one year. If, at any time after three years from the Effective Date, the Parties
8 disagree about whether BPD has been in Full and Effective Compliance for one year, either party
9 may seek to terminate the Agreement, by petitioning the court for an order terminating the
10 Agreement. In the case of termination sought by the City or BPD, prior to filing a motion to
11 terminate, the City and BPD agree to notify DOJ in writing when the City or BPD has determined
12 that BPD is in Full and Effective Compliance with this Agreement, and that such compliance has
13 been maintained for no less than one year. Thereafter, the Parties shall promptly confer as to the
14 status of compliance. The Monitor will certify whether he or she agrees that the City and BPD
15 are in Full and Effective Compliance with the Material Requirements of this Agreement, or
16 portions of the Agreement, for at least one year, at the time of the notification. No later than 21
17 days thereafter, the Parties will meet and confer at a mutually agreeable time as to the status of
18 compliance. If, after a reasonable period of consultation and the completion of any additional
19 audit or evaluation that DOJ and/or the Monitor may wish to undertake, including on-site
20 observations, document review, or interviews with the City and BPD personnel, the Parties
21 cannot resolve any compliance issues, the City and/or BPD may file a petition to terminate the
22 Agreement. The Monitor's certification shall be admissible at the hearing on said petition. At all
23 times, BPD shall bear the burden of demonstrating Full and Effective Compliance with the
24 Material Requirements of this Agreement.

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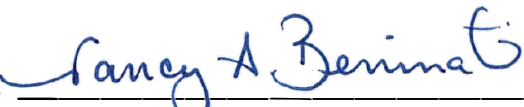
IT IS SO STIPULATED.

Respectfully submitted this 23rd day of August 2021.

For the STATE OF CALIFORNIA:

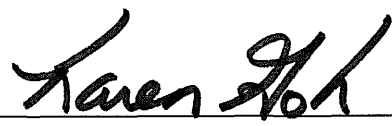
Rob Bonta

Michael L. Newman
Senior Assistant Attorney General
Nancy A. Beninati
Supervising Deputy Attorney General
Marisol León
Tanya Koshy
Joshua Piovia-Scott
Kendal L. Micklethwaite
Anthony V. Seferian
Deputy Attorneys General

By: 
Nancy A. Beninati
Supervising Deputy Attorney General
*Attorneys for Plaintiff, The People of the
State of California*

For the CITY OF BAKERSFIELD and the BAKERSFIELD POLICE DEPARTMENT:

CITY OF BAKERSFIELD

By: 
Karen Goh
Mayor

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APPROVED AS TO CONTENT:
CITY MANAGER


By:



Christian Clegg
City Manager

BAKERSFIELD POLICE DEPARTMENT

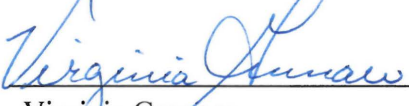
By:



Greg Terry
Chief of Police

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE


By:



Virginia Gennaro
City Attorney

COUNTERSIGNED:

By:

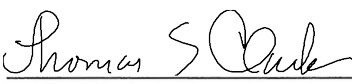


Randy McKeegan
Finance Director

IT IS HEREBY ORDERED, ADJUDGED AND DECREED.

DATE: 08/27/2021

Signed: 8/27/2021 10:54 AM



JUDGE OF THE SUPERIOR COURT
Thomas S. Clark

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ROB BONTA
Attorney General of California
MICHAEL L. NEWMAN
Senior Assistant Attorney General
NANCY A. BENINATI (177999)
Supervising Deputy Attorney General
TANYA KOSHY (277095)
KENDAL L. MICKLETHWAITE (305719)
Deputy Attorneys General
300 S. Spring Street, Suite 1702
Los Angeles, California 90013
Telephone: (213) 269-6048
Fax: (916) 731-2129
E-mail: nancy.beninati@doj.ca.gov
*Attorneys for Plaintiff, The People of the
State of California*

**Exempt from Fees
(Gov. Code, § 6103(a))**

FILED
KERN COUNTY SUPERIOR COURT
06/23/2022
BY Evans, Gricelda
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KERN

**THE PEOPLE OF THE STATE OF
CALIFORNIA, EX REL. ROB BONTA,
ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA,**

Plaintiff,

v.

**CITY OF BAKERSFIELD and
THE BAKERSFIELD POLICE
DEPARTMENT,**

Defendants.

Case No. BCV-21-101928 (NFT)

**AMENDMENT TO THE STIPULATED
JUDGMENT**

INTRODUCTION

On August 23, 2021, the People of the State of California, ex rel. Rob Bonta, Attorney General of the State of California (Attorney General), filed a Complaint for Injunctive Relief (Complaint) and a Stipulated Judgment in the Superior Court of Kern County against the City of Bakersfield (City), and the Bakersfield Police Department (BPD). On August 27, 2021, the

1 Honorable Thomas S. Clark signed a Stipulated Judgment (also referred to as “Agreement”)
2 between the City of Bakersfield (City), the Bakersfield Police Department (BPD) and the
3 California Department of Justice (DOJ). Pursuant to paragraph 233 on page 60 of the Stipulated
4 Judgment, this court retained jurisdiction over the matter.

5 Pursuant to paragraph 227 of the Stipulated Judgment the “...City, and DOJ may jointly
6 stipulate to make changes, modifications, and amendments to this Agreement.” The Stipulated
7 Judgment “encourage[s]” amendments if “there is a preferable alternative that will achieve the
8 same purpose.” The parties have identified some additional provisions that would enhance the
9 clarity and intent of the Stipulated Judgment with respect to paragraphs 200 and 210, only.

10 Accordingly, the City and DOJ seek approval of this Amendment to the Stipulated Judgment,
11 which minimally modifies paragraphs 200 and 210. The purpose of the proposed amendment is
12 to reinforce the Monitor’s right to access confidential documents retained by City and BPD and
13 that such access/disclosure will not affect the privacy and confidentiality of those documents
14 under California law.

15 THE COURT, HAVING CONSIDERED THE MATTER, AND GOOD CAUSE APPEARING,

16 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

17 Paragraphs 200 and 210 of the Stipulated Judgment entered on August 27, 2021, are hereby
18 amended to read as follows:

19 200. The Monitor is not a state or local agency or an agent thereof, but has the authority to
20 carry out the terms of this Agreement. As such, the Monitor shall not be considered a “member
21 of the public” within the meaning of Government Code section 6254.5 when requesting and
22 receiving confidential and/or privileged information from the City or BPD pursuant to this
23 Agreement. Accordingly, the records maintained by the Monitor shall not be deemed public
24 records subject to public inspection, nor shall the City or BPD’s confidential nonpublic
25 information be deemed public records upon their disclosure to the Monitor.

26 210. Any disclosure of confidential and/or privileged information provided by the City or
27 BPD to the Monitor or DOJ and any disclosure of confidential and/or privileged information
28 provided by the Monitor to DOJ, the City, or BPD, shall constitute a disclosure made through

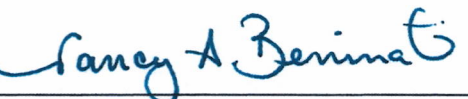
1 legal proceedings within the meaning of Government Code section 6254.5, subd (b), and such
2 disclosure is not a waiver under Government Code section 6254.5. In addition, any disclosure of
3 confidential and/or privileged information provided by the City or BPD to the Monitor or DOJ
4 shall be protected by order of the Court upon entry of this Amendment to the Stipulated
5 Judgment. Accordingly, the Monitor and DOJ shall maintain all non-public information provided
6 by BPD and the City in a confidential manner. Other than as expressly provided in this
7 Agreement, this Agreement shall not be deemed a waiver of any privilege or right the BPD or
8 City may assert, including those recognized at common law or created by statute, rule or
9 regulation, against any other person or entity with respect to the City's disclosure of any
10 document to the Monitor or DOJ.

11 **IT IS SO STIPULATED.**

12 Respectfully submitted this 20th day of June 2022.

13 For the STATE OF CALIFORNIA:

14 Rob Bonta
15 Attorney General of the State of California
16 Michael L. Newman
17 Senior Assistant Attorney General
18 Nancy A. Beninati
19 Supervising Deputy Attorney General
20 Tanya Koshy
21 Kendal L. Micklethwaite
22 Deputy Attorneys General

23 By: 

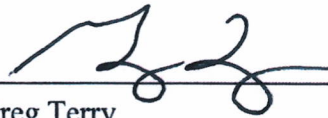
24 Nancy A. Beninati
25 Supervising Deputy Attorney General
26 *Attorneys for Plaintiff, People of the*
27 *State of California*

28 For the CITY OF BAKERSFIELD and the BAKERSFIELD POLICE DEPARTMENT:

By: 

Karen Goh
Mayor
City of Bakersfield

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By: 


Greg Terry
Chief of Police
Bakersfield Police Department

APPROVED AS TO CONTENT:

By: 

Christian Glegg
City Manager
City of Bakersfield

APPROVED AS TO FORM:

By: 

Virginia Gennaro
City Attorney
Bakersfield City Attorney's Office

COUNTERSIGNED:

By: 

Randy McKeegan
Finance Director
City of Bakersfield

IT IS HEREBY ORDERED, ADJUDGED AND DECREED.

Signed: 6/23/2022 08:10 AM

DATE: 06/23/2022



~~JUDGE~~ OF THE SUPERIOR COURT
COMMISSIONER

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PROOF OF SERVICE

I am over the age of eighteen years and not a party to the within action; my business address is 1600 Truxtun Avenue, 4th Floor, Bakersfield, California 93301. On the date last written below, I served the following document(s), **AMENDMENT TO THE STIPULATED JUDGMENT** (Kern County Superior Court Case No. BCV-21-101928) on the party(ies) listed as shown below:

- A. **BY MAIL** - I enclosed such document in a sealed envelope(s) with the name(s) and address(es) of the person(s) served as shown below and caused such envelope(s) to be deposited in the mail at Bakersfield, California. The envelope(s) was/were mailed with postage thereon fully prepaid. I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. It is deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- B. **BY OVERNIGHT SERVICE** - I placed the above-named document in an envelope(s) or package(es) designated by Federal Express ("express service carrier") addressed to the parties listed on the service list herein, and caused such envelope(s) with delivery fees paid or provided for to be picked up by Federal Express on that same day to be delivered by overnight service. I am "readily familiar" with the office's practice of collection and processing of correspondence and other documents for delivery by the express service carrier.
- C. **BY FACSIMILE SERVICE** - I placed such document in a facsimile machine (pursuant to *California Rules of Court*, Rule 2.306 with the fax number of (661) 852-2020. Upon facsimile transmission of the document, I obtained a report from the transmitting facsimile machine stating that the facsimile transmission was complete and without error. A copy of the transmission report is attached to this Proof of Service pursuant to *California Rules of Court*, Rule 2.306(h)(4).
- D. **BY PERSONAL SERVICE** - I caused such document to be delivered by hand to the office of the addressee(s) as shown below.
- E. **BY ELECTRONIC SERVICE** - I caused such document(s) to be delivered via e-mail to the addressee(s) below in accordance with rule 2.251 of the *California Rules of Court*.

TYPE OF SERVICE

ADDRESSEE

A/E

**Office of the Attorney General
Nancy A. Beninati
Supervising Deputy Attorney General
P.O. Box 70550
Oakland, CA 94612
Nancy.Beninati@doj.ca.gov
*Attorneys for the People of the State of California***

X **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

___ **(FEDERAL)** I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on June 21, 2022, at Bakersfield, California.


ARIANNA GUZMAN



Appendix B

APPENDIX B: BPD Stipulated Judgment Paragraph ¶ Overview

Listed below is an outline of the Stipulated Judgment governing the Bakersfield Police Department and Monitor responsibilities under the oversight of the California Department of Justice (see Appendix A for the full scope and stipulated judgment language). There are 240 paragraphs across eleven objective areas; six of those objective areas are further broken out into specific subsections governed by policy, training and other implementation considerations.

In 2022, the Monitor and BPD identified 67 paragraphs as year one priorities, primarily focused on the key issue of use of force. In the following outline, year one priority paragraphs are identified with an asterisk (*) following the paragraph number. These paragraphs then continued through the reform process by establishing compliance measures (see Appendix C for details) and documenting progress to date (see Appendix D for details).

In 2023, the Monitor and BPD identified an additional 50 paragraphs as year two priorities, identified in the following outline by a carrot (^) following the paragraph number. These paragraphs then continued through the reform process by establishing compliance measures (see Appendix C for details) and documenting progress to date (see Appendix D for details).

As of the end of year two, BPD and the Monitor have agreed to 117 priority paragraphs and developed accompanying compliance measures for reporting.



1. Use of Force

1*

A. Use of Force Policies and Principles

2*, 3*, 4^, 5*, 6*, 7*, 8*, 9^

B. Use of Canines

10*, 11*, 12*, 13^, 14*, 15*, 16*, 17*, 18*, 19, 20, 21, 22, 23, 24*, 25*, 26, 27, 28, 29*

C. Use of Force Reporting Policy

30*, 31^, 32*, 33*, 34*, 35*, 36^, 37*, 38^, 39*, 40*, 41^

D. Use of Force Supervisory Investigations

42^, 43^, 44^, 45^, 46*, 47, 48, 49, 50, 51, 52*, 53

E. Use of Force Training

54, 55, 56, 57, 58

F. Use of Force Analysis

59*, 60*, 61, 62, 63*, 64*

2. Stops, Searches and Seizures

65^, 66^, 67*, 68^

A. Investigatory Stops and Detentions

69^, 70, 71, 72^, 73^, 74^

B. Searches

75^, 76*, 77^, 78^, 79^, 80*

C. Stop, Search and Seizure Policies and Training

81^



D. Supervisory Review

82^, 83, 84^, 85^, 86^, 87^, 88^

3. Responding to and Interacting with People with Behavioral Health Disabilities or In Crisis

89, 90, 91, 92, 93, 94, 95, 96, 97*, 98^, 99

4. Management and Supervisory Oversight

100, 101, 102, 103*

5. Language Access

104^, 105*

6. Recruitment, Hiring and Promotions

A. Recruitment of Sworn Personnel

106, 107, 108, 109

B. Hiring

110, 111, 112, 113, 114, 115*

C. Promotions

116*, 117, 118, 119, 120^, 121^, 122*, 123*, 124*

7. Community Policing

125^, 126^

A. Community and Problem Oriented Policing

127*, 128*, 129, 130*, 131*, 132*

B. Community Survey

133, 134*, 135, 136^



8. Personnel Complaint Review

137*

A. Complaint Intake

138*, 139^, 140*, 141^, 142^, 143^

B. Complaint Classification

144^, 145^, 146^, 147*, 148^

C. Investigations

149*, 150*, 151*, 152^, 153*, 154*

D. Management Review and Adjudication of Complaints

155^, 156*, 157^, 158^, 159*

E. Complaint Review and Investigation Training

160, 161, 162

F. Personnel Complaint Audits

163^, 164*, 165^, 166*

9. Monitoring

167

A. Selection of Monitor

168, 169, 170

B. Compliance Reviews and Audit

171, 172, 173, 174, 175*

C. Outcome Assessments

176, 177



- D. Monitoring Plan and Review Methodology
 - a. Monitoring Plan – 178, 179, 180, 181, 182
 - b. Development of Policies, Procedures and Training – 183, 184, 185, 186*, 187*, 188*, 189, 190
- E. Monitor Recommendations and Assessments
191, 192, 193
- F. Monitor Reports
194, 195, 196, 197
- G. Public Statements, Testimony and Conflicts of Interest
198, 199, 200, 201
- H. Communication Between Monitor and Parties
202
- I. Access and Confidentiality
203, 204, 205, 206, 207, 208, 209, 210
- J. BPD Compliance Coordinator
211*
- K. Monitor Budget and Payment
212, 213, 214, 215, 216, 217, 218

10. Court Jurisdiction, Modification of the Judgment, and Enforcement

219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229,
230, 231, 232, 233, 234, 235, 236, 237, 238

11. Termination of the Judgment

239, 240



Appendix C

APPENDIX C: COMPLIANCE MEASURES

The Monitor, in conjunction with BPD, has established Compliance Measures (CMs) intended to provide guidance to the department as it builds its proofs for Full and Effective Compliance (FEC) with the Stipulated Judgment. They are a guide for the standard of review the Monitor will use to determine FEC. As each paragraph of the Stipulated Judgment is judged on its own accord and supporting files will be court records, the Monitor recognizes that there is a level of duplications contained within the compliance measures. FEC will be reached at different points for each paragraph and to this end, the Monitor accepts that a proof for a compliance measure under one paragraph may be used to support a similar compliance measure in a different paragraph.

FEC is broken down into three components of compliance under Paragraph ¶ 172:

1. Policy
2. Training
3. Implementation

FEC is an iterative process which necessarily requires work on all three components but builds upon the others to achieve compliance.

The Monitor agrees to provide measurement for each of the three components, as appropriate, under its annual reporting. Upon FEC submission for any of the three components, it will be evaluated as in progress or complete as an independent measure of progress. At reporting intervals, the Monitor will recognize the ongoing work; however, FEC will not be granted until all three components are complete.

Listed below are the 117 paragraphs prioritized in Years 1 and 2 of the Stipulated Judgment and their corresponding CMs as they apply to BPD.

Stipulated Judgment Topic: Use of Force		
Paragraph	Requirement	Compliance Measures
¶ 1	BPD agrees to revise its use of force policies and practices to reflect its commitment to upholding the rights secured or protected by the Constitution of the State of	<ol style="list-style-type: none"> 1. Written evidence of review of existing policies and practices with focus on best practice. 2. Policy provides purpose and mission consistent with upholding the rights secured or protected by the Constitution of the State of California and the United States Constitution, and federal and state laws, protecting human life and the dignity of every individual, and maintaining public safety.

	<p>California and the United States Constitution, and federal and state laws, protecting human life and the dignity of every individual, and maintaining public safety. As specified below, BPD agrees to review and revise its use of force policies to include focusing on the concepts of sanctity of life, necessity, proportionality, and de-escalation; require officers to intervene; and define an imminent threat justifying lethal force that is consistent with Penal Code section 835a, subdivision (e)(2). BPD's use of force policies, and other related policies, must remain consistent with Penal Code section 835a and Government Code section 7286, which (1) limits authorization of the use of lethal force to situations where the officer reasonably believes, based on the totality of the circumstances, it is necessary to defend against an imminent threat of death or serious bodily injury (Pen. Code, §835a); and (2) direct law enforcement agencies to maintain a use of force</p>	<ol style="list-style-type: none"> 3. Revision of existing policies and practices to include known best practices including compliance with PC 835a; GC 7286. 4. Proof of implementation of key policy provisions identified as best practice. 5. Policy defines and reinforces the concepts of sanctity of life, necessity, proportionality, and de-escalation. 6. Policy provides key definitions, including imminent threat, "deadly force" and intervention. 7. Policy requires officers to intervene during excessive or inappropriate force. 8. Policy defines failure to intervene is cause for discipline up to and including termination. 9. Defined roles for supervisors for response, oversight, and specific required actions for use of force on scene, reporting and enforcing the provisions of policy. 10. Evidence that community input and discussion were used to inform policy. 11. Training supports policy in concepts and goals with specific measures directed at concepts of sanctity of life, necessity, proportionality, and de-escalation. 12. Training specific to the duty to intervention required by officers who observe what is believed to be excessive force and specific training on the techniques used to intervene.
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	policy that requires the use of de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible.	
Stipulated Judgment Topic: Use of Force Policies and Principles		
Paragraph	Requirement	Compliance Measures
¶ 2	BPD will continue to review and revise its policies and associated training materials, to ensure compliance with the requirements of this Agreement and enacted California law, including Penal Code section 835a and Government Code section 7286.	<ol style="list-style-type: none"> 1. Policy identifies the review cycle, scope of review and prioritization process. 2. Policy tasks specific role/person with management oversight to ensure reviews are completed. 3. Policy defines process for implementation of identified changes. 4. Defined process to assess review, tasking, changes and implementation. 5. Evidence of remediation – to include training, policy revision and discipline as necessary – based upon review actions.
¶ 3	BPD agrees to maintain, and where necessary review and revise, its use of force policies as follows to:	<p>For each milestone under this paragraph, the compliance measures will include foundational requirements that:</p> <ol style="list-style-type: none"> 1. Policy is supported by training specific to the milestone. 2. Ongoing review and improvement loop to include annual, ongoing review of policy, data, training and corrective action as result of internal review.
	a. clearly define and describe when force is and is not authorized;	<ol style="list-style-type: none"> 1. Policy defines when deadly and non-deadly force are authorized. 2. Policy specifically defines use of force prohibitions.

	<p>b. clearly define and describe the purpose of authorized and prohibited force options as well as define and describe the tools and techniques permitted and prohibited for all force options;</p>	<ol style="list-style-type: none"> 1. Policy defines the purpose of each authorized force option. 2. Policy defines what is a force technique, and all that are permissible for use by BPD officers. 3. Policy defines the authorized use of force tools. 4. Policy defines permissible use of force techniques (practices) within the context of the use of force continuum (e.g., BPD specific decision cycle). 5. Policy clearly defines use of force prohibitions. 6. Policy clearly identifies prohibited use of force tools. 7. Policy identifies sanctions for prohibited use of force options and tools, including discipline up to termination.
	<p>c. better describe the applicable legal standard for use of deadly and non-deadly force;</p>	<ol style="list-style-type: none"> 1. Policy defines the legal standard for use of force. 2. Policy defines the legal standard for less-lethal use of force. 3. Policy defines legal standard for lethal use of force (See F3e).
	<p>d. have its use of force policy be guided by the principle of the sanctity of human life;</p>	<ol style="list-style-type: none"> 1. Policy includes and references the sanctity of human life as a guiding principle.
	<p>e. limit the use of deadly force to situations where the officer reasonably believes it is necessary, not just reasonable, to defend against an imminent threat of death or</p>	<ol style="list-style-type: none"> 1. Policy clearly states that deadly force is any use of force that creates a substantial risk of causing death or serious bodily injury and includes but is not limited to the discharge of a firearm. 2. Policy defines use of force within the standards of PC 835a reasonableness.

	<p>serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury (Pen. Code, § 835a) ("deadly force" herein and throughout this Stipulated Judgment means any use of force that creates a substantial risk of causing death or serious bodily injury; deadly force includes, but is not limited to, the discharge of a firearm);</p>	<p>3. Policy clearly defines that use of force is limited to situations where an officer believes it is necessary, not just reasonable, to defend against an imminent threat of death or serious bodily injury if the officer reasonably believes the person will cause death or serious bodily injury.</p>
	<p>f. require that officers, whenever feasible, undertake efforts to utilize de-escalation tactics or employ less-lethal options before using deadly force ("feasible" herein and throughout this Stipulated Judgment means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective, without increasing risk to the officer or another person);</p>	<p>1. Policy defines de-escalation and feasible consistent with this paragraph. 2. Policy defines de-escalation tactics. 3. Policy defines less lethal force options. 4. Policy requires officers to use de-escalation tactics and/or less-than lethal force options where feasible.</p>

<p>g. require that officers use force only to effect a lawful arrest, detention, or search, to overcome resistance or to prevent escape, to prevent the commission of a public offense, in defense of others or in self-defense, or to gain compliance with an order that is based in the law;</p>	<ol style="list-style-type: none"> 1. Policy authorizes use of force consistent with the law and this paragraph. 2. Policy prohibits use of force beyond the authorized response. 3. Policy identifies the consequences for improper use of force, including discipline and up to and including termination.
<p>h. affirm the importance of proportionality (as defined below);</p>	<ol style="list-style-type: none"> 1. Policy defines proportionality and provides guidance to its application. 2. Policy affirms the priority and importance of proportionality.
<p>i. consistent with state law, prohibit chokeholds, carotid restraints, and other maneuvers that are designed to, or may foreseeably result in, cutting off blood or oxygen to a subject's head;</p>	<ol style="list-style-type: none"> 1. Policy defines chokehold and carotid restraints. 2. Policy prohibits chokeholds, carotid restraints. 3. Policy prohibits any maneuver designed to cut off blood flow or oxygen to a subject's head. 4. Policy requires reporting of any attempted or effected chokehold, carotid restraint or other maneuver designed to cut off blood or oxygen to a subject's head. 5. Policy requires investigation into any reported such maneuver or any complaint of the use of such a maneuver.
<p>j. require employees to avoid restraining a subject face down whenever possible, or to do so only for a very short time, and</p>	<ol style="list-style-type: none"> 1. Policy defines positional asphyxia and its consequences. 2. Policy identifies the challenges faced when restraining subjects face down.

	<p>then place a restrained subject in the recovery position as soon as possible following a use of force so as to reduce the risk of positional asphyxia and/or effects associated with excited delirium syndrome;</p>	<ol style="list-style-type: none"> 3. Policy provides guidance for the safe handling of restrained persons including to avoid face-down restraints. 4. Policy requires that persons restrained face down are moved to an upright position as soon as possible. 5. Policy requires that persons subject to a use of force are moved to an upright recovery position as soon as possible.
	<p>k. require, where feasible, that suspects who must be transported in a recumbent position be transported by rescue ambulance personnel and accompanied by an officer;</p>	<ol style="list-style-type: none"> 1. Policy provides clear direction for the safe transport of suspects. 2. Policy requires transport by ambulance for persons who must be transported in a recumbent position. 3. Policy requires supervisory notice if a suspect is being transported in a recumbent position in a departmental vehicle.
	<p>l. prohibit discharging a firearm at moving vehicles, unless the operator or occupant of a moving vehicle poses an imminent threat of death or serious bodily injury to the public or an officer and the officer is unable to move out of the way;</p>	<ol style="list-style-type: none"> 1. Policy prohibits discharging a firearm at a moving vehicle unless there is an imminent threat of death or serious bodily injury. 2. Policy requires an investigation into any discharge of a firearm at a vehicle. 3. Officers are required to report any discharge at a vehicle and the justification. 4. Policy requires a supervisor to respond to the scene of any firearm discharge at a vehicle to secure the scene. 5. Policy directs how such incidents will be investigated, including, as required, assigning a supervisor to oversee and manage the scene pending the arrival of the investigative team.
	<p>m. prohibit discharging a firearm from a moving vehicle absent exigent circumstances;</p>	<ol style="list-style-type: none"> 1. Policy prohibits discharge of a firearm from a moving vehicle absent exigent circumstances.



		<ol style="list-style-type: none">2. Policy defines exigent circumstances and provides specific examples of what constitutes exigency.3. Training addresses the danger and tactical considerations when discharging firearms from a moving vehicle.
n. prohibit force against subjects who only verbally confront officers;		<ol style="list-style-type: none">1. Policy prohibits use of force against subjects who only verbally confront officers.2. Policy provides for investigation into any use of force resulting from a verbal confrontation that specifically addresses whether the resulting use of force was in compliance with the goals of this subsection and BPD policy.3. Policy identifies that if a use of force occurs as a result of solely a verbal confrontation, discipline will occur including up to termination.
o. prohibit force against subjects who are handcuffed or otherwise restrained, unless the subject is actively resisting and poses a direct and immediate threat to officers and/or themselves;		<ol style="list-style-type: none">1. Policy clearly prohibits use of force against persons who are handcuffed or otherwise restrained.<ol style="list-style-type: none">a. Policy clearly defines the exception for active resistance that poses a direct and immediate threat to officers.2. Policy defines active resistance.3. Policy defines immediate threat.
p. prohibit the use of electronic control weapons (ECW's) in "drive stun" mode, unless reasonably necessary to avoid the use of any force that could increase injury to the suspect, the officers, or others, with those instances being fully		<ol style="list-style-type: none">1. Policy defines electronic control weapon (ECWs).2. Evidence of best practices review for the use of ECWs.3. Policy defines when and how the ECW may be used.4. Policy defines "drive stun" mode.5. Policy defines reasonably necessary.6. Policy prohibits use of ECW in drive stun mode.

	<p>documented and justified in the use of force reports;</p>	<ul style="list-style-type: none"> a. Policy defines an exception where reasonably necessary to avoid force that could increase injury to the individual, officers or other persons present. 7. Policy requires reporting following the use of an electronic control weapon in any manner. 8. Use of force reports capture both drive stun and activation for ECW. 9. Policy tasks specific person for quarterly review of ECW use, reporting and trends. 10. Policy identifies discipline outcomes for improper use up to and including termination. 11. Ongoing review and corrective action as necessary.
	<p>q. prohibit the use of ECW's on handcuffed individuals and children who appear to be under the age of 14;</p>	<ul style="list-style-type: none"> 1. Policy prohibits use of an ECW upon persons handcuffed. 2. Policy prohibits use of ECW upon individuals who appear to be under 14 years of age. 3. Training provides guidance as to determination of age.
	<p>r. prohibit the use of ECW's on the following individuals, unless officers can provide justification of articulable facts necessitating the use of the ECW on any of the following: (a) pregnant females; (b) elderly persons; (c) individuals who have been recently sprayed with alcohol-based pepper spray or who are otherwise in close proximity to combustible</p>	<ul style="list-style-type: none"> 1. Policy defines and describes circumstances that warrant heightened analysis before use of ECW as defined in this paragraph. 2. Absent articulable facts that provide justification, policy prohibits use of ECW's on: <ul style="list-style-type: none"> a. Pregnant females b. Elderly persons c. Persons sprayed with OC or near combustible materials d. Persons in a position to receive additional injury e. Children

	<p>materials; (d) individuals whose position or activity may result in collateral injury (e.g., falls from height, operating motor vehicles, possibility of drowning in water, etc.); (e) a youth who appears to be between the age of 14 and 17; and (f) an individual whom the officer has reason to believe may have a disability;</p>	<p>f. Youth who appear between the ages of 14-17</p> <p>g. Persons believed to be disabled</p> <ol style="list-style-type: none"> 3. Policy requires supervisory notification, response and investigation to the scene for any use described above. 4. Policy requires reporting following the use of ECW, including the facts that led to the decision to use the ECW in all circumstances. 5. Policy requires supervisory review and approval of the reporting on ECW use. 6. Policy requires mandatory referral for investigation – based upon the severity of the incident - to either Internal Affairs or for administrative investigation -for any ECW use not within policy. 7. Policy requires the supervisor to forward for criminal investigation any ECW deployment with potential for criminal charges. 8. Policy requires secondary command review for any ECW use upon the persons identified in this paragraph. 9. Policy identifies the consequences for failure to follow policy, including discipline up to termination.
	<p>s. require that any employee who observes another employee use force that exceeds the degree of force permitted by law and/or policy shall promptly intervene and then report their observations to a supervisor;</p>	<ol style="list-style-type: none"> 1. Policy requires employees to intervene when observing excessive force. 2. Policy describes the specific actions that must be taken after observing another employee using excessive force. 3. Policy defines excessive force. 4. Policy defines the duty to intervene. 5. Policy requires reporting to supervisor who then must take appropriate action.

		<ol style="list-style-type: none"> 6. Policy requires documentation of observations of excessive force. 7. Policy requires any reporting of excessive force will be immediately forwarded to IA for further investigation. 8. Reporting on the number of observations, reports and subsequent action will be included in the annual UOF report.
	<p>t. where feasible, ensure its officers effectively employ cover, distance, time, tone, and available resources to de-escalate and minimize the need for force;</p>	<ol style="list-style-type: none"> 1. Policy emphasizes de-escalation as a means to reduce or minimize the need for use of force. 2. Policy defines de-escalation. 3. Policy defines feasible. 4. Use of Force reporting requires identification of de-escalation tactics and techniques taken. 5. Training reflects policy requirements and further refines the concepts and tactics. 6. Training is mandatory for all BPD officers. 7. Evidence of ongoing review of de-escalation outcomes and training. 8. Evidence of remediation and/or corrective measures.
	<p>u. provide that the conduct of both the officer and the subject leading up to the use of deadly force must be included in the evaluation of the decision to use force (Pen. 22 Code, § 835a, subs. (a)(2) and (e)(3));</p>	<ol style="list-style-type: none"> 1. Policy states use of deadly force is only allowed in defense of human life. 2. Policy defines deadly force, imminent and totality of the circumstances. 3. Policy reinforces that the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

		<ol style="list-style-type: none"> 4. Policy requires reporting on officer conduct leading to UOF. 5. Policy requires reporting on subject's actions leading to UOF. 6. Policy requires supervisory evaluation of the decision and each specific use of force given the reported conduct. 7. Policy and training incorporate the standards of PC 835a, (a)(2) and (e)(3). 8. Evidence of remediation and/or corrective measures for failure to follow policy.
	<p>v. prohibit the use of deadly force against a person who is only a danger to him or herself and does not pose a direct and immediate threat to officers or civilians (Pen. Code, § 835a, subd. (c)(2));</p>	<ol style="list-style-type: none"> 1. Policy prohibits use of force against a person who is only a danger to themselves. 2. Policy defines direct and immediate threat. 3. Policy requires supervisor to review for determination of whether there was a reasonably held belief of an imminent threat of death or serious bodily injury to the officer or another person. 4. Policy and training incorporate the standards of PC 835a, subds. (c)(2).
	<p>w. require officers to use de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible (Gov. Code, § 7286, subd. (b)(1));</p>	<ol style="list-style-type: none"> 1. Policy requires use of de-escalation; crisis intervention tactics; and other alternatives to force where feasible. 2. Policy defines de-escalation, crisis intervention tactics. 3. Policy identifies other alternatives to force. 4. Policy requires reporting of specific techniques used to de-escalate each force action and the subsequent outcome. 5. Policy incorporates the standards of Gov. Code, § 7286, subd. (b)(1). 6. Policy requires supervisory review and approval of the sufficiency of the techniques used.

		<p>7. Training reflects policy goals and provides concrete options, tactics and education regarding alternatives to use of force.</p>
	<p>x. stress the sanctity of life throughout the policy;</p>	<p>1. Policy clearly states the guiding principle is the sanctity of human life in use of force decisions.</p> <p>2. Policy identifies the goal of sanctity of life as appropriate in specific sections (e.g., de-escalation; force options; etc.).</p>
	<p>y. Address necessity as follows:</p> <p>i. Define when force is necessary and require that officers use force only when reasonable and necessary to achieve a lawful objective;</p> <p>ii. Emphasize that the use of force is not a routine part of policing;</p> <p>iii. Require that officers use force in an unbiased manner, consistent with the anti-bias-based policing policy of BPD; and</p> <p>iv. Expressly require that officers use lethal force as a last resort and, before using such force, require, when feasible, exhaustion of</p>	<p>1. Policy emphasizes that use of force arises out of necessity and is not a routine police response.</p> <p>2. Policy clearly states officers may use lethal force only as a last resort.</p> <p>3. Policy requires exhaustion of all other means reasonably available before officers use lethal force.</p> <p>4. Policy defines necessity.</p> <p>5. Policy requires that officers use force in an unbiased manner.</p> <p>6. Policy references BPD unbiased policing policy.</p> <p>7. BPD anti-biased policing policy is consistent with goals of the Agreement.</p> <p>8. Policy defines the means available to minimize the need of deadly force.</p> <p>9. Remediation and improvement as required.</p>

	<p>all other means reasonably available under the circumstances, including de-escalation techniques and strategies, such as tactical repositioning;</p>	
	<p>z. Address proportionality as follows:</p> <ul style="list-style-type: none"> i. Explicitly require officers only to use a type of force that is proportionate to the threat and not excessive in light of the lawful objectives involved; ii. Provide specific guidance on what type of force is appropriate for the level of threat presented by the individual, and require officers to only use the amount of force that is both objectively reasonable under the totality of the circumstances, and necessary to effectuate arrest or achieve a lawful objective; 	<ol style="list-style-type: none"> 1. Policy requires officers to only use a type of force that is proportionate to the threat and not excessive in light of the lawful objectives. 2. Policy defines proportionality. 3. Policy provides specific guidance as to the appropriate level of force in response to the threat provided by the individual. 4. Evidence of review of a spectrum, chart or matrix to reflect the graphical representation of the use of force requirements under policy. 5. Policy prohibits use of force that is inconsistent with proportionality. 6. Policy prohibits retaliatory use of force. 7. Training support policy on proportionality, providing options and education to ensure proportionality is part of the decision matrix. 8. Evidence of remediation and improvements as required.

	<ul style="list-style-type: none"> iii. Provide express guidance on proportionality, to ensure officers understand the relationship that should exist between the law enforcement objective they are attempting to achieve, the threat presented, and the force required in a particular situation; the guidance may include adopting a spectrum, chart, or matrix, that can take the form of a graphical representation; and iv. Prohibit specific types of force that are inconsistent with the concepts of proportionality and necessity, such as retaliatory force; 	
	<ul style="list-style-type: none"> aa. Address de-escalation as follows: <ul style="list-style-type: none"> i. Make it an affirmative duty to de-escalate, before using force, requiring that officers shall employ de-escalation techniques and strategies 	<ol style="list-style-type: none"> 1. Policy creates an affirmative duty to use de-escalation before a use of force whenever feasible. 2. Policy incorporates standards of Gov. Code §7286(b)(1). 3. Policy provides clear guidance on, and examples of, de-escalation techniques and available resources. 4. Policy addresses when verbal warning must be provided.

	<p>whenever feasible, as required in Government Code section 7286(b)(1);</p> <ul style="list-style-type: none">ii. Provide clear guidelines for the use of de-escalation techniques and strategies, such as using tactical repositioning and strategic communication skills, switching staff, modulating the tone employed, taking cover, or calling upon other resources, such as crisis intervention-trained officers, non-law enforcement agencies, or assistance from family members or friends, when and where appropriate;iii. Require officers to provide, when feasible, verbal warnings to individuals before using force, whether lethal or non-lethal, and require officers to (1) document, in any incident or use of force	<ul style="list-style-type: none">5. Policy requires specific reporting of whether verbal warning was provided and the type and if not, justification as to why not.6. Evidence of ongoing review and mediation.
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	<p>report, whether the individual had an opportunity to comply after the warning was issued and before an officer used force, and, (2) if no verbal warning was given, why one was not feasible; and</p> <p>iv. Require officers, when feasible, to employ cover, concealment, distance, time, and tactics to minimize the need for lethal force;</p>	
	<p>bb. Address the duty to intervene as follows:</p> <p>i. Make it an affirmative duty for officers/ employees to intervene, when in a position to do so, if they know or have reason to know that another officer/ employee is about to use, or is using, unreasonable, unnecessary, or excessive force or is otherwise violating BPD's use of force policy;</p>	<ol style="list-style-type: none"> 1. Policy establishes an affirmative duty to intervene. 2. Policy prohibits retaliation for such reporting. 3. Policy defines unreasonable, unnecessary or excessive use of force. 4. Policy defines promptly and not later than end of shift. 5. Policy mandates reporting of any observation of such a use of force promptly to a supervisor. 6. Policy defines the role and specific actions the supervisor must take upon notification, including responding to the scene, conducting an initial investigation and referral to IA as appropriate. 7. UOF reporting requires non-force using officers to report their observations for any Level II. 8. Policy identifies the potential administrative actions, including termination, for failure to intervene.

	<ul style="list-style-type: none"> ii. Require officers, following an incident involving the use of unreasonable, unnecessary, or excessive force, to promptly report to a supervisor the use of force and the efforts made to intervene; iii. Provide for possible discipline of any officer who so fails to intervene; and iv. Hold supervisors and managers accountable for prohibiting retaliation against any officer who so intervenes; 	<ul style="list-style-type: none"> 9. Policy prohibits retaliation with specific requirement for supervisors and managers to observe, monitor and take action. 10. Training supports policy provisions to include methods of reporting, definition of excessive and unreasonable force and appropriate intervention techniques.
	<ul style="list-style-type: none"> cc. Address an imminent threat as follows: <ul style="list-style-type: none"> i. Continue to provide clear guidelines on what conditions may constitute an imminent threat justifying lethal force, consistent with California's deadly force standard expressed in Penal Code section 835a and Government Code 	<ul style="list-style-type: none"> 1. Policy defines imminent threat. 2. Policy provides clear guidelines as to what is an imminent threat justifying lethal force. 3. Policy incorporates standards of Gov. Code §7286(b)(1). 4. Use of force reporting requires officers to articulate the imminent threat, under California law, leading to the use of lethal force.

	section 7286.	
¶ 4	BPD shall continue to have policies and corresponding annual training governing each type of force instrument that it authorizes officers to carry.	<ol style="list-style-type: none"> 1. BPD shall define all force tools authorized for use by BPD officers in policy. 2. BPD shall define when each force tool is authorized for response to resistance and to what corresponding level of resistance. 3. BPD shall develop a base curriculum to provide in-service training on each authorized force tool. 4. BPD shall deliver training annually on authorized use of the force tools. 5. BPD shall provide documentation regarding annual training delivery and compliance.
¶ 5	BPD agrees to clarify that its officers may not use force against individuals who may be exhibiting resistive behavior, but who are under control and do not pose a threat to public safety, themselves, or to officers. BPD agrees to continue to require that its officers assess the threat of an individual prior to using force, and emphasize that a use of force must be proportional to the threat or resistance of the subject. If a threat or resistance no longer exists, officers cannot justify the use of force against a	<ol style="list-style-type: none"> 1. Policy prohibits use of force against persons who exhibit resistive behavior but are under control and do not pose a threat. 2. Policy requires ongoing assessment of the threat presented by an individual throughout the incident. 3. Policy requires proportionality in the use of force. 4. Policy requires that each use of force must be justified by the specific threat preceding the use of force against an individual. 5. Policy defines use of force where a threat or resistance no longer exists is excessive force. 6. Training supports policy through related concepts and education regarding proportionality, threat assessment and the cessation of force when warranted.

	subject.	
¶ 6	BPD will continue to require in policy, and emphasize in its training, that a strike to the head with any impact weapon is prohibited unless deadly force is justified. Unintentional or mistaken strikes to these areas must also be reported in the officer's use of force report, to ensure that all reasonable care was taken to avoid them.	<ol style="list-style-type: none"> 1. Policy defines the strike to a head with any impact weapon is lethal force. 2. Policy prohibits such a strike unless lethal force is authorized. 3. Policy defines impact weapon. 4. Policy defines reasonable care. 5. Policy requires reporting of all strikes to the head with an impact weapon must be reported, including mistaken or unintentional strikes. 6. Policy requires analysis of force reports for head strikes with impact weapons to determine policy compliance and process improvements.
¶ 7	BPD will have a specific policy requiring that a subject of a use of force who is injured or complains of injury receives medical treatment, photographs are taken of the existence or absence of injury following a use of force, and all injuries be documented in the use of force and arrest reports.	<ol style="list-style-type: none"> 1. Policy requires persons subject to use of force will receive medical treatment for injury or complaint of injury. 2. Policy requires photographs of all individuals subject to use of force to document visible injury or lack thereof. 3. Policy requires reporting and documentation of all injuries claimed by individuals following use of force. 4. Supervisors will be responsible for ensuring adherence to medical treatment and documentation requirements under this policy. 5. Failure to follow policy requirements will require referral to IA by the supervisor.
¶ 8	BPD, regarding baton deployment, will provide policy and training guidance on the appropriate times to use that type of force relative to other	<ol style="list-style-type: none"> 1. Policy defines when baton deployment is a permissible use of force. 2. Policy defines how batons may be used in use of force.

	less-lethal options.	3. Batons will be categorized within the level of force and in relation to other use of force tools.
¶ 9	BPD officers shall not deploy oleoresin capsicum (OC) spray or any other chemical spray (e.g. mace, tear gas, or other chemical irritants) on a person who is handcuffed or otherwise restrained, unless the person presents an imminent threat to the safety of the officer or others, and officers first attempt to exercise additional control over the person by using hands-on control measures or arrest control techniques.	<ol style="list-style-type: none"> 1. BPD use of force policies, including policy on the force tools, will prohibit the use of oleoresin capsicum (OC) spray or any other chemical spray (e.g. mace, tear gas, or other chemical irritants) on a person who is handcuffed or otherwise restrained. 2. BPD use of force policies, including policy on the force tools, will provide an exception to the prohibition limited to when person presents an imminent threat to the safety of the officer or others and after other control techniques are not successful. 3. BPD shall track the use of OC and other chemical spray (e.g. mace, tear gas, or other chemical irritants) to assess compliance with this Paragraph. 4. BPD shall annually identify any failure of any BPD employee to comply with this Paragraph and the corrective actions taken in response. 5. BPD shall provide training and other corrective actions to address trends or improved practices when seeking to control detainees.

Stipulated Judgment Topic: Use of Canines

Paragraph	Requirement	Compliance Measures
¶ 10	BPD shall ensure its canine-related policies, training, and field deployment activities are carried out in a manner consistent with "bark and hold" techniques. BPD's canine-related policies and training shall continue to be based on searching and locating (bark and hold) subjects to be	<ol style="list-style-type: none"> 1. Policies, training and deployment practices will stress the use of canines for search location rather than force absent exigent circumstances. 2. Policy defines "bark and hold" techniques. 3. Evidence of review of policies, training and deployment of canines for contemporary policing best practices. 4. Alignment of all policies, training and deployment are consistent with "bark and hold" best practices.

	<p>apprehended rather than immediately resorting to employing force, except when exigent circumstances or an immediate threat is evident. BPD will continue to ensure its canine policies and related training are consistent with contemporary police best practices, including a process for conducting and promoting ongoing feedback to promote continuous improvements in policies, training, and practices in the field.</p>	<ol style="list-style-type: none"> 5. Establish an internal review process for conducting and promoting ongoing feedback to promote continuous improvements in policies, training, and practices in the field. 6. Task specific responsibility for review and improvement. 7. Training supports policy and the implementation of the review loop.
<p>¶ 11</p>	<p>Canine handlers shall limit off-leash canine deployments, searches, and other instances where there is an increased risk of a canine bite to those instances in which the potential use of injuring force is reasonable, the suspect is wanted for a serious offense, or is reasonably suspected to be armed, based upon individualized information specific to the subject.</p>	<ol style="list-style-type: none"> 1. Policy limits off-leash canine deployments to situations where the use of force is reasonable, the suspect is wanted for a serious offense, or is reasonably expected to be armed. 2. Policy clearly defines serious offenses warranting an off-leash deployment. 3. Training supports policy to define reasonable use of force by canines and the development of specific information to assess off-leash deployments.
<p>¶ 12</p>	<p>A canine handler shall keep his or her canine within visual and auditory range during deployments at all times,</p>	<ol style="list-style-type: none"> 1. Policy requires visual and auditory range for canine handlers with exceptions as defined in this Agreement section.

	<p>except when a canine clears a threshold (e.g., rounding a corner, entering a room, ascending/descending a stairwell, or entering a confined space, such as a crawl space), or when canine deployment beyond the handler's visual and auditory range is necessary to ensure the immediate safety of others.</p>	<ol style="list-style-type: none"> 2. Policy defines the specific standards that require the immediate safety of others that allow for canines to be beyond visual and auditory range of the handler. 3. Training will support policy and provide training on how to manage canines to maintain auditory and visual range.
<p>¶ 13</p>	<p>All field supervisors and watch commanders shall continue to be familiar with BPD's canine policy and use of force reporting requirements. A canine handler shall obtain approval from a canine sergeant or lieutenant, a field sergeant, or the watch commander (sergeant or higher) prior to deployment, unless the canine handler must react immediately in apprehension of an escaping felon, or a subject is suspected to be armed based upon individualized information specific to the subject who poses an imminent threat to others, or when protecting themselves or</p>	<ol style="list-style-type: none"> 1. BPD policy shall require a canine handler to obtain approval from a BPD supervisor prior to deployment of a canine, except for the immediate apprehension immediately in apprehension of an escaping felon, or a subject is suspected to be armed based upon individualized information specific to the subject who poses an imminent threat to others, or when protecting themselves or others from assault. 2. BPD shall ensure that an independent supervisor is the approving supervisor. The canine handler will not approve their own deployment of a canine. 3. BPD shall ensure that all field supervisors and watch commanders are trained on BPD canine and use of force policies. 4. BPD will conduct refresher training on CM 2 as part of the FEC for this Paragraph. 5. Training records for BPD supervisors, as listed above, will be maintained by BPD.



	others from assault. The approving supervisor shall not serve as the canine handler in the deployment.	
¶ 14	<p>Prior to canine deployment, canine handlers shall issue three loud and clear warnings that a canine will be deployed and advise the suspect to surrender, and warn the suspect that the deployment of a canine can result in their sustaining a dog bite, unless such warnings pose an imminent threat of danger to other officers on scene, the canine handler, or the public. The canine handler shall ensure the warnings are capable of being heard throughout the area of the deployment and will allow a sufficient period of time between each warning to provide a suspect an opportunity to surrender. These warnings shall be given in Spanish and English if the suspect is reasonably believed to be a Spanish-speaking Limited English Proficient (LEP) individual.</p>	<ol style="list-style-type: none">1. Policy requires the use of three loud and clear warnings prior to canine deployment.2. Policy establishes the specific warning to be used prior to canine deployment.3. Policy requires warnings to be delivered in a manner that can be heard by the individual.4. Policy requires warnings to be given in English and Spanish if the individual is believed to be a Spanish-speaking Limited English Proficient (LEP).5. Training supports policy and language proficiency by all handlers.6. Reporting requires documentation of the use of warnings.7. Ongoing review and analysis of the outcome of canine deployments will monitor for adherence to the policy.

<p>¶ 15</p>	<p>If a canine bites any individual, the handler or an on-scene officer shall immediately contact a BPD dispatcher to request Emergency Medical Services response. If additional medical attention is required for a person who has been bitten, the individual shall be transported to a City-approved medical facility for treatment.</p>	<ol style="list-style-type: none"> 1. Policy requires immediate notification to supervisor of any canine bite. 2. Dispatch tasked with ensuring notification is made. 3. Policy requires dispatch of EMS for all bites. 4. Policy directs that EMS personnel to transport if there is a need for additional medical treatment. 5. Supervisor required to review for policy adherence. 6. Ongoing review and update of policy, training or other remediation as required.
<p>¶ 16</p>	<p>For each canine apprehension, the involved handler, and any other officers who used or observed a use of force, shall complete a use of force report before the end of shift unless approved by a supervisor.</p>	<ol style="list-style-type: none"> 1. Policy requires reporting of all canine apprehensions by the handler and all officers on the scene who used or observed the use of force. 2. Policy requires UOF reporting will occur before end of shift. 3. UOF report specifically addresses canine deployment requirements. 4. Supervisory response and review required for reporting on all canine apprehensions. 5. Ongoing review and update of policy, training or other remediation as required.
<p>¶ 17</p>	<p>In addition to the information that must be included in all use of force reports, a canine handler's use of force report documenting a canine apprehension shall continue to include the following: (1) whether there was contact between the canine and the subject, including contact with</p>	<ol style="list-style-type: none"> 1. UOF reporting includes the specific requirements of canine deployment as identified in 1-4 of this paragraph. 2. Policy requires a non-involved supervisor to respond to investigate and complete the UOF reporting requirements. 3. If no supervisor responds, specific reporting as to why. 4. Training supports the policy reporting requirements for all canine handlers and supervisors.

	<p>the subject's clothing; (2) documentation of the duration of the canine's contact with a subject; (3) the approximate distance of the canine from the handler at time of apprehension; and (4) whether a warning was given and, if not, why not. In addition, in all apprehensions where there is canine contact with visible injury sustained by someone, or a complaint of injury, a supervisor not involved in the application of force shall be summoned to the scene if feasible for the purpose of completing a Use of Force Report consistent with investigative requirements established under the Agreement.</p>	
<p>¶ 18</p>	<p>Unless personally involved in the incident, the canine supervisor (a canine sergeant or lieutenant) shall evaluate each canine deployment for compliance with BPD policy, this Agreement, and state and federal law, and provide written documentation of this evaluation. If the canine supervisor is unavailable or</p>	<ol style="list-style-type: none"> 1. Policy requires a canine supervisor to evaluate each canine deployment for compliance with policy. 2. Compliance review follows an established, consistent template to include review for policy and state and federal law. 3. Supervisory review will be formally documented in writing. 4. Policy requires the evaluation to be completed by a member of higher rank if the canine supervisor is involved.



	<p>was directly involved in the incident, this evaluation will be completed by a staff member of higher rank. Deployment reviews, using KATS K-9 Activity Training System or a similar tracking system, shall also be evaluated by the Special Operations Division Captain*, with each person in the chain of command required to review and document their evaluation of the incident.</p>	<ol style="list-style-type: none">5. Policy tasks the Special Operations Division Captain with review of the canine deployment under an established review process, e.g., KATS K-9 activity training.6. Policy tasks each member in the chain of command review to review and document their evaluation of the incident.7. Training and operational framework support the policy.
¶ 24	<p>BPD agrees to continue not to use the services of any of its canines without first ensuring that the canine is controllable and otherwise able to meet the standards required by BPD policy.</p>	<ol style="list-style-type: none">1. Policy requires canines to be certified as controllable before field deployment.2. Policy establishes specific standards to assess canine service eligibility.3. Policy provides for written assessments of canines in accordance with policy.4. Policy prohibits service by canines not meeting established standards.
¶ 25	<p>BPD will ensure no handler or canine will be deployed unless the handler and canine are current on all training requirements and the canine is fully controllable during exercises.</p>	<ol style="list-style-type: none">1. Policy prohibits deployment of a handler or canine not current on training exercises.2. Policy prohibits deployment of any canine not deemed controllable.3. Policy is supported by training.4. Policy tasks specific person/entity with review and responsibility for ensuring training sufficiency of canines and handlers.
¶ 29	<p>BPD shall amend its canine policy to (a) prohibit the</p>	<ol style="list-style-type: none">1. Policy prohibits deployment of canines for crowd control unless approved by command officer.

	<p>deployment of canines for crowd control and when the subject appears to be under the age of 18, unless such deployment is specifically approved by an executive/command-level officer (rank of Captain or higher), (b) require the approvals of any deployment of a canine as provided for in subdivision (a) of this paragraph be fully justified and documented in the use of force report, (c) specifically address what force may be used by an officer to defend a canine, and (d) prohibit any canine team that fails to graduate or obtain certification to be deployed in the field until graduation or certification is achieved.</p>	<ol style="list-style-type: none"> 2. Policy prohibits deployment of canines for individuals under 18 years of age unless approved by command officer. 3. Policy specifically defines what rank can approve deployment under circumstances in this paragraph. 4. UOF reporting to require documentation – including command justification - to support deployment for above. 5. Policy defines what is allowable force in defense of a canine. 6. Policy prohibits deployment of a canine team without formal graduation and certification. 7. Training supports policy goals.
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Stipulated Judgment Topic: Use of Force Reporting Policy

Paragraph	Requirement	Compliance Measures
¶ 30	<p>BPD agrees to continue to require officers to report all uses of force greater than a standard handcuffing.</p>	<ol style="list-style-type: none"> 1. Policy requires officers report all uses of force greater than standard handcuffing. 2. Policy defines reportable use of force to include: <ol style="list-style-type: none"> a. Any use of force: <ol style="list-style-type: none"> i. required to overcome subject resistance to gain compliance.

	<p>A reportable use of force is as follows:</p> <ul style="list-style-type: none"> a. Any use of force which is required to overcome subject resistance to gain compliance, that results in death, injury, complaint of injury in the presence of an officer, or complaint of pain that persists, and which does not result in an allegation of excessive or unnecessary force; or b. Any use of force involving the use of personal body weapons, chemical agents, impact weapons, extended range impact weapons, vehicle interventions, firearms, and any intentional pointing of a firearm at a subject, regardless of whether the use of force results in any injury or complaint of Injury or pain. 	<ul style="list-style-type: none"> ii. that results in death or injury. iii. with complaint of injury in the presence of an officer. iv. with complaint of pain that persists. <ul style="list-style-type: none"> b. Regardless of whether the use of force results in any injury or complaint of injury or pain where force used includes: <ul style="list-style-type: none"> i. use of personal body weapons. ii. Chemical agents. iii. Impact weapons, extended range impact weapons. iv. Vehicle interventions. v. firearms. vi. any intentional pointing of a firearm at a subject. <ul style="list-style-type: none"> 3. Training supports policy through clear definition and requirements for reporting. 4. Defined review process to assess and review reported use of force for compliance and trend analysis. 5. Evidence of implementation of policy and practices, including officers and supervisors, held to account for failure to report as appropriate.
<p>¶ 31</p>	<p>BPD shall require its officers to completely and accurately describe the force used or observed, including describing in detail the actions of the suspect necessitating the use</p>	<ul style="list-style-type: none"> 1. BPD shall require officers to report and enter their own use of force applications. 2. BPD shall require formal reporting and entry of use of force actions by all officers, on or off duty.

	<p>of force and the specific force used in response to the suspect's actions; any warning provided to the subject prior to the use of force, and if no warning given, why one was not feasible; any injuries or complaints of injuries; whether persons who have been sprayed with OC spray have been promptly provided with a neutralizing agent or solution to flush the affected area; and any medical treatment or refusal of medical treatment of the suspect. BPD will work with the Monitor to develop a best practice model to decontaminate subjects sprayed with OC spray. This reporting requirement also relates to any use of force incidents that occur when employees are off-duty but engaged in exercising police powers.</p>	<ol style="list-style-type: none"> 3. BPD shall develop a system to accept and require reporting on the officer's specific actions identified in this paragraph. 4. BPD shall provide timebound requirements for reporting use of force incidents, on or off-duty. 5. BPD will conduct background research on best practices for OC decontamination. 6. BPD will engage the Monitor in developing a protocol for decontamination based upon best practice. 7. BPD will define and provide guidance on how to decontaminate persons sprayed with OC spray or other chemical contaminants. 8. BPD will train officers on how to decontaminate persons sprayed with OC spray or other chemical contaminants. 9. Training will be refreshed annually.
<p>¶ 32</p>	<p>BPD will categorize reportable uses of force into levels (i.e., Level 1, 2, and 3) based on seriousness and specify associated roles and responsibilities of involved</p>	<ol style="list-style-type: none"> 1. Policy establishes categories for reportable use of force by level. 2. Policy defines Level 1 through Level 3 force, 1 being lowest and 3 being highest. 3. Policy defines the overall goal of Level categorization and relevance to the BPD Mission.

	<p>officers, supervisors, and investigative personnel at each level regarding reporting and review. Level 1 shall be the category of force at the lowest level with Level 3 being the highest level of force. The specific levels of force and the types of force that constitute those categories will be defined by the Monitor in consultation with the California Department of Justice (DOJ).</p>	<ol style="list-style-type: none"> 4. Evidence of review and agreement by the Monitor and DOJ for the type of force within each category level. 5. Policy requires specific actions for each level of force by BPD Member to include: <ol style="list-style-type: none"> a. Involved officers. b. Witness officers. c. Supervisors. d. Criminal Investigators. e. Administrative Investigators. f. Command Review. 6. Training supports policy with specific examples and processes. 7. BPD develops a template to capture Category reporting. 8. Ongoing review of compliance with reporting requirements. 9. Evidence of remedial actions to address non-reporting, errors and omissions.
<p>¶ 33</p>	<p>All levels of force, including non-reportable levels of force, should be clearly identified and described in the use of force policy.</p>	<ol style="list-style-type: none"> 1. Policy defines all levels of force. 2. Policy defines all non-reportable force and when it applies. 3. Policy defines all reportable use of force and when it applies.
<p>¶ 34</p>	<p>The use of force reporting policy shall explicitly prohibit the use of conclusory statements without supporting</p>	<ol style="list-style-type: none"> 1. Policy requires reporting for all reportable use of force incidents. 2. Policy prohibits the use of conclusory statements unless supported by evidence.

	<p>detail, shall include original language in all statements as opposed to boilerplate language, and reports documenting use of force. Officers shall be held accountable for material omissions or inaccuracies in their use of force statements, which may include being subject to disciplinary action.</p>	<ol style="list-style-type: none"> 3. Policy prohibits boilerplate language. 4. Policy requires officers to use original language in use of force reports. 5. Policy requires supervisors to review use of force reports to ensure no conclusory statements without detail or the use of boilerplate language. 6. Policy identifies the disciplinary outcome for material omissions or inaccuracies in use of force statements and for supervisory failure to review, including up to termination. 7. Training supports the policy requirements. 8. Evidence of ongoing review for adherence to policy. 9. Evidence of remedial actions, as required, to include training, policy update and discipline.
<p>¶ 35</p>	<p>BPD agrees to continue to require officers who use or observe force to notify their supervisors immediately following any reportable use of force incident or upon receipt of an allegation of unreasonable or unreported use of force by any officer. Officers who use or observe force and fail to report it shall be subject to disciplinary action, up to and including termination.</p>	<ol style="list-style-type: none"> 1. Policy directs officers who perform a reportable use of force to notify their supervisor immediately. 2. Policy directs offices who observe a reportable use of force by another officer to notify their supervisor immediately. 3. Policy directs officers who receive an allegation of unreasonable or unreported use of force to notify their supervisor immediately. 4. Policy includes accountability for failure to report. 5. Training reflects policy.
<p>¶ 36</p>	<p>BPD shall specify the reporting, investigation, and review requirements for each</p>	<ol style="list-style-type: none"> 1. BPD shall align types of force with specifically defined levels of force. 2. Each level of force will identify the level of reporting and the review requirements.

	<p>level of force, including reporting requirements for the involved and witness officers, the responsibilities of the investigating supervisor, criminal and administrative investigator responsibilities, and review requirements.</p>	<ol style="list-style-type: none"> 3. BPD will define reporting requirements of witness officers for each level of force. 4. Supervisory responsibilities will be identified for each level of force. 5. Criminal investigative responsibilities will be established for each level of force. 6. Administrative investigative responsibilities will be established for each level of force. 7. Review requirements will be established for each level of force.
<p>¶ 37</p>	<p>All officers who use reportable force shall be required to complete a use of force statement, as shall officers who witness a Level 2 or Level 3 use of force. The name and rank of every officer on scene shall be included in the supervisor's use of force report, even if that officer did not witness the Level 2 or Level 3 use of force. The use of force reports shall also include a physical description of the height, weight, gender, and race of each officer at the scene.</p>	<ol style="list-style-type: none"> 1. Policy requires completion of use of force statement by all officers who use reportable force. 2. Policy defines Level 2 and Level 3 categories for use of force. 3. Policy requires completion of use of force statement by all witness officers of a Level 2 or Level 3 use of force. 4. Policy requires supervisor use of force reports involving Level 2 or Level 3 use of force to include the name and rank of every officer on scene. 5. Policy requires use of force reports to include a physical description of the height, weight, gender, and race of each officer at the scene. 6. Training supports policy goals and guidance.
<p>¶ 38</p>	<p>The Critical Incident Review Board (CIRB) shall review all Level 3 uses of force and any other matters referred to it by Internal Affairs, the Chief, Assistant Chief, or division</p>	<ol style="list-style-type: none"> 1. The CIRB policy will require all Level 4 use of force incidents to be reviewed. 2. Pursuant to the Agreement of all Parties, CIRB will review any Level 4 use of force incident.

	commander.	<ol style="list-style-type: none"> 3. The CIRB policy will require review of any matter referred to it by Internal Affairs, the Chief, Assistant Chief or Division Commander. 4. The CIRB policy will require reviews be consistent with that required for Level 3 use of force incidents.
¶ 39	BPD shall identify in the use of force policy the nature and extent of the use of force information it will release to the public.	<ol style="list-style-type: none"> 1. Policy identifies a preference for transparency. 2. Policy defines a goal of disclosure rather than retention for use of force information, consistent with the law. 3. Policy defines what will be publicly reported and when. 4. Policy defines the Public Records Act process for use of force data requests that are not routine reporting.
¶ 40	BPD will continue to inform the public and develop a policy and process to inform the public about all officer-involved shootings and deaths in custody. As soon as practical following any officer-involved shootings and deaths in custody, BPD will provide information to the public which is legally allowed and which does not compromise an ongoing investigation.	<ol style="list-style-type: none"> 1. Policy identifies the goal for transparency and disclosure rather than retention for Officer Involved Shooting and Death in Custody information. 2. Policy requires set time frame for public notification for general adherence. 3. Policy defines when, where and how information will be released to the public following an OIS or death in custody. 4. Evidence of review and consideration of a town-hall approach to consistent reporting to the public on OIS and death in custody incidents. 5. Policy specifically tasks who, what, when and how information will be released to the public. 6. Policy ensures the information that will be released is specifically identified to ensure it does not compromise an on-going investigation. 7. Ongoing review and improvement of how the public is informed following an officer involved shooting and death in custody.

		8. Evidence of review for policy adherence and process improvement.
¶ 41	BPD will develop a policy that provides for a liaison to the families of individuals involved in an officer shooting or to an individual who sustains serious bodily injury as a result of BPD officer actions. The policy will require the liaison to address the family of such individuals.	<ol style="list-style-type: none"> 1. BPD will develop a family liaison policy based upon best practice guidelines. 2. Policy and protocol will require timely and appropriate notifications to the family members of persons seriously injured or killed by a member of BPD. 3. The liaison program will initiate for any OIS or individual who sustains a serious bodily injury as a result of the actions of a BPD member. 4. Task specific duties, responsibilities and communication protocols for the role and key stakeholders to the investigation to ensure coordination around outreach and contact with subject family members and communications with the media to ensure notifications align with public information. 5. The Liaison will be responsible for providing a single point of contact and open communication with the family and BPD. 6. BPD will review the options for using professional staff rather than sworn staff for the liaison role. 7. BPD will annually assess the program for adherence and the process for improvement.
Stipulated Judgment Topic: Use of Force Supervisory Investigations		
Paragraph	Requirement	Compliance Measures
¶ 42	For all reportable uses of force, the investigating supervisor shall conduct a thorough investigation. This investigation will require supervisors to: <ol style="list-style-type: none"> a. respond to the scene, 	<ol style="list-style-type: none"> 1. BPD will show evidence of best practice review and incorporation of standards in defining supervisory roles for use of force incidents. 2. BPD policy will specifically identify the roles and tasks for supervisors for use of force incidents, including when on scene response is required, to ensure a thorough investigation. 3. Supervisors required to respond to the scene of a use of force incident shall be required to:

	<p>examine the subject of the force for injury, interview the subject for complaints of pain, and ensure that any injured subject receives medical attention from an appropriate medical provider;</p> <ul style="list-style-type: none"> b. ensure identification and collection of all relevant evidence, including camera recordings; c. direct the canvassing for, and interview of, civilian witnesses; and d. collect statements from witness officers; and review all officer use of force statements for adequacy, accuracy, and completeness. 	<ul style="list-style-type: none"> a. Examine the subject of the force for injury, b. Interview the subject for complaints of pain, and c. Ensure that any injured subject receives medical attention from an appropriate medical provider; d. Ensure identification and collection of all relevant evidence, including camera recordings; e. Direct the canvassing for, and interview of, civilian witnesses <p>4. Supervisors shall be required to:</p> <ul style="list-style-type: none"> a. Collect statements from witness officers, in accordance with the level of force used; and, b. Review all officer use of force statements for adequacy, accuracy, and completeness. <p>5. Watch commanders shall be responsible for managing the supervisory response and review under this paragraph.</p> <p>6. When a critical incident is involved, the supervisor's and watch commander's review will be included in the CIRB to inform the review and as part of the overall review of the incident.</p>
<p>¶ 43</p>	<p>Following the investigation, the supervisor shall complete a supervisory investigation documented in a "Supervisor's Report on Use of Force." This Report shall include:</p> <ul style="list-style-type: none"> a. the supervisor's narrative description of the incident, including a complete and comprehensive description of all of the physical and 	<ul style="list-style-type: none"> 1. BPD shall develop a report template for the supervisory reporting on Use of Force. 2. The Template shall include all issues within this paragraph <ul style="list-style-type: none"> a. Narrative that is complete and comprehensive b. Identification of all physical evidence c. Identification of all testimonial evidence d. Documentation of whether there is injury present or not to the individual and BPD member

	<p>testimonial evidence related to the incident;</p> <p>b. documentation of all evidence of an injury or lack thereof;</p> <p>c. identities of all officers involved in or witnessing the force; and</p> <p>d. whether interviews of individuals with LEP were conducted in the interviewee's primary language, and if so, by whom.</p>	<p>e. Identifies of all officers present and whether they used or witnessed a use of force</p> <p>3. Watch Commanders shall be responsible for ensuring the completion of the report in accordance with this Paragraph.</p> <p>4. BPD shall include the supervisory report as part of its CIRB review.</p> <p>5. BPD shall continue to monitor the sufficiency of the supervisory reporting to improve and educate supervisors on reporting practices.</p>
<p>¶ 44</p>	<p>An employee at the rank of lieutenant or higher shall conduct a review of the supervisor's investigation of the use of force, which review will include at least the following:</p> <p>a. An assessment of the investigating supervisor's use of force investigation to ensure it is complete, thorough, and objectively conducted, and provides all supporting documents and statements from involved officers and witnesses;</p> <p>b. A recommendation as to</p>	<p>1. BPD shall develop a review template for a superior rank (Lieutenant or higher) to review the supervisor's investigation of force.</p> <p>2. The review shall require affirmative determination as to the sufficiency, completeness, thoroughness and objectivity of the supervisor's investigation.</p> <p>3. The review shall require specific determination that all involved and witnesses officers provided statements.</p> <p>4. The reviewing superior rank will be required to provide an affirmative recommendation as to whether the actions of the officer who used force were within BPD policy and consistent with state and federal law.</p> <p>5. The reviewing superior rank will be required to provide an affirmative recommendation as to whether the actions of the officer who used force identified any tactical and training implications.</p> <p>6. The reviewing superior rank will be required to document any concerns or actions taken to address any tactical and training implications.</p>

	<p>whether the officer's actions appear to be within BPD policy and consistent with state and federal law, and an assessment of the incident for tactical and training implications: and,</p> <p>c. Documentation of any training or tactical concerns, and/or corrective action taken or recommended.</p>	<p>7. When a critical incident is involved, the superior rank review will be included in the CIRB final review process.</p>
<p>¶ 45</p>	<p>Upon completion of the lieutenant's review, the investigative reports shall be forwarded through the chain of command, which will review the report to ensure that it is thorough and complete, and that the analysis and subsequent findings are supported by a preponderance of the evidence and documented. A final determination of whether the incident is within policy must be made by a manager at the rank of captain or higher, if the use of force (a) resulted in a complainant of pain or observable injury, or (b) involved a weapon. The commanding officer shall</p>	<ol style="list-style-type: none"> 1. BPD policy will define the specific routing to each level of command review for all use of force reports. 2. BPD policy will define at what rank the final determination of whether a use of force was compliant with law and policy. <ol style="list-style-type: none"> a. BPD policy will require that a final determination of whether the incident is within policy must be made by a supervisor at the rank of captain or higher, if the use of force (a) resulted in a complainant of pain or observable injury, or (b) involved a weapon or a use of force tool. 3. BPD policy will define the process for review, including the investigative review and sufficiency review phases – which occurs after the determination of whether the use of force was within policy and consistent with the law. 4. Each level of review will be required to ensure that it is thorough and complete, and that the analysis and subsequent findings are supported by a preponderance of the evidence and documented provide an affirmative response or identify concerns with the sufficiency of the investigation.



	conduct an analysis and adjudication based upon a preponderance of the evidence and ensure any corrective actions, to include training and discipline, policy modifications, or risk management and mitigation measures, are carried out and documented.	5. The commanding officer shall conduct an analysis and adjudication based upon a preponderance of the evidence and ensure any corrective actions, to include training and discipline, policy modifications, or risk management and mitigation measures.
¶ 46	BPD will hold officers accountable for uses of force that violate policy or law, and continue to require sergeants and lieutenants to refer uses of force that may violate law or BPD's use of force policy to Internal Affairs for further investigation or review.	<ol style="list-style-type: none">1. Policy specifically identifies officers are accountable for use of force that violate policy or law.2. Policy holds supervisors accountable for proper review of reported use of force.3. Policy requires supervisors to refer uses of force that may violate policy or law to Internal Affairs for Review.4. Policy identifies sanctions for violations, including disciplinary action and criminal prosecution.5. Policy tasks specific roles/persons/units with responsibility for the management oversight to ensure compliance, including appropriate supervisory review and referrals.6. Evidence of ongoing review for compliance.7. Evidence of remedial action as appropriate.8. Training supports policy actions and goals.
¶ 52	Regarding officer-involved shootings, the CIRB reports will provide a detailed rationale	<ol style="list-style-type: none">1. BPD will establish requirements for levels of review, e.g., initial triage, immediate after action, investigative and administrative within the standards and protocols covering CIRB, AAR and QAU review.

	<p>for its findings and examine the deadly force used and the entirety of the officer-involved shooting incident, including tactics used or not used leading up to the use of force. It will also include the need for any additional policies, training or improvements to policies or training, including but not limited to those identified in the after-action report (AAR). BPD will develop a process for reviewing, providing feedback and conducting ongoing assessments to support continuous improvements based on the observations and recommendations identified in the CIRB report and AAR. The AAR will include any and all of the CIRB's identified findings and recommendations including but not limited to all recommendations for improvements in training for the officers involved and for the entire agency, policies, procedures, tactics, equipment, technology, organization, or any other issues that could contribute to improving future individual or organizational performance.</p>	<ol style="list-style-type: none"> 2. BPD will update its CIRB policy to reflect the goals of the Stipulated Judgment, to include establishing responsibility and timelines for convening the CIRB, the AAR and the QAU review. 3. CIRB will: <ol style="list-style-type: none"> a. Allow for open discussion regarding officer improvement, intervention plans and goals for training for involved parties. b. Review for all possible issues arising from any action or outcome related to the event. c. Review beyond the individual(s) in the actual OIS incident to ensure a review of the organizational issues. d. Develop a standard reporting template that will guide consistent review of critical incidents to include pre-event planning; decision making; tactics; post-event response; and review tasking. e. Distinct findings and evaluation for each action, area or issue reviewed. f. Require distinct review and decision outcomes for each reporting area. 4. QAU will engage in after action review of the effectiveness of the reporting template. This review will follow a specific format and specifically task responsibility for follow up action through the chain of command. 5. Create a timebound process for ongoing evaluation and improvement of the CIRB, AAR and QAU processes associated with this paragraph. 6. Track progress and report on a quarterly basis. 7. BPD will publicly post the CIRB outcomes, consistent with the law, at defined intervals.
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	<p>Within 90 days of the CIRB’s findings, the Quality Assurance Unit lieutenant will ensure all identified issues are addressed and documented in a formal report that clearly states the findings and how any identified issues were addressed. The Quality Assurance Unit will submit a report documenting whether all identified issues have been or are being addressed and provide a status report regarding those issues, documenting how the CIRB’s findings and directions were addressed. The Quality Assurance Unit must reevaluate the corrections at defined timeframes to ensure the desired outcomes are achieved.</p>	
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Stipulated Judgment Topic: Use of Force Analysis		
Paragraph	Requirement	Compliance Measures
<p>¶ 59</p>	<p>Within one year of the Effective Date of this Judgment and at least</p>	<p>1. Policy outlines the process, data and roles and responsibilities for annual UOF data analysis.</p>



	<p>annually thereafter, BPD will analyze the BPD use of force data and the force-related outcome data, to identify significant trends, and identify and correct deficiencies revealed by such analysis.</p>	<ol style="list-style-type: none"> 2. Policy requires the identification of trends and correction of deficiencies. 3. Policy requires a specific annual publication date starting in 2023. <ol style="list-style-type: none"> a. For 2022, BPD will provide published analysis of use of force data including trends and outcomes through June, no later than September 2022. 4. Policy tasks specific role(s) with analysis and publication of data analysis. 5. Policy establishes process for review of trends and tasks specific roles for developing recommendations. 6. Policy establishes the internal process for review of actions for recommendations, with a BPD owner responsible for tracking and reporting on actions taken in response to trends and recommendations. 7. Evidence of review of data, trends and recommendations. 8. Evidence of actions in response to review including identified corrective actions and implemented changes, inclusive of training and policy adjustments, in response to trends.
<p>¶ 60</p>	<p>BPD's force analysis will include an assessment of the frequency and nature of uses of force that are referred to Internal Affairs for investigation; the subject of misconduct complaints; the subject of civil lawsuits related to criminal obstruction- or resisting-arrest-type charges that are dismissed or declined by the prosecutor; or that involve repeat-officers or units.</p>	<ol style="list-style-type: none"> 1. Policy requires analysis of use of force data to include: <ol style="list-style-type: none"> a. assessment of the frequency and nature of uses of force referred to Internal Affairs for investigation. b. Misconduct complaints. c. civil lawsuits related to criminal obstruction- or resisting-arrest-type charges. d. criminal obstruction- or resisting-arrest-type charges that are dismissed or declined by the prosecutor. e. actions that involve repeat-officers or units. 2. Policy requires annual analysis of this type of use of force data.

		<ol style="list-style-type: none"> 3. Policy tasks specific role with reporting this analysis to include as part of the annual publication of use of force data analysis. 4. Policy establishes process for review of trends and implementation of corrective actions to address issues arising out of this analysis. 5. Evidence of review actions, identified corrective actions, implemented changes, inclusive of training and discipline as required, in response to identified actions and trends.
<p>¶ 63</p>	<p>BPD will agree to put together a community advisory working group or panel and will make a good faith effort to have representatives from various diverse stakeholder groups, including, but not limited to, the Kern County Public Defender's Office, California Rural Legal Assistance (CRLA), the American Civil Liberties Union (ACLU), United Farm Workers (UFW), the Dolores Huerta Foundation (DHF), the NAACP, Greater Bakersfield Legal Assistance (GBLA), PICO Bakersfield, as well as members of Sikh and LGBTQ+ community groups. During the first year of the panel or working group's existence, it will meet at least bimonthly. The panel or working group will thereafter meet with BPD at least</p>	<ol style="list-style-type: none"> 1. Review of other law enforcement agencies' community engagement practices and policies for best practices as reflected in the policies and practices defined below. 2. BPD establishes a community advisory working group or panel (CAWG) to provide input into policy and procedure, provide insight into the community's concerns, and educate the community about BPD. 3. The CAWG is codified in policy, to include standards for application, selection and roles. 4. Policy identifies the role and responsibilities of the BPD liaison to the CAWG. 5. Appointment of BPD liaison at the rank of lieutenant or higher. 6. Evidence that BPD provides sufficient staffing to the CAWG process to include meetings, minutes, reporting, tasking, and review. 7. Policy provides transparency in the application by and selection of community advisory group. 8. Policy includes standing roles for the defined member groups from Judgment and this paragraph. 9. Evidence of community engagement in the policy and good faith effort to establish a representative group or panel.

	<p>quarterly to provide input into policy and procedure, provide insight into the community's concerns, and educate the community about BPD. At least one BPD manager, at the rank of lieutenant or higher, shall serve as the agency's ongoing liaison to the panel and actively participate in those meetings and discussions, provide that panel with adequate staff support to carry out its mission, and must regularly report on the group's progress and expectations to the Chief of Police.</p>	<ol style="list-style-type: none"> 10. Evidence of robust review of applicants in a manner that is procedurally just, transparent, and consistent with goals of the CAWG. 11. Policy requires at least bi-monthly meetings. 12. Evidence of community group meetings that reflect a procedurally just process to include: <ol style="list-style-type: none"> a. Agendas with community input to agenda items. b. Minutes with the opportunity to correct errors. c. Opportunity to discuss and raise issues. d. Tasking to specific parties to address issues raised. e. Reporting on actions, tasking, and issues. 13. Evidence of direct engagement by the Chief including response to issues raised, reply on decisions made and ongoing engagement. 14. Evidence of ongoing BPD liaison support and engagement with the group or panel. 15. Evidence of actions taken in response to issues raised by the group or panel. 16. Annual reporting on the actions undertaken by the CAWG in support of this Judgment.
<p>¶ 64</p>	<p>BPD agrees to work with its community advisory working group or panel when revising policies that are of particular interest to the community including, but not limited to, its use of force and related policies, bias-free policing policies, community policing,</p>	<ol style="list-style-type: none"> 1. BPD policy establishes the role for the CAWG when revising policies of interest to the community to include policies on use of force, bias-free policing, community policing, civilian complaints, and diversity in recruiting, hiring and promotion. 2. Evidence of the role and policy for CAWG engagement being discussed with the CAWG. 3. Policy requires that policies of particular interest to the community – will be presented to the community advisory working group for review and input.



	<p>civilian complaints, and diversity in recruiting, hiring, and promotion policies.</p>	<ol style="list-style-type: none"> 4. Evidence of consideration of larger community input on policies, to include website posting or general community sessions. 5. Policy establishes a process for tracking and responding to community input with defined roles and responsibilities for accepting, reviewing, and commenting on actions taken in response to community input. 6. Protocol establishes a process for CAWG and community notice of policies not seen as a community interest to facilitate transparency and awareness. 7. Ongoing review and analysis of process with goal of improvement.
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Stipulated Judgment Topic: Stops, Searches and Seizures		
Paragraph	Requirement	Compliance Measures
<p>¶ 65</p>	<p>BPD will reiterate, train, and emphasize that all investigatory stops, seizures, and searches are conducted in accordance with the rights, privileges, and immunities secured or protected by the Constitution or laws of the State of California and the United States. BPD will reiterate, train, emphasize and ensure that investigatory stops and searches are part of an effective overall crime prevention strategy, do not contribute to counter-</p>	<ol style="list-style-type: none"> 1. BPD will promulgate policies on Arrest, Search and Seizure that will cover the requirements of the Judgment Paragraphs in this Section. 2. BPD policies will address the concepts of fair and impartial policing and require such practices of its officers. 3. BPD policy will reiterate that all investigatory stops, searches and seizures: <ol style="list-style-type: none"> a. Are conducted in accordance with the rights, privileges, and immunities secured or protected by the Constitution or laws of the State of California and the United States; b. Are part of an effective overall crime prevention strategy; c. Do not contribute to counter-productive divisiveness or tension between BPD and the community; d. Are required to be adequately documented for tracking and supervision purposes.

	<p>productive divisiveness or tension between BPD and the community, and are adequately documented for tracking and supervision purposes. To achieve these outcomes, BPD shall implement the requirements below.</p>	<ol style="list-style-type: none"> 4. BPD will share the policies with its community stakeholders, including CAP, ahead of promulgation. 5. BPD training will reinforce these goals and requirements as part of the training on stops, searches and seizures.
<p>¶ 66</p>	<p>BPD will implement policies to be developed in consultation with the Monitor, to ensure that officers document, and BPD supervisors review and evaluate:</p> <ol style="list-style-type: none"> 1. investigatory stops and pat-down searches, to determine whether they are supported by reasonable suspicion; 2. whether arrests are supported by probable cause and BPD policy; and 3. whether investigatory stops, searches, and arrests, even if comporting with law and policy, indicate a need for corrective 	<ol style="list-style-type: none"> 1. BPD will engage with the Monitor as it develops the policies required under this section of the Judgment. 2. BPD policy requires officers to document <ol style="list-style-type: none"> a. Investigatory Stops b. pat down searches c. searches d. arrests 3. Policy requires supervisors to <ol style="list-style-type: none"> a. review investigatory stops and pat-down searches to determine whether they are supported by reasonable suspicion. b. review and evaluate whether arrests are supported by probable cause and are within BPD policy. 4. BPD will provide ongoing review and monitoring to determine: <ol style="list-style-type: none"> a. Whether supervisory review of investigatory stops, searches, and arrests practices demonstrate need for corrective action for the involved employee.

	<p>action or review of agency policy, strategy, tactics, or training.</p>	<ul style="list-style-type: none"> b. Whether supervisory review of investigatory stops, searches, and arrests practices demonstrate need for review of agency policy, strategy, tactics, or training. 5. Evidence of corrective or remedial action for officers conduct not consistent with policy or law. 6. Evidence of corrective or remedial action to support changes to agency policy, strategy, tactics, or training. 7. Evidence of training to reinforce knowledge of the 4th Amendment and laws governing investigatory stops, arrests, and searches. 8. Evidence of training on fair and impartial policing principles.
<p>¶ 67</p>	<p>BPD officers should be required to identify themselves by name and rank at the beginning of encounters with individuals unless doing so is not safe.</p>	<ul style="list-style-type: none"> 1. Policy requires officers to identify themselves by name and rank at the beginning of civilian encounters. 2. Policy identifies specifically when identification is not required. 3. Policy establishes that failure to follow the provisions may result in discipline. 4. Evidence of review and, as appropriate, remediation for failure to follow policy or process improvements. 5. Training supports policy goals and required actions.
<p>¶ 68</p>	<p>BPD agrees to prohibit interfering, threatening, intimidating, blocking or otherwise discouraging a member of the public, who is not violating any other law, from taking photographs or recording video (including photographs or video of police activities) in any place the</p>	<ul style="list-style-type: none"> 1. Develop policy on the rights of members of the public to photograph or video of police officers in any place where a member of the public is lawfully present. 2. Ensure policy prohibits officers from <ul style="list-style-type: none"> a. Ordering a person to cease taking photographs or recording video; b. Demanding, absent a lawful purpose, that person's identification; c. Demanding that the person state a reason why he or she is taking photographs or

	<p>member of the public is lawfully present. Such prohibited interference includes:</p> <ul style="list-style-type: none"> a. Ordering a person to cease taking photographs or recording video; b. Demanding, absent a lawful purpose, that person's identification; c. Demanding that the person state a reason why he or she is taking photographs or recording video; d. Detaining, absent a lawful purpose, that person; e. Intentionally blocking or obstructing cameras or recording devices (not including physical barricades or screens used as part of a tactical operation or crime scene); f. Seizing and/or searching a camera or recording device without a warrant or consent of the subject possessing the device; g. Using, absent a lawful purpose, force upon that person; or h. Detaining or arresting an 	<p>recording video;</p> <ul style="list-style-type: none"> d. Detaining, absent a lawful purpose, that person; e. Intentionally blocking or obstructing cameras or recording devices (not including physical barricades or screens used as part of a tactical operation or crime scene); f. Seizing and/or searching a camera or recording device without a warrant or consent of the subject possessing the device; g. Using force upon that person, absent a lawful purpose; or h. Detaining or arresting an individual for violating any other law where the purpose of the detention or arrest is to prevent or retaliate for lawfully recording police activity. <ul style="list-style-type: none"> 3. Develop education and training to support the policy and objectives. 4. Ongoing review of policy adherence, including public complaints and observed actions of officers. 5. Evidence of corrective and remedial action for policy violations.
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	individual for violating any other law where the purpose of the detention or arrest is to prevent or retaliate for recording police activity.	
Stipulated Judgment Topic: Investigatory Stops and Detentions		
Paragraph	Requirement	Compliance Measures
¶ 69	BPD will reiterate, train, and emphasize that officers will only conduct investigatory stops or detentions where the officer has reasonable suspicion that a person is in the process of committing a crime, or has committed a crime.	<ol style="list-style-type: none"> 1. BPD policy reiterates and emphasizes. <ol style="list-style-type: none"> a. Officers will conduct investigatory stops only when the officer has reasonable suspicion that a person is in the process of committing a crime or has committed a crime. b. Officers will conduct detentions only when the officer has reasonable suspicion that a person is in the process of committing a crime or has committed a crime. 2. Evidence of training to support policy on investigatory stops and detentions. 3. Evidence of supervisor review of officer investigatory stops and detentions for compliance with the policy and 4th Amendment. 4. Evidence of corrective or remedial action when investigatory stops or detentions are determined to violate policy or law.
¶ 72	BPD officers shall document all stop data required by Racial and Identity Profiling Act of 2015 and the statute's implementing regulations.	<ol style="list-style-type: none"> 1. Policy requires officers to document stop data required by the Racial and Identity Profiling Act of 2015 regulations. 2. Evidence of internal review and confirmation of reporting consistent with this paragraph.

<p>¶ 73</p>	<p>BPD will reiterate, train, and emphasize that officers should use accurate and specific descriptive language and not rely solely on "boilerplate" or form language in any reports describing factual circumstances of investigatory stops, detentions, and searches.</p>	<ol style="list-style-type: none"> 1. BPD policy reiterates and emphasizes officers should use: <ol style="list-style-type: none"> a. accurate language in reports describing factual circumstances of investigatory stops, detentions, and arrests. b. specific descriptive language in reports describing factual circumstances of investigatory stops, detentions, and arrests. 2. BPD policy reiterates and emphasizes officers should not use: <ol style="list-style-type: none"> a. "boilerplate" language in reports describing factual circumstances of investigatory stops, detentions, and arrests; or b. Prepopulated form language in reports describing factual circumstances of investigatory stops, detentions, and arrests. 3. Evidence of training to support the policy. 4. Evidence of corrective or remedial action to validate compliance with policy.
<p>¶ 74</p>	<p>BPD shall collect and analyze data related to searches based on probation or parole status. BPD shall assess the efficacy of this tactic and its impact on the community and make policy changes accordingly.</p>	<ol style="list-style-type: none"> 1. Develop policy and protocol to collect and analyze data. <ol style="list-style-type: none"> a. Related to searches based on probation status. b. Related to searches based on parole status. 2. Evidence of evaluation to determine the effectiveness of the search types. 3. Evidence of evaluation of the impact related to fair and impartial policing. 4. Evidence of remedial action and policy changes if deficiencies are found.
<p>Stipulated Judgment Topic: Searches</p>		
<p>Paragraph</p>	<p>Requirement</p>	<p>Compliance Measures</p>

<p>¶ 75</p>	<p>BPD will reiterate, train, and emphasize to officers that race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation is not to be used in exercising discretion to conduct a search, except as part of an actual and credible description of a specific suspect or suspects in any criminal investigation.</p>	<ol style="list-style-type: none"> 1. Develop policy that reiterates and emphasizes to officers. <ol style="list-style-type: none"> a. Race b. Color c. Ethnicity d. National Origin e. Religion f. Gender g. Gender identity h. Disability i. Sexual Orientation 2. Policy informs the criteria a-i cannot be used as discretion to conduct a search 3. Except as based on actual and credible description of specific suspect 4. Pursuant to an actual criminal investigation 5. Evidence of training to support policy. 6. Evidence of review and analysis of data 7. Evidence of remedial action where deficiencies are found.
<p>¶ 76</p>	<p>BPD officers will not conduct arbitrary searches. The request to conduct a</p>	<ol style="list-style-type: none"> 1. Policy defines arbitrary searches. 2. Policy prohibits arbitrary search.

	<p>consensual search will be reasonable. An officer must be able to articulate a valid reason under law and BPD policy for initially having stopped an individual.</p>	<ol style="list-style-type: none"> 3. Policy defines when consensual searches are reasonable under state and federal law. 4. Policy defines when consensual searches are appropriate and permissible under BPD policy. 5. Evidence of the use of verbal (e.g., BWC recorded) or signed consent forms to document consensual searches. 6. Policy requires officers to document the specific reasons for requesting consensual search and the person providing consent. 7. Supervisory requirement to review all consensual searches of a home. 8. Evidence of audit and/or review to ensure compliance with consent, either through use of BWC or form use by officers and supervisors. 9. Training supports policy goals on what are consensual searches and when appropriate under BPD policy and how to use BWC for obtaining and recording consent and any formset used by the department.
<p>¶ 77</p>	<p>All BPD officers equipped with body-worn cameras (BWC's) or audio recorders will record all requests for consent to search and the individual's response. Where a subject is LEP, the officer shall affirmatively inform the subject in the appropriate non-English language, or arrange for the subject to be so informed in the subject's speaking language.</p>	<ol style="list-style-type: none"> 1. Evidence of a policy on BWC and audio recorders consistent with law enforcement general standards. 2. Evidence of a CALDOJ approved policy governing Consensual Searches 3. Evidence of protocol to assign and to identify all officers assigned a BWC or audio recorder. 4. Evidence of a CALDOJ approved policy that requires officers to record all requests for consent to search. 5. Evidence of a CALDOJ approved policy requires officers to record the person's response to the request.

		<ol style="list-style-type: none"> 6. Requirement that officers must request or inform person in appropriate non-English language. 7. Prohibition against using an involved party in translation. 8. Evidence of a protocol to request translation to inform a person in their speaking language.
<p>¶ 78</p>	<p>BPD policy shall provide that before conducting a consensual search of a residence, the officer must have an objectively reasonable belief that the individual granting the consent has the lawful authority to do so. All consensual searches of a residence must be authorized in writing, regardless of whether they are captured by the BWC, by the individual giving consent. If consent is granted, a supervisor shall be contacted, briefed on the circumstances, and authorize approval before a search is conducted.</p>	<ol style="list-style-type: none"> 1. Prior to conducting a consensual search of a residence, policy requires the officer to: <ol style="list-style-type: none"> a. Document consent in writing b. Articulate and document an objectively reasonable belief. c. Confirm the person giving consent has lawful authority to give consent. 2. Policy requires consensual searches be documented in writing regardless whether the lawful consent is recorded by BWC and/or lawful consent is recorded or documented by the person granting consent. 3. Policy requires that before a search is conducted: <ol style="list-style-type: none"> a. the officer must contact or notify a supervisor. b. the officer must inform the supervisor of the circumstances of the police event. c. the supervisor must authorize the search. 4. Policy requires the officer and supervisor to document the event, including the circumstances giving rise to the search, in an official report. 5. Evidence of ongoing review to ensure practices are consistent with the policy. 6. Evidence of corrective or remedial action if deficiencies are found.

<p>¶ 79</p>	<p>BPD will make clear that it is the law and BPD policy that officers will only conduct probation or parole searches of individuals when knowledge of a probation or parole search condition has been established prior to the search. BPD will work with the Monitor to develop a policy that provides guidance on this matter and that prohibits randomly or presumptively asking individuals for their probation or parole status, without first having a basis for the inquiry.</p>	<ol style="list-style-type: none"> 1. BPD policy requires that officers may only conduct probation or parole searches of individuals when knowledge of a probation or parole search condition has been established prior to the search. 2. BPD will engage with the Monitor to develop policy governing searches of persons on probation or parole. 3. The policy provides specifically officers will conduct probation/parole searches only with specific knowledge of: <ol style="list-style-type: none"> a. the probation status is established prior to the search. b. the parole status has been established prior to the search. 4. Evidence the policy prohibits asking a person their probation/parole status: <ol style="list-style-type: none"> a. randomly or presumptively b. without first having a basis for the inquiry c. use of parole/probation status for retroactive justification.
<p>¶ 80</p>	<p>BPD shall continue to ensure that all employees, including non-sworn personnel, have completed the training required by Penal Code section 13519.4, subd. (g) and the required refresher courses as provided for in Penal Code section 13519.4, subd. (i).</p>	<ol style="list-style-type: none"> 1. Policy establishes an initial training requirement for the entire department with a minimum requirement of annual refresher every five years. More frequent training is recommended. 2. Policy prohibits racial or identify profiling consistent with the statutory language and shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment. 3. Curriculum shall follow the POST developed training and utilize the Tools for Tolerance for Law Enforcement Professionals framework and include and examine the patterns, practices, and protocols that make up racial profiling.

		<ol style="list-style-type: none"> 4. Evidence of consultation with appropriate groups and experts relative to training (if using POST training, this requirement is satisfied). 5. This training shall reference evidence-based patterns, practices, and protocols that prevent racial or identity profiling. 6. The course of instruction shall include, but not be limited to each of the following subjects: <ol style="list-style-type: none"> a. Identification of key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community. b. Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest detention and incarceration rights, and wrongful convictions. c. The history and role of the civil and human rights movement and struggles and their impact on law enforcement. d. Specific obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers. e. Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations issues in a local area. f. The prohibition against racial or identity profiling. 7. Evidence of ongoing review and inclusion of data and analysis of outcomes of training.
Stipulated Judgment Topic: Stop, Search and Seizure Policies and Training		
Paragraph	Requirement	Compliance Measures

<p>¶ 81</p>	<p>BPD shall provide all officers with initial training and periodic roll call training on its Racial or Bias-Free Based Profiling Policy at least quarterly, and dispatch personnel initial training on bias-free policing, stops, searches, and seizures, including the requirements of this Agreement, to ensure sworn personnel are capable of conducting these activities in a manner consistent with the provisions and expectations of this section and the Agreement. Such policies will be informed and adopt applicable recommendations made by the State of California Racial and Identity Profiling Advisory Board reports, and other recognized police best practices resources. In addition, BPD will work with the Monitor to develop a training based upon these policies that shall be taught by a qualified instructor with expertise in bias-free policing, constitutional criminal procedure, and Fourth and Fourteenth Amendment</p>	<ol style="list-style-type: none"> 1. BPD will develop and receive approval on its Racial or Bias-Free Based Profiling Policy from the Monitor and CALDOJ. 2. Upon approval, consistent with Paragraphs 184 and 185, BPD will submit a training curriculum that covers the following issues: <ol style="list-style-type: none"> a. Training strategy to include quarterly updates and training goals training on bias-free policing, stops, searches, and seizures, including the requirements of this Agreement. b. Training curriculum adopts applicable recommendations made by the State of California Racial and Identity Profiling Advisory Board reports, and other recognized police best practices resources. 3. BPD will identify a qualified instructor with expertise in bias-free policing, constitutional criminal procedure, and Fourth and Fourteenth Amendment issues. BPD will work with the monitor to identify an appropriate instructor. 4. Develop a training curriculum that: <ol style="list-style-type: none"> a. ensures officers understand the Fourth and Fourteenth Amendments and related legal restrictions on searches and seizures, including consent searches, probation and parole searches, bias-free policing, bias by proxy for all officers and dispatch personnel b. defines the BPD policy restrictions for the above areas c. addresses the differences between various police contacts by defining: <ol style="list-style-type: none"> i. the scope and level of police intrusion; ii. differences between probable cause, reasonable suspicion, and mere speculation; and iii. true voluntary consent;
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	<p>issues. The training shall:</p> <ul style="list-style-type: none"> a. ensure officers understand the Fourth and Fourteenth Amendments and related legal restrictions on searches and seizures, including consent searches, probation and parole searches, bias-free policing, bias by proxy for all officers and dispatch personnel, as well as additional limitations under BPD policy; b. address the differences between various police contacts by: <ul style="list-style-type: none"> i. the scope and level of police intrusion; ii. differences between probable cause, reasonable suspicion, and mere speculation; and iii. true voluntary consent; c. provide guidance on the facts and circumstances, in addition to legal and policy limitations, that should be considered in initiating, conducting, 	<ul style="list-style-type: none"> d. provides guidance on the facts and circumstances , in addition to legal and policy limitations, that should be considered in: <ul style="list-style-type: none"> i. initiating, conducting, terminating, and expanding a stop or search ii. engaging in consent searches and iii. Engaging in probation and parole searches; e. incorporates scenario based-training and other adult-learning mechanisms to facilitate an officer's ability to exercise good judgment about whether and how to stop and search individuals; and f. provides guidance on consensual encounters, stopping and/or searching individuals for discretionary and non-violent offenses, g. includes guidance about procedural justice, alternatives to conducting investigatory stops and searches, and the impact on civilians of conducting apparently arbitrary stops and searches. <ol style="list-style-type: none"> 5. Tasks the training unit responsible for training delivery with reviewing the training on annual basis to ensure it is updated and aligned with applicable RIPA recommendations and best practices. 6. Tasks the training unit responsible for training delivery with reviewing the training to determine areas for improvement based upon officer and community input. 7. Evidence of review and update.
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	<p>terminating, and expanding a stop or search, including consent searches and probation and parole searches;</p> <p>d. incorporate role playing scenarios and other adult-learning mechanisms to facilitate an officer's ability to exercise good judgment about whether and how to stop and search individuals; and</p> <p>e. provide guidance on consensual encounters, stopping and/or searching individuals for discretionary and non-violent offenses, including providing guidance about procedural justice, alternatives to conducting investigatory stops and searches, and the impact on civilians of conducting apparently arbitrary stops and searches.</p>	
Stipulated Judgment Topic: Supervisory Review		
Paragraph	Requirement	Compliance Measures



¶ 82	BPD agrees to implement additional accountability and supervision practices outlined below, and ensure that existing policies are followed, to ensure that unlawful stops, searches, and seizures are detected and effectively addressed.	<ol style="list-style-type: none">1. BPD commits in policy to establishing accountability and supervision practices to ensure policies are followed, to ensure that unlawful stops, searches, and seizures are detected and effectively addressed.2. BPD defines specific roles for supervisors at each level for oversight and management accountability relative to officers' actions.3. Review of officer actions relative to bias-free and stop, search and seizure policies will include review of supervisory actions.
¶ 84	If an officer's stop, search, or seizure documentation does not provide sufficient detail or articulate sufficient legal and policy justification for the action, the supervisor shall review the action with the officer to determine whether there was sufficient legal and BPD policy justification.	<ol style="list-style-type: none">1. BPD policy will require officers to specifically document the legal and policy justification for any stop, search or seizure.2. BPD will ensure that such documentation is consistently searchable.3. BPD policy will task supervisors with the review of the detail and legal and policy justification for an officer's stop, search or seizure prior to review of any associated reports, seizures or arrest activities.4. BPD policy will define the actions required of a supervisor upon determination that an officer does not or may not have properly documented or does not or may not have sufficient legal or policy justification for the stop, search or seizure activity.5. BPD will track the number of times a supervisor takes such action.6. BPD will analyze the contributing factors with a goal of improving training for officers in making stop, search and seizure determinations.
¶ 85	BPD sergeants and lieutenants shall evaluate and enhance BPD's processes and procedures to address all violations or deficiencies in stops, searches, and seizures,	<ol style="list-style-type: none">1. BPD supervisors will be tasked with ongoing evaluation of BPD's processes and procedures for stop, search, and seizure activities of officers under their supervision.2. Consistent with Paragraph 84, CM 4, BPD supervisors will be tasked with addressing noted violations and deficiencies in the stop, search, and seizure activities of officers under their supervision.

	<p>including non-disciplinary corrective action for the involved officer, and/or referring the incident for disciplinary action when other corrective measures have been ineffective or ignored.</p>	<ol style="list-style-type: none"> 3. BPD policy defines what non-disciplinary corrective actions are available to include coaching and training. 4. BPD policy defines when supervisors shall refer violations or deficiencies of the policy for disciplinary action. 5. Actions taken by supervisors will be recorded and searchable to inform policy and training improvements and any reporting required under this Judgment.
<p>¶ 86</p>	<p>The BPD Compliance Coordinator shall track repeated violations of the provisions of this Agreement or deficiencies and the corrective action taken, if any.</p>	<ol style="list-style-type: none"> 1. The BPD Compliance Coordinator will track repeated violations of the Judgment and report to the Monitor on annual basis, the nature of the violations, the number of violations, how often individual officers are found in violation and the actions of the BPD to correct said behaviors. 2. The BPD Compliance Coordinator will track how often supervisors note deficiencies in the actions of BPD officers for stop, search or seizure actions. The BPD Compliance Coordinator will report to the Monitor on annual basis, the nature of the deficiencies, the overall number of deficiencies reported, how often individual officers are found to have such deficiencies and the actions of the BPD to correct said behaviors. 3. BPD will note and report annually any corrective measures taken by supervisors to address violations or deficiencies in the stop, search and seizure activities of its officers.
<p>¶ 87</p>	<p>BPD agrees to continue to hold accountable sergeants and lieutenants for appropriately and thoroughly reviewing reports and documentation related to stops, searches, and seizures, and requiring officers to articulate sufficient rationale under law and BPD policy.</p>	<ol style="list-style-type: none"> 1. BPD will conduct quarterly sampling of stop, search and seizure data to confirm the sufficiency of reporting by officers and of the review by supervisors. The sufficiency of the sampling will be determined by the overall number of reports and in agreement with the Monitor. 2. BPD will note and report annually on deficiencies in reporting or review identified as a result of the data sampling and corrective actions taken in response.



¶ 88	BPD will analyze the stop data it collects under the Racial and Identity Profiling Act of 2015 (RIPA), and consult with the Monitor of the Judgment on a semiannual basis to obtain supplemental recommendations from the Monitor for revisions to its policies and training, based upon that analysis.	<ol style="list-style-type: none"> 1. BPD will provide an annual data analysis for RIPA data reported in 2022. 2. BPD will share with the Monitor trends and comparison on a bi-annual basis for the same period the prior year and the last 6 months. 3. BPD will provide the insight as to what the data trends mean and to acknowledge improvements or corrective actions in response to negative trends to the Monitor no later than September 30 and April 30, respectively. 4. BPD will meet with the Monitor in October and in May to discuss the RIPA data and analysis.
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Stipulated Judgment Topic: Interacting with Persons in Crisis		
Paragraph	Requirement	Compliance Measures
¶ 97	Within 180 days of the effective date of this Agreement, BPD will designate a sworn employee at the rank of sergeant or above to act as a Crisis Intervention Coordinator (Coordinator) to better facilitate communication between BPD and members of the behavioral health provider community and to increase the effectiveness of BPD's crisis intervention program. BPD will ensure that the Coordinator is	<ol style="list-style-type: none"> 1. Appointment of a sergeant or above to act as Crisis Intervention Coordinator within 180 days of the Agreement. 2. Defined role and description of the position's purpose, responsibilities, and authority of the Coordinator. 3. Sufficient education, training, and experience for the Coordinator to be effective. 4. Operational framework that supports engagement and coordination with members of the behavioral health provider community. 5. Evidence that engagement with the behavioral health provider community informs BPD policy and practices. 6. Ongoing review and improvement practices relative to crisis intervention, arising out of the coordination and engagement.



	empowered to fulfill all duties of the Coordinator required by this Agreement.	
¶ 98	BPD will develop a protocol to evaluate the effectiveness of its policies for responding to calls for service involving a person in crisis or with a mental health disability. The protocol will include audits and improvement loops to be developed by the Monitor in consultation with the DOJ.	<ol style="list-style-type: none">1. BPD will develop a protocol and review framework to determine the efficacy of the department's CIT response. This framework will include evaluation of:<ol style="list-style-type: none">a. Strategyb. Partnershipsc. Dispatch Protocolsd. Response Protocolse. Engagement Practicesf. Trainingg. Outcome Measurementsh. Information sharingi. Remediation Practicesj. Audit and Improvement loops as developed by the Monitor in consultation with the DOJ.2. BPD will work with the Monitor to establish outcome reporting to include, but not limited to:<ol style="list-style-type: none">a. Calls for service datab. Number of CIT trained officers dispatched to these incidentsc. Number of uses of force involving persons experiencing behavioral health crisis

		<ul style="list-style-type: none"> d. Criminal charges arising out of these incidents e. Number of hospitalizations arising out of these incidents f. Repeat engagement with the same persons experiencing mental health crises <ul style="list-style-type: none"> 3. BPD will work to establish best practices for CIT response to include <ul style="list-style-type: none"> a. Defined role of and engagement of behavior health specialists b. Defined role of engagement of health c. Requirements for partner data collection and sharing based upon BPD response to persons in mental health crisis 4. BPD will develop annual training, based upon this analysis, with a goal of improving the outcome of CIT incidents. 5. BPD will develop an annual report that identifies the key review outcomes, recommendations and training responses.
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Stipulated Judgment Topic: Management and Supervisory Oversight		
Paragraph	Requirement	Compliance Measures
¶ 103	All policies, metrics and guidelines will incorporate processes for internal or external reviews, audits, and/or continuous improvement loops in order to ensure the reforms are	<ul style="list-style-type: none"> 1. Policy that defines the role and specific responsibility for measuring actions and outcomes related to the paragraphs of the Judgment. 2. Defined audit and/or review processes that attach to the workplans for the milestones in Year One and beyond. 3. Annual review of actions taken under those milestones deemed to have reached Full and



	effective and sustainable.	<p>Effective Compliance.</p> <p>4. Tasking and tracking for identified actions or improvements arising out of the ongoing review and/or audit.</p>
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Stipulated Judgment Topic: Language Access

Paragraph	Requirement	Compliance Measures
¶ 104	<p>BPD agrees to effectively communicate with and continue to provide timely and meaningful access to police services to all members of the Bakersfield community, regardless of their limited ability to speak, read, write, hear, or understand English. To achieve this outcome, BPD agrees to:</p> <p>a. work and meaningfully engage with its community advisory panel or working group and community stakeholders to develop and implement a language access policy that is consistent with Title VI of the United States Code (42 U.S.C. § 2000d et seq.), to provide</p>	<ol style="list-style-type: none"> 1. BPD will establish a plan, inclusive of the purpose and vision for timely and meaningful access to police services to all members of the Bakersfield community, regardless of their limited ability to speak, read, write, hear, or understand English and for individuals that are hard of hearing or deaf. 2. BPD will engage the CAP and other community stakeholders to develop its language access policy. 3. Ensure the policy for responding to calls requiring language access services is consistent with the plan and the community and department’s goals for access. 4. The policy will be compliant with Title VI of the United States Code (42 U.S.C. § 2000d et seq.). 5. The policy will reflect good practice in engaging with persons regardless of their limited ability to speak, read, write, hear, or understand English and for individuals that are hard of hearing or deaf. 6. Identify and name the language access coordinator, consistent with the provisions below. 7. Develop training on BPDs language access plan and policies for all officers, communication supervisors, call-takers, and dispatchers that addresses procedures consistent with BPD policy for responding to calls requiring language access services.

	<p>meaningful access to BPD programs and services for individuals who have a limited ability to speak, read, write, or understand English, and for individuals that are hard of hearing or deaf;</p> <ul style="list-style-type: none"> b. jointly designate, with the City of Bakersfield, a language access coordinator who will coordinate with BPD and review BPD's language access policy for compliance with applicable federal and California law; c. provide training on its language access plan for all officers, communication supervisors, call-takers, and dispatchers that addresses procedures consistent with BPD policy for responding to calls requiring language access services. 	
<p>¶ 105</p>	<p>BPD will consult with the Monitor, DOJ and the language access coordinator to review its language access policies to ensure that the services provided align with</p>	<ul style="list-style-type: none"> 1. Appointment of a person to act as the language access coordinator. 2. Policy defines role and description of the position's purpose, responsibilities, and authority of the Coordinator.

	<p>the community needs and how these services compare with similar entities.</p>	<ol style="list-style-type: none"> 3. Evidence of sufficient education, training, and experience for the Coordinator to be effective. 4. Evidence of review of the BPD policies, consistent with the goals of the Judgment for access and inclusivity for non-English language speakers. 5. Defined plan that supports engagement and coordination with members of the community to support policies that are inclusive on non-English language speakers. 6. Evidence of review of City services, including those of BPD, to address the needs of non-English language speakers. 7. Evidence that engagement with the advocacy groups and community informs BPD policy and practices. 8. Ongoing review and improvement practices relative to non-English language speakers. 9. Evidence of implemented policies and practices in support of this milestone.
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Stipulated Judgment Topic: Recruitment, Hiring and Promotions		
Stipulated Judgment Topic: Hiring		
Paragraph	Requirement	Compliance Measures
¶ 115	<p>The decisions to suspend or not select a candidate based upon their background will continue to rest at the lieutenant level or higher and the reason(s) shall be</p>	<ol style="list-style-type: none"> 1. Policy identifies the background factors and data that is permissible in making hiring decisions. 2. Policy identifies prohibited factors for hiring decisions. 3. Policy establishes a Lieutenant or hire rank will decide whether to suspend or not select a candidate based upon their background.

	<p>documented.</p>	<ol style="list-style-type: none"> 4. Policy requires the decision to suspend or not select a candidate based upon their background be fully documented and signed by the decision authority. 5. Evidence of review of hiring decisions to ensure compliance with this milestone. 6. Consideration of the use of secondary review in decisions not to hire based upon background, such as a HR review. 7. Training for hiring managers/decision makers reflects policy goals and provides guidance and education on hiring decisions. 8. Evidence of remediation should decisions not be appropriately justified or in compliance with policy.
<p>Stipulated Judgment Topic: Promotions</p>		
<p>¶ 116</p>	<p>Within six months of the Effective Date, BPD and the City's Human Resources Department shall develop and implement a promotional policy that is adequate to satisfy the requirements of this section.</p>	<ol style="list-style-type: none"> 1. Evidence of best practice review for promotional processes. 2. Within 6 months of the effective date – BPD develops and implements a promotional policy that aligns with the goals of the Judgment. 3. Policy prohibits favoritism or unlawful discrimination in promotions. 4. Policy establishes transparency in promotional processes, decision making and provides for reporting on process and decision making as they relate to promotions. 5. Policy identifies criteria for each promotional rank. 6. BPD publishes the criteria for each promotional rank to include duties, eligibility criteria, knowledge, skills, and selection criteria for the rank of senior officer and above through to assistant chief. 7. Criteria will be published both internally and externally.

		<p>8. Policy and practices focus on improving representation of qualified applicants from a cross section of the Bakersfield community and department.</p> <ul style="list-style-type: none">a. Evidence of such practices will include open selection for schools or assignments seen to position personnel for advancement. <p>9. Policy requires annual report setting forth promotional strategy, activities, and outcomes.</p> <p>10. Promotional policy requires bi-annual review, effective in 2023.</p> <p>11. Evidence of review of promotional outcomes, inclusive of corrective and remedial actions as required.</p> <p>12. BPD will be aware of the requirements identified in ¶ 117-121 as it builds out the policy and includes review of the following as criteria for promotion:</p> <ul style="list-style-type: none">a. The number and circumstances of uses of force;b. An officer's service as an FTO or Field Training Sergeant;c. Disciplinary record;d. Problem-solving skills;e. Interpersonal skills;f. Supervisory skills sufficient to ensure compliance with BPD policy and the requirements of the Judgment;g. Support for departmental integrity measures; andh. Awards and commendations.
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<p>¶ 120</p>	<p>The City's Human Resources Department and BPD shall evaluate the promotion plan every two years, to assess BPD's promotions processes for the ranks of senior officer, detective, sergeant, lieutenant, and captain, to ensure that its policies and practices comply with the law, are transparent, and are consistent with the Agreement. The assessment will include the senior officer, sergeant, detective, lieutenant, captain, and assistant chief promotions processes. The senior officer, sergeant, detective, lieutenant, captain, and assistant chief promotions assessment, at a minimum, will identify:</p> <p>a. The processes by which BPD selects candidates for promotion to senior officer, sergeant, detective, lieutenant, captain, and assistant chief who possess a core set of competencies, characteristics, and capabilities and, when applicable, who are effective supervisors in</p>	<ol style="list-style-type: none"> 1. BPD and the City shall draft policy to ensure the promotion plan is reviewed every two years. 2. Establish a Review Committee <ol style="list-style-type: none"> a. Consider inclusion of senior and new rank officers b. Consider inclusion of community stakeholders c. Consider inclusion of BPOA representatives 3. The assessment will include all promotional ranks of the department. 4. The assessment will identify, at all ranks: <ol style="list-style-type: none"> a. The promotional selection process. b. The key competencies, characteristics, and capabilities. c. What review occurs for and impact work history, including disciplinary actions taken and commendations received, have on the selection process; d. Strategies to help identify all qualified candidates across the department; e. Strategies to increase the transparency of the promotional process, to consider: <ol style="list-style-type: none"> i. Promotion criteria beyond testing, testing guides, preparation tips, frequency and scheduled testing dates, etc. 5. Tasking the Review Committee with drafting recommendations and tracking the outcomes of the recommendations. 6. Bi-annual progress reporting to the Monitor on recommendations of the Review Committee.
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	<p>compliance with BPD policy and the Agreement;</p> <ul style="list-style-type: none">b. Methods for consideration of each candidate's work history, including disciplinary actions taken and commendations received, in the selection process;c. Department strategies for promoting qualified applicants who reflect a broad cross-section of the City's community;d. The frequency with which BPD and the City's Human Resources Department should hold promotional exams;e. Opportunities to increase transparency and officer awareness about the promotions process and promotions decisions, including, but not limited to, identifying criteria for promotions; andf. Recommendations for any modifications to the current promotions processes that would enable BPD and the City's Human Resources Department to address the	
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	requirements of this section.	
¶ 121	Within 60 days of the completion of the promotions assessment, BPD and the City will develop an implementation plan to respond to any recommendations identified in the assessment, including any recommended modifications to the promotions processes and a timeline for implementation. Upon completion, the results of the assessment and its implementation plan will be provided to the Monitor for review and approval. Within 120 days of receiving the Monitor's approval, BPD and the City's Human Resources Department will begin to implement the plan.	<ol style="list-style-type: none">1. BPD completes the implementation plan within 60 days of promotions assessment.2. BPD provides proof of robust review consistent with the goals of the Judgment.3. BPD develops an implementation plan that addresses recommendations from the assessment to include any improvements.4. BPD develops a plan and timeline for implementation.5. BPD receives Monitor review and approval.6. BPD provides evidence of implementation within 120 days of Monitor's approval.7. BPD establishes process for ongoing review and evaluation.8. BPD reports to Monitor on progress on a bi-annual basis.
¶ 122	Within one year of the Effective Date of the Judgment, BPD and the City's Human Resources Department will identify and publish, both internally and	<ol style="list-style-type: none">1. BPD will establish and post job descriptions for the rank of senior officer, detective, sergeant, lieutenant, captain, and assistant chief both internally and publicly.2. Job descriptions shall identify the position's required duties, eligibility criteria, knowledge, skills and abilities.

	externally, for the ranks of senior officer, detective, sergeant, lieutenant, captain, and assistant chief, the duties, eligibility criteria, knowledge, skills, and abilities considered to select qualified candidates who are effective supervisors in compliance with City policy and this Judgment.	<ol style="list-style-type: none"> 3. Evidence of ongoing review of the criteria to ensure they align with and identify effective supervisors. 4. Training development and delivery that supports leadership development, effective management practices and other developmental guidance for BPD members.
¶ 123	Within one year of the Effective Date of this Agreement, BPD and the City's Human Resources Department will develop strategies to increase transparency and awareness about the promotions process for the ranks of senior officer, detective, sergeant, lieutenant, captain and assistant chief, including but not limited to criteria for promotions and promotion decisions.	<ol style="list-style-type: none"> 1. BPD demonstrates review of the issues regarding transparency and awareness of departmental promotions processes. 2. BPD develops a plan to address the issues identified. 3. BPD implements the plan within 1 year of effective date of the SJ. 4. BPD provides evidence of plan implementation. 5. BPD establishes process for ongoing review and evaluation.
¶ 124	The Bakersfield City Council will prepare a proposed charter amendment for the November 2022 General Election which will seek to permit the appointment of a person from an external agency to the position of Chief	<ol style="list-style-type: none"> 1. City drafts a charter amendment to permit appointment of persons other than BPD officers to the position of Chief of Police. 2. Charter Amendment is approved through City processes for the November 2022 election. 3. Outcome of the Charter Amendment vote is published. 4. Outcome is reflected within Bakersfield HR and BPD policies.

	of Police.	
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Stipulated Judgment Topic: Community Policing		
Paragraph	Requirement	Compliance Measures
¶ 125	BPD agrees to enhance, promote, and strengthen partnerships within the community, to continue engaging constructively with the community to ensure collaborative problem-solving and bias-free policing, and to increase transparency and community confidence in BPD. To achieve this outcome, BPD agrees to implement the requirements set forth below. As noted above, BPD also agrees to form and maintain a community advisory panel or working group, and to develop and amend its use of force policies, community policing strategy and policies, bias-free policing policies, and civilian complaint policies with input from the community advisory panel or working group and	<ol style="list-style-type: none"> 1. BPD’s strategic community policing plan (plan) identifies it has a foundational goal of enhancing, promoting, and strengthening partnerships within the community. 2. BPD’s plan defines the process for policy development that is informed by the input of the CAP and other community stakeholders. 3. BPD has a review protocol that documents input received from the community advisory panel and community stakeholders regarding key policies. 4. BPD’s review protocol includes tracking of community comments and BPD’s response. Where comments are not implemented into policy, BPD tracks the reasons why action did not occur. 5. BPD has engaged this process in implementing its use of force policies, community policing strategy and policies, bias-free policing policies and civilian complaint policies. 6. BPD’s plan identifies specific strategies and actions to strengthen transparency. 7. BPD’s plan specifically addresses collaboration, problem solving and bias. 8. Evidence of collaboration on policy issues with the CAP and other stakeholders within the community.



	other stakeholders within the community.	
¶ 126	BPD will agree to develop a strategic plan to meaningfully engage with community stakeholders and work with its newly formed community advisory panel or working group, as described below, in developing the revised policies described above.	<ol style="list-style-type: none"> 1. BPD’s strategic community policing plan (plan) defines meaningful community engagement and how that will occur in Bakersfield. 2. The plan specifically outlines how and when it will engage with community stakeholders and the CAP with the goal of demonstrating commitment to meaningful engagement. 3. Evidence of meaningful engagement, including the development of policies listed in Paragraph 125 and elsewhere.

Stipulated Judgment Topic: Community and Problem Oriented Policing

Paragraph	Requirement	Compliance Measures
¶ 127	BPD agrees to broaden its current efforts to actively participate in community engagement efforts, including participating in local community meetings, making itself available for community feedback, and working with the community on the development of diversion programs. BPD agrees to enhance its engagement with all members of the community, including its critics. BPD	<ol style="list-style-type: none"> 1. BPD develops a community engagement strategy that broadens the department's participation with Bakersfield communities. 2. Community engagement practices to receive and respond to community feedback in a transparent and trackable manner to include: <ol style="list-style-type: none"> a. Defined collaboration with community to develop diversion programs. b. Easy points of access -in multiple formats - for community feedback and input. c. Defined responsibility for tasking and communication on progress regarding collaboration and engagement. d. Robust use of BPD website and social media platforms to allow for direct access and contact for BPD members and to allow for community directed conversations.

	<p>agrees to create additional easy points of access for community feedback and input, such as providing "community feedback" or "talk to your lieutenant" links on its website and social media pages.</p>	<ul style="list-style-type: none"> e. Improved focus and follow through on direct community engagement activities. f. Goals for engagement with critics and less accessible community partners. <ol style="list-style-type: none"> 3. Defined tasking and responsibilities for BPD members under the strategy, to include delivery, management and reporting on community engagement strategies, roles, and outcomes. 4. Evidence of strategy review with a focus on continuous improvement for strategy outcomes. 5. Evidence that community is able to provide feedback and input through multiple access points including the BPD website and social media sites. 6. Evidence that the BPD is monitoring and responding to community input on social media and other access points. 7. BPD will conduct an annual review of the actions taken in support of the incorporation of community engagement and report publicly on its progress as part of its annual reporting under ¶131.
<p>¶ 128</p>	<p>A variety of sworn personnel, up through the chain of command, shall continue to actively attend community meetings and events. BPD agrees to develop a plan for such attendance. The plan shall indicate the number and types of events to be attended on a regular basis and take into account the need to enhance relationships with particular groups within the community, include, but not</p>	<ol style="list-style-type: none"> 1. Community engagement strategy tasks all department units and ranks with responsibilities for engaging the community. 2. Community engagement strategy will include outreach to communities of color, youth and LEP individuals. 3. Policy defines goals for community engagement. 4. Community engagement strategy develops a specific engagement plan, inclusive of outcome goals, for all units and ranks upon role and placement within the organization. 5. Consistent with the requirements in ¶131, BPD will develop performance metrics aligned with the strategy and its goals.

	<p>limited to, youth, LEP individuals, and communities of color.</p>	<ol style="list-style-type: none"> 6. Strategy includes tracking of attendance and participation in community events as well as the outcomes arising from participation by unit and individual. 7. Evidence that BPD personnel across the organization participate in community meetings and events. 8. Training supports the policy and strategy, including providing professional skill training on meeting facilitation, procedural justice, active listening, and effective communications. 9. BPD will conduct an annual review of the actions taken to improve community engagement and report publicly on its progress as part of its annual reporting under ¶131.
<p>¶ 130</p>	<p>BPD will continue to incorporate into its organizational strategies and policing philosophy the Final Report of The President's Task Force on 21st Century Policing and its concepts.</p>	<ol style="list-style-type: none"> 1. BPD will require its command staff to have knowledge of the Final Report of The President's Task Force on 21st Century Policing and how its concepts apply to policing in Bakersfield. 2. BPD will incorporate the key principles of the Final Report in its leadership training. 3. BPD will consider implementing the key principles of the Final Report in its promotional requirements. 4. BPD will task review of the report to identify where and how to incorporate the concepts found in the Final Report in its policies, practices, training, and policing strategies. 5. BPD will conduct an annual review of the actions taken in support of the incorporation of key concepts of the Final Report and report publicly on its progress as part of its annual reporting under ¶131.
<p>¶ 131</p>	<p>To continually improve police-community partnerships, BPD will assess and report on the impact of community engagement initiatives. BPD will issue annual public reports and post them on its website,</p>	<ol style="list-style-type: none"> 1. Policy requires measuring the impact of community initiatives, including identifying successes, obstacles, and recommendations. 2. Policy requires annual public reporting on the assessment of the impact of engagement initiative on the Bakersfield community. 3. BPD establishes compliance metrics within the community engagement strategy.

	on its community engagement efforts, identifying successes, obstacles, and recommendations for future improvement.	<ol style="list-style-type: none"> 4. Ongoing support for the reporting, analysis, and evaluation of community engagement activities. 5. BPD conducts an annual review of the actions taken in support of the community engagement activities and report publicly on its progress.
¶ 132	BPD agrees to seek the assistance of its community advisory panel or working group and community advocates in widely disseminating information to the public, in English and Spanish, and as set forth in other requirements of this Agreement.	<ol style="list-style-type: none"> 1. Evidence of review of language needs in Bakersfield and development of materials in those languages. 2. The Coordinator (¶105) tasked with convening the group and facilitating the plan for action. 3. Evidence of collaboration with the CAWG in developing and disseminating information in English, Spanish and other languages as deemed appropriate. 4. Evidence that collaboration with community advisory panel and advocates informs BPD practices to ensure informational dissemination efforts. 5. Dissemination of materials in identified languages.

Stipulated Judgment Topic: Community Survey

Paragraph	Requirement	Compliance Measures
¶ 134	<p>To conduct the biennial community survey, the City shall provide funding for the Monitor, as part of the City's annual budget set forth below to select and retain an individual or entity that shall:</p> <ol style="list-style-type: none"> a. develop a baseline of measures on public satisfaction with policing, attitudes among police 	<ol style="list-style-type: none"> 1. City shall allocate funding to facilitate the baseline community survey. 2. BPD supports Monitor engagement with community to develop and implement the survey. 3. BPD discloses data and protocols used in prior surveys. 4. BPD supports Monitor in survey development, including language support.

	<p>personnel, and the quality of police-citizen encounters;</p> <ul style="list-style-type: none">b. design, conduct, and analyze baseline and subsequent annual surveys of a representative sample of City residents, law enforcement personnel, and detained arrestees;c. review and consider prior law enforcement surveys in Bakersfield and other cities, in designing the survey;d. engage in formal and informal conversations with City residents, BPD officers and command staff, and DOJ representatives, and observe community meetings;e. ensure that the resident and arrestee surveys are designed to capture a representative sample of City residents including members of each demographic category; conduct the survey in English, Spanish, and other languages as	
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	necessary to ensure representation of the entire Bakersfield community; and formally discuss the survey methodology with BPD supervisors and DOJ and consider these opinions in the development of the initial survey and improvements to subsequent surveys.	
¶ 136	The report of the baseline survey and subsequent annual surveys shall be publicly distributed and posted on the BPD website.	1. BPD will publicly distribute the results of the baseline survey and subsequent annual surveys as well as post them to the BPD website.

Stipulated Judgment Topic: Personnel Complaint Review		
Paragraph	Requirement	Compliance Measures
¶ 137	BPD will continue to ensure that all allegations of personnel misconduct are received and documented, are fully and impartially investigated, adjudicated based on a preponderance of the evidence,	<ol style="list-style-type: none"> 1. Policy affirms BPD's commitment to oversight, accountability, and transparency in personnel misconduct investigations. 2. Policy affirms BPD's commitment to a disciplinary system that is fair and consistent. 3. Policy affirms BPD's commitment to oversight, accountability, and transparency. 4. Policy directs that all allegations of personnel misconduct will be received and documented.

	and that all personnel who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. To achieve these outcomes, BPD and the City agree to implement the requirements below.	<ol style="list-style-type: none"> 5. Policy directs that all personnel complaints will be investigated fully and impartially. 6. Policy identifies the adjudication standard is a preponderance of the evidence. 7. Policy identifies that personnel determined to have committed misconduct will be held accountable. 8. Training supports policy goals and requirements.
Stipulated Judgment Topic: Complaint Intake		
Paragraph	Requirement	Compliance Measures
¶ 138	BPD shall continue to make personnel complaint forms and informational materials, including brochures and posters, available at appropriate City or municipal properties in Bakersfield, including, at a minimum, BPD stations, courts, City libraries, and the BPD website and social media sites, and shall make a concerted effort to provide them to community groups, churches, and other non-governmental stakeholders.	<ol style="list-style-type: none"> 1. Policy requires complaint forms and informational materials about the complaint process are widely available to the public and in multiple languages as determined by the LEP coordinator. 2. Policy tasks specific roles with ensuring complaint forms and information are available at police stations, courts and City libraries or other publicly accessible locations. 3. Policy establishes complaint reporting process for the BPD website and social media sites to allow for consistent reporting and receipt of online complaints. 4. Policy task specific roles and responsibilities to personnel to engage and support community groups, churches, and other non-governmental stakeholders in providing complaint forms and other informational materials. 5. Specific role, budget and tasking for the inventory, replenishment, and delivery of complaint materials. 6. Evidence that informational materials are widely available and in multiple languages.
¶ 139	BPD will continue to accept all personnel complaints, including anonymous and	<ol style="list-style-type: none"> 1. BPD policy will reiterate that the department accepts all personnel complaints, including anonymous and third-party complaints, for review and investigation.

	<p>third-party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail, as well as in the field. Any LEP individual who wishes to file a complaint about a BPD officer or employee shall be provided with a complaint form and informational materials in the appropriate non-English language and/or be provided appropriate translation services in order to file a complaint.</p>	<ol style="list-style-type: none"> 2. BPD will define that a complaint is acceptable in any form - in person or by mail, telephone (or TDD), facsimile, or electronic mail, as well as in the field. 3. BPD policy will identify that the failure to accept any complaint in the field is misconduct and subject to discipline. 4. BPD will maintain a record of all complaints received regardless of how they are subsequently classified and identify what actions were taken in response. 5. BPD will identify the primary languages in Bakersfield and ensure that complaint forms and materials are available in public locations for the public to lodge a complaint against a BPD member. <ol style="list-style-type: none"> a. A good start is to ensure the documents are in languages that cover those the City must provide to voters during an election 6. BPD will ensure translations services are made available in the appropriate non-English language to assist a member of the public in filing a complaint.
<p>¶ 140</p>	<p>The refusal to accept a personnel complaint, discouraging the filing of a complaint, or providing false or misleading information about filing a complaint, shall continue to be grounds for discipline, up to and including termination.</p>	<ol style="list-style-type: none"> 1. Policy specifically mandates that all personnel complaints will be accepted for filing. 2. Policy distinguishes the intake of a complaint as compared to how complaints are defined under collective bargaining and law. <ol style="list-style-type: none"> a. A member of the public may file any complaint regardless of its subsequent definition under law. 3. Policy prohibits refusal of any complaint or discouraging the filing of a complaint or providing false or misleading information about a complaint. 4. Policy specifically identifies any refusal or discouragement of filing a complaint – by either a member of the public or internally – are grounds for discipline up to and including termination. 5. Training supports policy goals and trains in ensuring an open approach to accepting and filing complaints.

<p>¶ 141</p>	<p>BPD's civilian complaint policies and procedures will be amended to incorporate, at minimum, the best practices contained in the California Racial & Identity Profiling Advisory Board's 2019 Annual Report, at pages 41-44.</p>	<ol style="list-style-type: none"> 1. BPD shall ensure its policies on personnel complaints contain the best practice recommendations identified on P 41-44 of the RIPA report. <ol style="list-style-type: none"> a. To facilitate the implementation, BPD will draft a plan to support the implementation of these recommendations for the Monitor's review. b. This plan will be shared with the CAP and other community stakeholders for review and input. 2. BPD shall review the RIPA best practice recommendations for the years 2020-2022 to determine if additional improvements should be implemented to existing polices and the 2019 recommendations. 3. BPD will discuss with the Monitor what recommendations will not be implemented and why.
<p>¶ 142</p>	<p>BPD will make its complaint brochure that explains the complaint procedures available in Spanish or any other language that the City must provide to voters during an election. BPD will also amend its website so that complaint forms can be submitted electronically.</p>	<ol style="list-style-type: none"> 1. Consistent with Paragraph 139, BPD will ensure complaint brochures are available in the languages the City is required to provide to voters. 2. BPD will amend its website to allow for the direct electronic submission of complaints. <ol style="list-style-type: none"> a. BPD will explore options for availability of direct complaint tracking by the person who reported the incident to include a tracking number and status of the investigation. b. BPD shall explore options for the upload of supporting evidence and documentation in online complaints.
<p>¶ 143</p>	<p>BPD will amend its complaint form to collect the information delineated in the California Racial & Identity Profiling Advisory Board's 2020 Annual Report, at pages 82-84. The complaint form and information provided on the website shall</p>	<ol style="list-style-type: none"> 1. BPD shall ensure its complaint forms contain the data and sections identified in Pages 82-84 of the 2020 RIPA report. 2. BPD policy shall clearly state retaliation for making a complaint or cooperating in a complaint investigation is contrary to BPD policy. <ol style="list-style-type: none"> a. This policy provision will be published on the complaint forms and on the website where complaints are lodged.

	be amended to state that retaliation for making a complaint or cooperating in a complaint investigation is contrary to BPD policy.	b. This policy provision will be translated in all languages in which the complaint forms are translated.
Stipulated Judgment Topic: Complaint Classification		
Paragraph	Requirement	Compliance Measures
¶ 144	BPD will enhance its complaint investigation related policies, to ensure that they are complete, clear and consistent. BPD will implement mechanisms to ensure that all personnel allegations are accurately classified at all investigative stages, from intake through adjudication, so that each allegation receives the appropriate level of review required under policy.	<ol style="list-style-type: none"> 1. BPD will update its complaint policies to ensure they are complete, clear and consistent. 2. Classifications will be reviewed at each stage of the complaint process to ensure the misconduct is appropriately identified, classified and reviewed. 3. BPD policy will require each stage of the investigation and each supervisor in the review chain to make an affirmative determination that the complaint is properly classified and is reflective of all misconduct alleged.
¶ 145	BPD will ensure that personnel complaints are not misclassified as inquiries. Toward this end BPD, as approved by the Monitor and DOJ, will establish a clear definition to identify what conduct constitutes a civilian complaint. The definition of a	<ol style="list-style-type: none"> 1. BPD policy will define what is a public inquiry and what is a complaint, with clear delineation as to what will occur following. 2. BPD will not classify personnel complaints as public inquiries. 3. BPD policy will affirmatively define what is a complaint consistent with 2023 RIPA recommendations. 4. BPD to define complaint as meaning either of the following:

	<p>civilian complaint should include the Internet posting of a video by a community member, depicting apparent officer misconduct towards a community member and other non-traditional sources of complaints. Any contact from the public designated as a public inquiry must also be reviewed by Internal Affairs.</p> <p>Internal Affairs shall independently review the contact to determine whether it should be categorized as civilian complaint or public inquiry. BPD will agree to modernize its public inquiry system.</p>	<ul style="list-style-type: none"> a. Any issue brought to a department or agency where the complainant perceives that a department or agency employee engaged in criminal conduct, abusive or discriminatory behavior, inappropriate or is courteous conduct, or violation of any law or rules, policies, and regulations of the department or agency; or b. Disagreement solely with the policies, procedures, or services of the department or agency and not with the performance of any personnel. If during the course of investigating this type of complaint, conduct is discovered that could be the basis of a complaint under subdivision (1)(A), the investigator shall report this conduct to a supervisor, which should be logged, tracked, and investigated separately from the original complaint. <ul style="list-style-type: none"> 5. BPD policy should identify video postings depicting or media reporting on potential officer misconduct is a complaint and subject to investigation by the department. 6. BPD policy will task IA with review of any matter identified as a public inquiry to ensure that it is appropriately classified. 7. For matters inappropriately classified as an inquiry, IA will establish a remediation procedure that includes formal notice through the chain and training for the individual. Continued misclassifications will be addressed with increasing levels of intervention, including discipline.
<p>¶ 146</p>	<p>In consultation with the Monitor and subject to DOJ approval, BPD will revise policies to clarify and strengthen requirements related to which allegations of misconduct by BPD personnel, if true, would require imposition of discipline, as opposed to non-disciplinary action, to address the</p>	<ul style="list-style-type: none"> 1. BPD will clarify which complaint classifications, if found to be misconduct, would result in discipline. BPD policy will ensure that discipline determinations will reflect factors considered and progressive discipline consistent with Paragraph 157. 2. IA will track disciplinary outcomes to sustained discipline by classification and type of discipline. IA will report annually to the Monitor and publicly on these discipline outcomes. 3. Annually, BPD will assess the range of discipline outcomes and determine whether these outcomes are appropriate and consistent with the goals of exemplary officer conduct and community service.

	misconduct.	
¶ 147	BPD shall continue to investigate every allegation of misconduct that arises during an investigation, even if an allegation is not specifically articulated as such by the complainant and will work with the monitor to enhance this process.	<ol style="list-style-type: none"> 1. Policy requires investigation of every allegation of misconduct that arises during an investigation – even if not originally identified by the complainant. 2. Policy specifically states that any failure to fully investigate a complaint, including additional misconduct not initially reported, is grounds for discipline up to and including termination. 3. Supervisors are tasked with review and approval of the sufficiency of the investigation. 4. BPD has demonstrated engagement with the Monitor to enhance the policy. 5. Training supports policy goals.
¶ 148	In order to ensure that all personnel complaint investigations are thorough, fair, and resolved in a timely and appropriate manner, BPD will continue to designate Internal Affairs to serve as central coordinator and quality control hub for all personnel complaint intake, investigation, adjudication and review processes, even for those cases not requiring a full administrative investigation. BPD will work with the Monitor to enhance this process.	<ol style="list-style-type: none"> 1. BPD policy requires all personnel complaints – internal and external – will be coordinated, tracked and managed through IA. 2. BPD shall consider establishing a specific intake process to ensure consistent classification, assignment and tracking of complaints. 3. BPD shall task IA with ongoing audit and review of adherence to policy requirements and quality for each level of the complaint investigation process to include: <ol style="list-style-type: none"> a. Intake b. Classification c. Investigation d. Adjudication e. Review

		4. BPD shall engage with ongoing discussions with the Monitor to improving IA processes.
Stipulated Judgment Topic: Investigations		
Paragraph	Requirement	Compliance Measures
¶ 149	All investigations of BPD personnel complaints, including reviews, shall continue to be as thorough as necessary to reach reliable and complete findings, and the investigation shall address all substantive issues raised by the reporting party. In each investigation, BPD shall consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations based upon that evidence. BPD investigators will not use leading questions when interviewing officers and will not permit officers to submit a written statement in lieu of an interview with investigators. There will continue to be no automatic preference for an officer's statement over a non-officer's statement, nor will	<ol style="list-style-type: none"> 1. Evidence of review of best practices for improvements to current BPD practices. 2. Policy requires that all substantive issues raised by the reporting party be addressed. 3. Policy expressly states that all evidence must be evaluated and taken into consideration in reaching the investigative outcome. 4. Policy defines relevant evidence, circumstantial evidence, direct evidence, and physical evidence. 5. Policy requires investigative interviews with all officers identified in the complaint. 6. Policy prohibits officers from submitting written statements in lieu of interviews. 7. Policy expressly prohibits officers from asking leading questions during officer interviews. 8. Policy expressly prohibits automatic deference for an officer's statement over a non-officer. 9. Policy expressly prohibits BPD from disregarding a witness statement because of the relationship to the complainant or the witness' criminal history. 10. Policy requires BPD to address all material inconsistency and/or provide evidence of attempts to resolve those inconsistencies. 11. Policy requires investigators to make credibility determinations based upon the evidence, using supportive reference to the evidence. 12. Policy requires supervisory review of the sufficiency determination of the evidence.



	<p>BPD disregard a witness' statement merely because the witness has some connection to the complainant or because of any criminal history. BPD shall continue to make efforts to resolve material inconsistencies between witness statements. BPD will work with the Monitor to enhance this process.</p>	<ol style="list-style-type: none">13. Evidence of collaboration with Monitor in development of complaint investigation process.14. Training specific to internal investigations, for investigators and supervisors, that supports the policy goals and provides concrete direction on these key provisions.15. Training will provide insight and guidance on evaluating the evidentiary value of statements from any party.
¶ 150	<p>BPD will continue to not to permit any involved supervisor, any supervisor who authorized the conduct that led to the complaint, or any supervisor who has a conflict with the BPD personnel subject to the investigation to conduct the investigation into the complaint.</p>	<ol style="list-style-type: none">1. Policy requires conflict review prior to supervisor assignment for investigation.2. Policy defines conflict of interest to include actual and perceived conflicts.3. Policy defines "involved supervisor".4. Evidence of consideration of a conflict attestation for investigating supervisors.5. Policy requires that involved supervisors disclose their involvement if assigned an investigation they are involved in.6. Policy prohibits the conduct of a complaint investigation by anyone with a conflict of interest, including an involved supervisor.7. Training supports policy, provides ongoing roll call training regarding conflict of interest and specific training for investigators and supervisors regarding conflict of interest.
¶ 151	<p>The misconduct investigator shall seek to identify all persons at the scene giving rise to a misconduct allegation, including all BPD officers.</p>	<ol style="list-style-type: none">1. Policy requires full and complete administrative investigations.2. Policy requires investigators to seek to identify all persons at the scene giving rise to a misconduct allegation.<ol style="list-style-type: none">a. Policy requires investigators to document efforts at identifying parties present and the

	<p>The investigator will make all reasonable efforts to interview all witnesses and any other person at the scene giving rise to the misconduct allegation. The investigator shall note in the investigative report the identities of all officers and persons who were on the scene but assert they did not witness and were not involved in the incident. The investigator shall conduct further investigation of any such assertions that appear unsupported by the evidence.</p>	<p>outcome of those efforts.</p> <ol style="list-style-type: none">3. Policy requires identification of all officers who were on the scene.4. Policy requires investigators to document the witness status in the report for all persons, sworn and civilian, identified.5. Policy directs that investigator make all reasonable efforts to interview all witnesses and other persons present at the scene giving rise to the allegations.<ol style="list-style-type: none">a. Policy requires investigators to document efforts at contacting parties present and the outcome of those efforts.6. Policy requires the investigator to seek independent corroborating evidence to determine whether parties did or did not witness the incident giving rise to the allegation.7. Policy states the material omission of a member who witnessed an event and claims to not have is a basis for discipline, up to and including termination.8. Policy requires that where the evidence does not support a member's claims to not have witnessed an incident that a misconduct investigation will be initiated.9. Protocols will direct and guide proper investigative steps, procedures, and tactics for complaint investigations to include full review of all evidence, identification of all persons present and the need to fully evaluate all statements in light of the evidence and known facts.10. Supervisors are tasked with review of investigations to ensure compliance with the requirements to identify all persons present, to reflect appropriate attempts to interview and to ensure evidence is reviewed in determining whether BPD members were witnesses to the incident.11. Evidence of regular review to assess compliance with this paragraph's requirements.
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		<p>12. Training supports policy and is recurring, with specific focus for investigators on addressing the sufficiency of investigations, the need to evaluate statements and whether witnesses are consistent with the evidence provided.</p> <p>13. Evidence of continuous improvement, as a result of the audit or review, to include process improvements, training, and discipline as appropriate.</p>
¶ 152	<p>All witnesses, including, if authorized by the Public Safety Officers Procedural Bill of Rights Act, officers witnessing or involved in an incident that becomes the subject of a personnel complaint, shall provide a written statement regarding their involvement in and/or observations of the incident, or be interviewed as described below.</p>	<ol style="list-style-type: none"> 1. BPD policy will require written statements or interviews of BPD members who witness actions that give rise to a personnel complaint. 2. IA will establish process and procedures for when a written statement or an interview will be required, e.g., critical incidents will require an interview statement.
¶ 153	<p>Consistent with current policy, interviews shall continue to be recorded. BPD will also conduct all interviews separately. An interpreter not involved in the underlying complaint will be used when taking statements or conducting interviews of any LEP complainant or witness.</p>	<ol style="list-style-type: none"> 1. Policy directs all interviews will be recorded. 2. Policy directs all interviews will be separate. 3. Policy requires the provision of an interpreter for any complainant or witness who is non-English speaking or with limited English language proficiency. 4. The interpreter will be allowed to attend any interview for the LEP individual. 5. Policy prohibits the use of involved parties or children to interpret on behalf of the complainant or witness. 6. Supervisors are tasked with ensuring compliance with these provisions.

		<ol style="list-style-type: none"> 7. Policy directs the process for scheduling, recording, documenting, and storing digital interviews. 8. Training supports provides policy and provides guidance.
¶ 154	<p>Every BPD misconduct investigation should include a comprehensive investigative summary to ensure that the evidentiary bases for the investigation's findings are clearly supported and accessible to command staff who make disciplinary recommendations.</p>	<ol style="list-style-type: none"> 1. Evidence of review of best practices for administrative investigative reporting. 2. Implementation of an investigative summary template. 3. Policy directs each investigation shall contain a comprehensive summary. 4. Policy requires that all findings must be supported by evidentiary conclusions and supported by facts identified during the investigation. 5. Policy requires reviewers to acknowledge the summary and any issues with the investigative findings that support the disciplinary recommendation. 6. Protocols define roles and responsibilities in the drafting, analysis, and disposition of an investigative summary report. 7. Supervisors tasked with ensuring the sufficiency of the investigative summary. 8. Training supports policy and provides specific guidance in preparing the investigative summary and its purpose for reviewers.
Stipulated Judgment Topic: Management Review and Adjudication of Complaints		
Paragraph	Requirement	Compliance Measures
¶ 155	<p>All personnel investigations shall continue to be reviewed and approved in writing by the accused employee's commanding officer. The reviewing commanding officer</p>	<ol style="list-style-type: none"> 1. BPD will review and assess emerging best practice, including RIPA reports, to identify improvements for BPD complaint policies. 2. BPD policy shall require formal review and written approval by the accused officer's commanding officer.



	<p>shall continue to ensure that all substantive allegations were identified and investigated, even if the allegation was not specifically articulated by the complainant. BPD will work with the Monitor to enhance this process.</p>	<ol style="list-style-type: none">3. BPD policy shall specifically task and require affirmative statements that all substantive allegations were identified and investigated, even if the allegation was not specifically articulated by the complainant.4. BPD will work with the Monitor to ensure BPD policy and protocols reflect the goals of the Judgment.
¶ 156	<p>The reviewing commanding officer will continue to adjudicate each substantive allegation using the preponderance of evidence standard and classify each allegation using the Penal Code standards of Sustained, Not Sustained, Exonerated, or Unfounded (Pen. Code, §§ 832.5, 13012).</p>	<ol style="list-style-type: none">1. Policy defines “substantive allegation”.2. Policy defines preponderance of evidence standard.3. Policy requires commanding officers to review each substantive allegation based upon a preponderance of evidence standard.4. Policy requires allegations are classified in accordance with Pen. Code, §§ 832.5, 13012) – Sustained, Not Sustained, Exonerated or Unfounded.5. Policy requires reviewers to identify failure to address potential misconduct where the investigation is silent as to the actions.6. Policy identifies that the failure to fully investigate all identified misconduct may be the basis for discipline up to and including termination.7. Policy requires the return of the investigation for further investigative work as warranted.8. Training supports policy, including guidance on identification of substantive allegations and classification of findings.
¶ 157	<p>When an allegation is sustained, the reviewing commanding officers will continue to recommend the appropriate corrective action</p>	<ol style="list-style-type: none">1. BPD policy will require the accused officer’s commanding officer to recommend the appropriate discipline.2. Factors to consider in determining discipline include, but are not limited to seriousness of the offense, the offense’s impact on the community, and the employee’s work history.

	<p>or penalty, taking into consideration the seriousness of the offense, the offense's impact on the community, and the employee's work history. BPD will work with the Monitor to enhance this process.</p>	<p>3. BPD will increase internal transparency for discipline determinations and outcomes at the policy and aggregate level.</p>
¶ 158	<p>To ensure fairness, transparency, and predictability, BPD will codify its disciplinary recommendation process to ensure that discipline is uniformly applied and takes into account the 1) seriousness of the offense; 2) impact or potential impact on the Department and its members; 3) employee's work history and acceptance of responsibility; 4) employee's prior disciplinary history; and 5) impact on public trust.</p>	<ol style="list-style-type: none"> 1. BPD will codify in policy and the disciplinary recommendation process to ensure that discipline is uniformly applied and takes into account the <ol style="list-style-type: none"> a. seriousness of the offense; b. impact or potential impact on the Department and its members; c. employee's work history and acceptance of responsibility; d. employee's prior disciplinary history; and e. impact on public trust. 2. BPD will undertake efforts to ensure that the analysis of discipline identifies why there are variations in the discipline for categories. 3. BPD will continue to work towards consistency in the application of discipline and penalties.
¶ 159	<p>The reviewing commanding officers will continue to ensure that the disposition of each complaint and allegation(s) therein are recorded accurately in the Department's database used to track such employee actions.</p>	<ol style="list-style-type: none"> 1. Policy requires command reviewers to enter the disposition of each allegation and complaint into the BPD database. 2. Policy tasks specific individual with ensuring accuracy and completeness of all of the entries. 3. Evidence of review of the sufficiency of information entered into the database systems for tracking and recording specific to employees.

		<ol style="list-style-type: none"> 4. Evidence of review and remediation, as appropriate, for failure to appropriately enter outcomes. 5. Evidence of review, at least annually, of the trends and outcomes in specific allegations and their adjudication. 6. Training supports policy – specifically training on entry, recording, and reporting.
Stipulated Judgment Topic: Personnel Complaint Audits		
Paragraph	Requirement	Compliance Measures
¶ 163	<p>BPD shall conduct an annual, randomized audit of BPD's complaint intake, classification, investigations, and the adjudication of those matters. This audit will assess whether complaints are accepted and classified consistent with policy, investigations are complete, and complaint dispositions are consistent with a preponderance of the evidence. Audits will be submitted through the chain of command to the Chief for a determination regarding recommendations made and further action required.</p>	<ol style="list-style-type: none"> 1. BPD policy will require annual randomized audits of the BPD complaint process. This will include assessment whether: <ol style="list-style-type: none"> a. Complaints are accepted and classified consistent with policy, b. Investigations are complete, c. Dispositions are consistent with a preponderance of the evidence. 2. The audit will include trend analysis, issues and recommendations. 3. Audits will be submitted through the chain of command to the Chief for a determination regarding the recommendations. 4. Recommendations deemed appropriate will be subject to tasking, tracking and quarterly update reporting through the chain of command.

<p>¶ 164</p>	<p>BPD will, on a quarterly basis, submit a report to the Monitor identifying all cases in which employees were found to have committed misconduct, and detailing the steps taken to hold them accountable for their conduct. The Monitor will then submit a report to BPD and to DOJ providing its expert opinion as to whether the cases identified and the steps taken have been sufficient or insufficient, and provide recommendations as to improvements, if any, that should be made to the process for holding such personnel accountable.</p>	<ol style="list-style-type: none"> 1. Effective June 2022, BPD will submit quarterly reports to the Monitor identifying all cases in which employees were found to have committed misconduct, and detailing the steps taken to hold them accountable for their conduct. 2. BPD will provide a report draft for agreement as to type and content of reporting on employee misconduct. 3. Monitor will provide a report within 45 days of the quarterly BPD report to BPD and DOJ relating to sufficiency, actions taken by BPD and recommended improvements. 4. BPD will receive, assess, and provide reasons for action or inaction to Monitor’s recommendations for process improvements. 5. BPD will task a role to coordinate and report on the progress of the Monitor’s recommendations at 60-day intervals following the quarterly report.
<p>¶ 165</p>	<p>BPD will publish an annual report of personnel complaint data that reflects the categories of complaints received and the final disposition of those complaint investigations that have been completed as well as the status of any complaint investigations still pending. The report will be made available to the public on</p>	<ol style="list-style-type: none"> 1. As part of its annual reporting, BPD will publish personnel complaint data that includes: <ol style="list-style-type: none"> a. categories of complaints received; b. the final disposition of those complaint investigations that have been completed; c. types and status of any complaint investigations still pending. 2. The public report will contain the following: <ol style="list-style-type: none"> a. Number of complaints received during the calendar year <ol style="list-style-type: none"> i. Classification of complaints and count by type (internal or public) and allegation of

	<p>BPD's public website, once approved by the Chief and the Monitor. This report will reflect data for the preceding calendar year and will be released by April 1 of each year.</p>	<p>misconduct</p> <ul style="list-style-type: none"> ii. Complaints assigned for IA investigation <ul style="list-style-type: none"> • Classification Type • Number iii. Complaints investigated by the Unit <ul style="list-style-type: none"> • Classification Type • Number iv. Complaints closed without further investigation) <ul style="list-style-type: none"> • Classification Type • Number v. Identify the number of complaint of an officer brandishing a firearm even if not the initial or leading classification <p>b. Number of sustained investigations</p> <ul style="list-style-type: none"> i. By allegation classification and overall count ii. Date of intake iii. Date of closure <p>c. Number of other than sustained cases</p> <ul style="list-style-type: none"> i. By allegation and overall count
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		<ul style="list-style-type: none"> ii. By final finding iii. Date of intake iv. Date of closure v. All actions taken in response <ul style="list-style-type: none"> • Policy changes • Training and training updates • Early Intervention actions • Discipline Implemented
<p>¶ 166</p>	<p>BPD will publish an annual report of personnel complaint data that reflects the categories of complaints received and the final disposition of those complaint investigations that have been completed as well as the status of any complaint investigations still pending. The report will be made available to the public on BPD's public website, once approved by the Chief and the Monitor. This report will reflect data for the preceding calendar year and will be released by April 1 of each</p>	<ol style="list-style-type: none"> 1. Policy requires annual reporting on complaint data including the categories of complaints received, the final disposition of completed complaint investigations and the status of pending complaint investigations. 2. BPD will work with the Monitor to establish a report format and template prior to the first report. 3. The report will include time from receipt to conclusion and will highlight any changes in classification as a result of the investigation. 4. BPD to ensure database and coordination on the collection of complaint data throughout the year to ensure the annual report is properly informed. 5. BPD make the annual report available to the Monitor no later than March 1 of the following year for review and approval. 6. Evidence that annual report was released by April 1 of the following and will be posted on the BPD website.

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Stipulated Judgment Topic: Monitoring

Stipulated Judgment Topic: Compliance Reviews and Audit

Paragraph	Requirement	Compliance Measures
¶ 175	The Monitor, in conjunction with BPD, will conduct an ongoing audit of incidents where an officer brandishes a firearm in the presence of a member of the public. The audit will include a review of all civilian complaints and an appropriate sample of police reports, including use of force incidents, related to any use or such brandishing of a firearm.	<ol style="list-style-type: none"> 1. BPD policy requires officer to report when a weapon is brandished. 2. BPD and Monitor develop a framework to review and/or audit incidents in which an officer brandishes a weapon. 3. Framework provides for data collection for such incidents. 4. Specific responsibility for audit and oversight is tasked to an entity. 5. Audit framework includes the review of civilian complaints in which an officer brandished a weapon. 6. Audit framework includes the sampling of related police reports and use of force incidents wherein an officer brandished a weapon. 7. BPD policy requires supervisor oversight and accountability, if appropriate, when an officer brandishes a weapon. 8. BPD policy is reflected in training.

Stipulated Judgment Topic: Monitoring Plan and Review Methodology – Development of Policies, Procedures and Training

Paragraph	Requirement	Compliance Measures
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<p>¶ 186</p>	<p>BPD will begin implementing policies and procedures within 30 days of the Department of Justice's (DOJ's) approval or the Court's decision if a dispute arises, unless otherwise specified or agreed to by the Parties in the Monitoring Plan.</p>	<ol style="list-style-type: none"> 1. BPD has a plan for policy implementation to include training, operational implementation, and review for adherence. 2. Each policy submitted will have an existing plan for implementation. 3. Full and effective compliance review for any policy will include review of implementation. 4. Implementation occurs within 30 days of DOJ approval.
<p>¶ 187</p>	<p>Within 30 days after issuing a policy or procedure pursuant to this Judgment, BPD will ensure all relevant BPD personnel received, read and understand their responsibilities pursuant to the policy or procedure, including the requirement that each officer or employee report violations of policy, that supervisors of all ranks will be held accountable for identifying and responding to policy or procedure violations by personnel under their command, and personnel will be held accountable for policy and procedure violations. BPD will document that each relevant BPD officer or other</p>	<ol style="list-style-type: none"> 1. Evidence of review of policy goals and policy direction. 2. Development of training type with justification as to the delivery. <ol style="list-style-type: none"> a. Identification of information and how to best deliver. b. Identification as to risk associated with policy and ensuring training covers it. 3. Defined training curriculum. 4. Evidence of training delivery. 5. Evidence of compliance with training requirement. 6. Evidence of corrective action for failure to attend training. 7. Evidence of ongoing improvement review.

	<p>employee has received, read and sufficiently understands policy. Training for many new policies beyond roll-call or similar training will be necessary to ensure officers understand and can perform their duties pursuant to the policy.</p>	
<p>¶ 188</p>	<p>Within 180 days from the Effective Date of the Judgment, BPD shall ensure that each BPD sworn personnel member attends a training briefing on the content of this Judgment and the responsibilities of each officer and employee pursuant to it. BPD shall begin providing this training briefing within 45 days of the Effective Date of the Judgment.</p>	<ol style="list-style-type: none"> 1. BPD develops training that covers the content of this Judgment. 2. BPD will provide the lesson plan to the Monitor, pursuant to paragraph 185 for initial review. 3. BPD defines the responsibilities of its members under this Judgment as part of the training. 4. Within 45 days of the Effective Date of the Judgment, BPD initiates training. 5. Within 180 days of the Effective Date of the Judgment, BPD shall ensure each officer attends a training. 6. BPD shall develop a training record system to track all members who have attended and received training pursuant to Paragraph 190. 7. BPD shall document each BPD member has acknowledged that they have received, read and understand the training and their role of the Judgment, consistent with Paragraph 187. 8. BPD shall review and audit the training attendance within 60 days of training delivery and shall mandate attendance. Failure to attend should be addressed through remediation to include discipline for repeated failure to attend training. 9. BPD shall provide evidence of the training dates, content, presenters and attendees.



10. BPD shall provide evidence of ongoing review to include remediation for failure to attend, review and update of content as required.

Stipulated Judgment Topic: BPD Compliance Coordinator

Paragraph	Requirement	Compliance Measures
¶ 211	<p>The Parties agree that BPD will hire and retain or assign a current BPD management level employee to serve as the Compliance Coordinator for the duration of this Judgment. The Compliance Coordinator will serve as a liaison between BPD, the City, the Monitor, and DOJ, and will assist with ensuring BPD's Compliance with the Agreement.</p> <p>At a minimum, the Compliance Coordinator will:</p> <ul style="list-style-type: none"> a. coordinate compliance and implementation activities; b. facilitate the timely provision of data, documents, and other access to BPD employees and material to the Monitor and DOJ, as needed; 	<ol style="list-style-type: none"> 1. BPD defines the role of the Compliance Coordinator and assigns duties consistent with this paragraph. 2. BPD appoints a management level employee as the Compliance Coordinator. 3. BPD Compliance Coordinator is tasked with facilitating access to BPD personnel and records. 4. BPD Compliance Coordinator establishes a process to maintain all records. 5. The Compliance Coordinator meets with the Monitor on at least every two weeks or as needed to ensure consistent flow of data exchange and issue resolution. 6. Ongoing review of the engagement of the Compliance Coordinator in support of this paragraph.



	<p>c. ensure that all documents and records are maintained as provided in the Agreement; and</p> <p>d. assist in assigning compliance tasks to BPD personnel, as directed by the Chief or his designee. The Compliance Coordinator will take primary responsibility for collecting the information the Monitor requires to carry out the terms of the Agreement.</p>	
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Appendix D

APPENDIX D: BPD Stipulated Judgment – Year 3 Paragraph ¶ Overview

Listed below is an outline of the Stipulated Judgment governing the Bakersfield Police Department and Monitor responsibilities under the oversight of the California Department of Justice (see Appendix A for the full scope and stipulated judgment language). There are 240 paragraphs across eleven objective areas; six of those objective areas are further broken out into specific subsections governed by policy, training and other implementation considerations. BPD is responsible for full and effective compliance with 171 of these recommendations under the Monitor's oversight.

As of the end of year two, BPD and the Monitor have opened 117 paragraphs under the Year One and Year Two work plans. Each of these paragraphs have accompanying compliance measures for reporting and evaluation. There are 54 paragraphs that will be opened in Year Three for active monitoring, beginning in 2024, are outlined below.

1. Use of Force

- A. Use of Force Policies and Principles
- B. Use of Canines
19, 20, 21, 22, 23, 26, 27, 28
- C. Use of Force Reporting Policy
- D. Use of Force Supervisory Investigations
47, 48, 49, 50, 51, 53
- E. Use of Force Training
54, 55, 56, 57, 58
- F. Use of Force Analysis
61, 62



2. Stops, Searches and Seizures

- A. Investigatory Stops and Detentions
70, 71
- B. Searches
- C. Stop, Search and Seizure Policies and Training
- D. Supervisory Review
83

3. Responding to and Interacting with People with Behavioral Health Disabilities or In Crisis 89, 90, 91, 92, 93, 94, 95, 96, 99

4. Management and Supervisory Oversight 100, 101, 102

5. Language Access

6. Recruitment, Hiring and Promotions

- A. Recruitment of Sworn Personnel
106, 107, 108, 109
- B. Hiring
110, 111, 112, 113, 114
- C. Promotions
117, 118, 119



7. Community Policing

- A. Community and Problem Oriented Policing
129
- B. Community Survey
133, 135

8. Personnel Complaint Review

- A. Complaint Intake
- B. Complaint Classification
- C. Investigations
- D. Management Review and Adjudication of Complaints
- E. Complaint Review and Investigation Training
160, 161, 162
- F. Personnel Complaint Audits

9. Monitoring¹

- A. Selection of Monitor

¹ The Section 9 paragraphs are mixed with both administrative and operational actions required for the management of the Stipulated Judgment.



- B. Compliance Reviews and Audit
- C. Outcome Assessments
- D. Monitoring Plan and Review Methodology
 - a. Monitoring Plan
 - b. Development of Policies, Procedures and Training
- E. Monitor Recommendations and Assessments
- F. Monitor Reports
- G. Public Statements, Testimony and Conflicts of Interest
- H. Communication Between Monitor and Parties
- I. Access and Confidentiality
- J. BPD Compliance Coordinator
- K. Monitor Budget and Payment

10. Court Jurisdiction, Modification of the Judgment, and Enforcement

11. Termination of the Judgment



Appendix E

APPENDIX E: BPD PROGRESS MATRIX

As of the December 31, 2023, reporting deadline for this Monitor Report on year two of the Stipulated Judgment, the Bakersfield Police Department (BPD) has partnered with the Monitor to finalize the Compliance Measures (see Appendix C) and submit compliance packages in support of four stipulated judgment paragraphs. The review and current status of the submitted files are discussed below and broken out by each of the stipulated judgment paragraph sections identified in the overview included in Appendix B. Of the submitted file packages, four were recommended for Full and Effective Compliance (FEC) by the Monitor team and forwarded to the California Department of Justice for confirmation.

1. Use of Force
 - a. Use of Force Policies and Principles
 - b. Use of Canines
 - c. Use of Force Reporting Policy
 - d. Use of Force Supervisory Investigations
 - e. Use of Force Training
 - f. Use of Force Analysis

2. Stops, Searches and Seizures
 - a. Investigatory Stops and Detentions
 - b. Searches
 - c. Stop, Search and Seizure Policies and Training
 - d. Supervisory Review

3. Responding to and Interacting with People with Behavioral Health Disabilities or In Crisis

¶ 97 – Status: Submitted for CALDOJ confirmation of FEC.

Stipulated Judgment Topic: Interacting with Persons in Crisis			
Paragraph	Requirement	Compliance Measures	Status
¶ 97	Within 180 days of the effective date of this Agreement, BPD will designate a sworn employee at the rank of sergeant or above to act as a Crisis Intervention Coordinator (Coordinator) to better facilitate communication between BPD and members of the behavioral health provider community and to increase the effectiveness of BPD's crisis intervention program. BPD will ensure that the Coordinator is empowered to fulfill all duties of the Coordinator required by this Agreement.	1. Appointment of a sergeant or above to act as Crisis Intervention Coordinator within 180 days of the Agreement.	
		2. Defined role and description of the position's purpose, responsibilities, and authority of the Coordinator.	
		3. Sufficient education, training, and experience for the Coordinator to be effective.	
		4. Operational framework that supports engagement and coordination with members of the behavioral health provider community.	
		5. Evidence that engagement with the behavioral health provider community informs BPD policy and practices.	
		6. Ongoing review and improvement practices relative to crisis intervention, arising out of the coordination and engagement.	

- 4. Management and Supervisory Oversight
- 5. Language Access
- 6. Recruitment, Hiring and Promotions
 - a. Recruitment of Sworn Personnel

- b. Hiring
- c. Promotions

¶ 124 – Submitted for CALDOJ confirmation of FEC.

Stipulated Judgment Topic: Recruitment Hiring and Promotions - Promotions			
Paragraph	Requirement	Compliance Measures	Status
¶ 124	The Bakersfield City Council will prepare a proposed charter amendment for the November 2022 General Election which will seek to permit the appointment of a person from an external agency to the position of Chief of Police.	1. City drafts a charter amendment to permit appointment of persons other than BPD officers to the position of Chief of Police.	
		2. Charter Amendment is approved through City processes for the November 2022 election.	
		3. Outcome of the Charter Amendment vote is published.	
		4. Outcome is reflected within Bakersfield HR and BPD policies.	

- 7. Community Policing
 - a. Community and Problem Oriented Policing
 - b. Community Survey
- 8. Personnel Complaint Review
 - a. Complaint Intake



- b. Complaint Classification
- c. Investigations
- d. Management Review and Adjudication of Complaints
- e. Complaint Review and Investigation Training
- f. Personnel Complaint Audits

9. Monitoring

- a. Selection of Monitor
- b. Compliance Reviews and Audit
- c. Outcome Assessments
- d. Monitoring Plan and Review Methodology
 - i. Monitoring Plan
 - ii. Development of Policies, Procedures and Training

¶ 188 – Submitted for CALDOJ confirmation of FEC.

Stipulated Judgment Topic: Monitoring Plan and Review Methodology – Development of Policies, Procedures and Training			
Paragraph	Requirement	Compliance Measures	Status
¶ 188	Within 180 days from the Effective Date of the Judgment, BPD shall ensure that each BPD sworn personnel member attends a training briefing on the content of this Judgment and the responsibilities of each officer and employee pursuant to it. BPD shall begin providing this training briefing within 45 days of the Effective Date of the Judgment.	1. BPD develops training that covers the content of this Judgment.	
		2. BPD will provide the lesson plan to the Monitor, pursuant to paragraph 185 for initial review.	
		3. BPD defines the responsibilities of its members under this Judgment as part of the training.	
		4. Within 45 days of the Effective Date of the Judgment, BPD initiates training.	



		5. Within 180 days of the Effective Date of the Judgment, BPD shall ensure each officer attends a training.	
		6. BPD shall develop a training record system to track all members who have attended and received training pursuant to Paragraph 190.	
		7. BPD shall document each BPD member has acknowledged that they have received, read and understand the training and their role of the Judgment, consistent with Paragraph 187.	
		8. BPD shall review and audit the training attendance within 60 days of training delivery and shall mandate attendance. Failure to attend should be addressed through remediation to include discipline for repeated failure to attend training.	
		9. BPD shall provide evidence of the training dates, content, presenters, and attendees.	
		10. BPD shall provide evidence of ongoing review to include remediation for failure to attend, review and update of content as required.	

- e. Monitor Recommendations and Assessments
- f. Monitor Reports
- g. Public Statements, Testimony and Conflicts of Interest
- h. Communication Between Monitor and Parties
- i. Access and Confidentiality
- j. BPD Compliance Coordinator

¶ 211 – Status: Submitted for CALDOJ confirmation of FEC.

Stipulated Judgment Topic: Monitoring Plan and Review Methodology – BPD Compliance Coordinator			
Paragraph	Requirement	Compliance Measures	Status
¶ 211	<p>The Parties agree that BPD will hire and retain or assign a current BPD management level employee to serve as the Compliance Coordinator for the duration of this Judgment. The Compliance Coordinator will serve as a liaison between BPD, the City, the Monitor, and DOJ, and will assist with ensuring BPD's Compliance with the Agreement.</p> <p>At a minimum, the Compliance Coordinator will:</p> <ul style="list-style-type: none"> a. coordinate compliance and implementation activities; b. facilitate the timely provision of data, documents, and other access to BPD employees and material to the Monitor and DOJ, as needed; c. ensure that all documents and records are maintained as provided in the Agreement; and 	1. BPD defines the role of the Compliance Coordinator and assigns duties consistent with this paragraph.	
		2. BPD appoints a management level employee as the Compliance Coordinator.	
		3. BPD Compliance Coordinator is tasked with facilitating access to BPD personnel and records.	
		4. BPD Compliance Coordinator establishes a process to maintain all records.	
		5. The Compliance Coordinator meets with the Monitor on at least every two weeks or as needed to ensure consistent flow of data exchange and issue resolution.	
		6. Ongoing review of the engagement of the Compliance Coordinator in support of this paragraph.	



	<p>d. assist in assigning compliance tasks to BPD personnel, as directed by the Chief or his designee. The Compliance Coordinator will take primary responsibility for collecting the information the Monitor requires to carry out the terms of the Agreement.</p>		
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k. Monitor Budget and Payment

10. Court Jurisdiction, Modification of the Judgment, and Enforcement

11. Termination of the Judgment



Appendix F

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TORONTO

Perceptions of Policing in Bakersfield: An analysis from a survey of residents' evaluations, opinions, beliefs, and experiences of policing

Abstract

This report analyses the results of a survey of 1000 residents in Bakersfield that solicited their perceptions and experiences of policing in the summer of 2022. Through interviews with residents by phone and in person during street intercepts, we asked about the quality of life and community cohesion in neighborhoods as well as sense of personal safety, fear of crime, opinions about the city, and evaluations and perceptions of the police.

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Abstract

This report describes the main findings of a survey of residents' evaluations, experiences, and perceptions of the police in Bakersfield, California that was conducted in the summer of 2022. It is part of the Monitor's review of progress in implementing the conditions of the Stipulated Judgment. It draws on interviews with 1000 residents that were conducted by an independent firm – 500 by phone and 500 in street intercepts – who were asked a battery of questions about their neighborhoods, views of the city, personal sense of safety, and recent contacts with the police, as well as their beliefs about policing. A detailed description of the methodology, sample, and questionnaire appears in Appendix 1. The responses to these questions indicate favorable appraisals of the work of the police alongside concerns about the professional integrity of officers that vary by police zone, in some cases by large margins. These findings could be used by the City and Bakersfield Police Department to guide improvements and innovations in urban planning and public safety, as well as the implementation of the policies and practices recommended by the Stipulated Judgment of August 2021.

Purposes of the Survey

Surveys of public perceptions of the police are not a common or widely used tool in modern policing. Yet police departments must manage changing expectations of policing in the communities they serve to accomplish their work well. Repeated over time, the results of the current survey can help the City and Bakersfield Police Department (BPD) gauge change in public appraisals of the work of the police and the degree to which these vary by zone, racial and ethnic groups, or type of encounter such as being stopped involuntarily or having requested police assistance. The survey can also help the BPD meet the requirement in the Stipulated Judgment to establish a baseline measure of “public satisfaction” with the police and the “quality of police-citizen encounters.”¹

Surveys are not the only tool for meeting these needs, but they can supplement other sensory systems that Departments use to gauge sentiment about the police and respond to the changing needs and interests of the diverse communities they serve. Our analysis of the results of this independently conducted survey is written with this auxiliary role in mind. The survey can extend the reach of customer satisfaction surveys that are administered by the BPD's Quality Assurance Unit, which use a rolling recruitment model enabled by Spydertech to gauge change in the experiences and perceptions of the police among people who have *voluntary* contacts with the police. The results of this survey may also be compared at a later date with findings from the interviews we will conduct with arrested detainees, which will permit the Department to appraise the amount of variation in appreciation of the police among groups who have *involuntary* encounters with the police. A sketch of a possible framework for that comparison is depicted in the conclusion.

A second possible use of the survey is as an organizational mechanism for adjusting enforcement and deployment schemes across the 6 police zones. The socio-economic and demographic composition of residents varies considerably by police zone, as do the incidence of calls for service, recorded crime, investigatory stops, arrest, and use of force. For instance, 26 percent of all calls for service and 33 percent of all arrests between January 2019 and March 2022 took place in the Metro Zone, compared to

¹ Articles 133-136 of the Stipulated Judgment enumerate the components of the “community survey” agreed to by the City and BPD, which include “baseline and subsequent annual surveys of a representative sample of city residents, law enforcement personnel, and arrested detainees.”

11 percent of calls for service and 7 percent of arrests in the South Zone. Decisions about how to manage the diverse demand for police services might consider the different structure and profile of public sentiment about policing in these areas, which is reflected in different responses to questions about the quality of relations with the community, the degree of respect for policing, and beliefs about equal treatment of residents by the police. The special application we developed for visualizing this sentiment, which permits more detailed analyses of variation in the responses to these questions by zone, could be used by the Department for these and other operational-strategic tasks in policing. See Appendix 2 for an illustration of this tool.

A third possible use of the survey is as an internal device for learning about shifts in the relations between the police and residents in different areas and neighborhoods. The BPD might want to know how differing levels of social solidarity across neighborhoods affect the way people interact with and feel about the police. Are favorable impressions of the police associated with community cohesion, as some people believe, or low rates of the utilization of police services and low levels of enforcement and a high degree of respect and professionalism demonstrated during encounters with the police, as others believe? Or are such sentiments rooted in something else entirely, such as the traits of residents, their concerns about safety, and beliefs about the city? Data from the survey that illuminate these relationships could be discussed at meetings with residents and representatives of community groups; those discussions might offer fresh interpretations of the pattern of responses, which in turn could structure communication and engagement with the community advisory group as required by the Stipulated Judgment. The City and Department also could use the data from this survey to educate officers about the differences in the structure of sentiment about police in the different parts of the city to which they might be posted, and how that sentiment may affect policing priorities in each zone or neighborhood.

The Survey: Method and Sample

The survey was administered to 1000 respondents, 500 of whom were contacted by phone, using listed mobile numbers; another 500 were interviewed in person during “street intercepts,” which involved trained researchers from the independent survey firm, ISA Corp, recruiting participants in public places such as shopping malls and bus stops across the city. Recruitment of interview subjects by phone began on June 23 and continued until July 20. The street intercepts and face to face interviews took place in first three weeks of July. Interviews were conducted in English and Spanish, depending on the preferences of the respondent. The average duration of interviews by phone and in-person was 21 minutes.

The rate of refusal to participate among people contacted by phone was 38.7 percent, which is close to the industrial average in surveys about policing. We did not count declination rates among people approached for face-to-face interviews, but many of those who did not wish to participate said they were afraid to answer questions about the BPD, despite assurances that the survey was anonymous (the surveyors did not ask names). This reluctance to participate may help explain why the respondent pool is older than we expected. It may also have been a contributing factor for why Hispanic respondents comprise a smaller overall proportion of the sample than their representation in the population according to the census, though without other demographic information about respondents we cannot statistically assess this possibility.

Demographic Profile of Respondents

We did not interview minors. Ten percent of the respondents were between the ages of 18 and 24; over a third of respondents were between 25 and 40 years old; another 43 percent were between 41 and 60, and 12 percent were over 60. Nearly half of respondents (45%) had completed high school or obtained a GED; another 37 percent had either a college or university degree. This 82 percent of respondents corresponds to the 81.4 percent of residents above 25 years old who are high school graduates in Bakersfield as reported by the 2020 US census, with 22.6 percent holding at least a university Bachelor’s degree. Nearly two-thirds of survey respondents said they has resided in Bakersfield for at least 10 years. Just under half of the respondents (49.5%) identified themselves as female, and just over half (51.4%) identified as male; one respondent describing themselves as non-binary.

We deliberately oversampled in the Metro police zone because 26 percent of calls for service in the last three years originate in that area, compared to just 9 percent in the North Zone. This explains why 22 percent of all respondents in our sample said they resided in the Metro police zone; all other zones each contributed between 12 and 13 percent of the sample of respondents, which is roughly aligned with this measure of their likelihood of having or witnessing an encounter with the police.

The racial and ethnic identity of respondents is displayed below in Figure 1 according to the location of their residence by police zone. We used the categories of identity that are defined by the US Census, with a sample that is nearly 42 percent White non-Hispanic, 41 percent Hispanic, and nearly 9 percent Black, as indicated below. Our sample diverges somewhat from census estimates of the population in Bakersfield, which in July 2021 found that 51 percent of residents were Hispanic, 31 percent White non-Hispanic, 9 percent mixed race, 7 percent Black, 7 percent Asian, 1 percent Native American.² This may be partly due to willingness to participate, or partly due to oversampling in the Metro police zone, which is where the survey obtained the lowest rate of Hispanic respondents. We could analyze this divergence further with demographic data, if available, by police zone.

Table 1. Race and Ethnicity of Survey Respondents by Police Zone

	METRO	CENTRAL	HILL	NORTH	SOUTH	VALLEY	NONE	Don't know/refused	All
WhiteNotHisp	51.14	56.69	38.06	32.31	49.61	40.48	50.00	16.94	41.86
Hispanic	28.78 ^(*)	30.71	38.81	60.00	32.56	36.51	25.00	70.97	41.06
Black	8.22	5.51	17.16	5.38	10.08	8.73	0.00	7.26	8.79
NativeAmerican	4.11	2.36	2.24	0.77	1.55	3.17	25.00	2.42	2.80
Asian	5.02	2.36	2.24	0.77	1.55	3.97	0.00	0.81	2.60
South-Asian	0.00	0.79	0.00	0.00	3.10	0.00	0.00	0.00	0.50
Multi	0.46	0.00	0.00	0.00	0.00	0.79	0.00	0.81	0.30
Other	2.28	1.57	1.49	0.77	1.55	6.35	0.00	0.81	2.10
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Pearson's Chi-squared test: X-squared = 178.81, df = 49, p-value < 0.001

The Survey Instrument

The survey questions were designed to allow the City and Police Department to appraise change over time across a host of objectives in urban planning and municipal policing, such as improving residents’ sense of personal safety and the quality of relations with the police in their neighborhood. They were

² The sum exceeds 100 percent because the census permits respondents to indicate several races.

designed also to facilitate comparisons between the responses in Bakersfield and responses to parallel, and at times identical, questions posed in other cities in California as well as those introducing changes in policies under consent decrees. For this reason, we used the exact phrasing and response scales for several questions that appear in surveys that have been used recently in Los Angeles, New Orleans, Newark, Baltimore, and Cleveland. We also used questions that are regularly asked by the Public Police Institute of California and academic researchers who study sentiment about policing in the US, Canada, and the United Kingdom. Finally, we used a few questions that appear in the interview protocol for arrested detainees to make possible a comparison of perceptions between residents that have and have not had a recent, direct, and involuntary encounter with the police.

The process of designing the survey included focus groups with police officers at different ranks of the Department, some of whom proposed specific questions as well as hypotheses about where in the city we would detect the most positive and negative sentiment about policing. We also solicited recommendations from the Chief of the Police Department, officials responsible for community safety programming in the City Manager's office, and representatives of the California Department of Justice about questions to include as well as the identity of cities with whose experiences it would be useful to compare response patterns, such as Stockton and Sacramento.³ We attended several community groups meetings that were convened by the Monitor in the Spring of 2022 in order to ensure that range of questions on the survey matched the scope of concerns expressed by residents in these forums.

The survey instrument, which appears in full in Appendix 3, begins with questions about people's neighborhoods, such as whether they consider it a good place to live, whether they believe their neighbors would come to their aid if there was a conflict or other need for help, and what problems in their neighborhood most need attention. A second set of questions is about people's personal sense of safety. The reason for this sequence was to encourage respondents to situate their responses to questions about the police in matters they know well. We then asked about people's experiences of the police (whether they had any "direct contact" in the preceding 12 months) before soliciting their appraisal of the police and their opinions and beliefs about policing, such as whether members of all racial and ethnic groups are treated equally. The analysis below follows this sequence.

Section 1. Neighborhood Sentiment

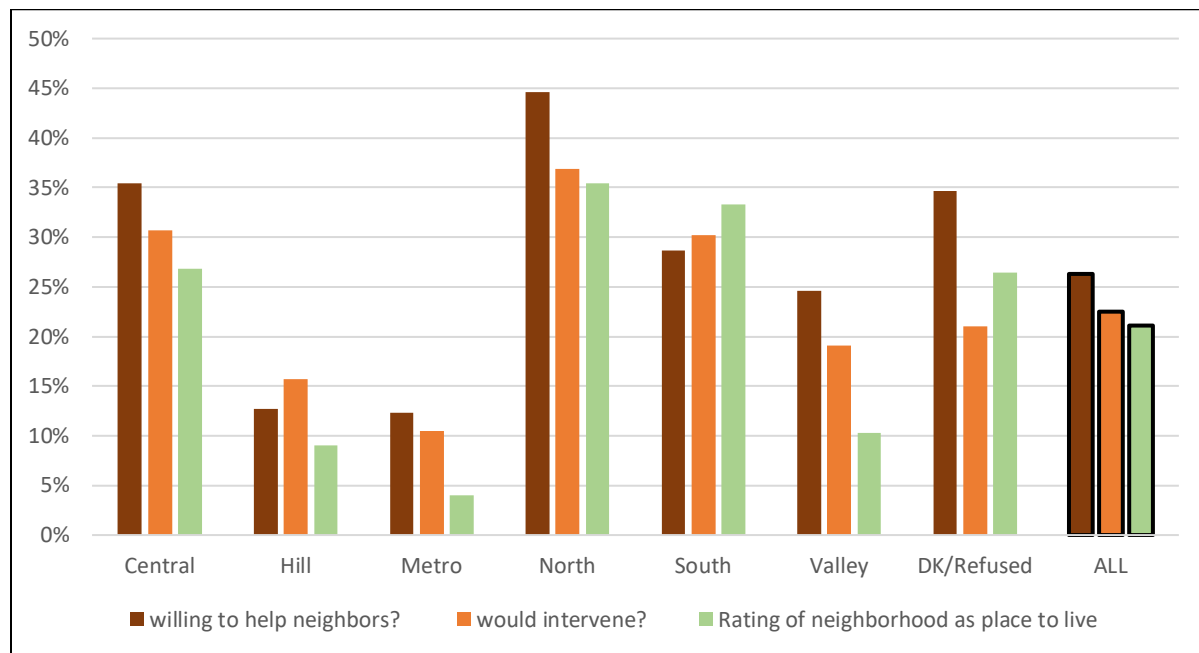
We asked respondents several questions about their neighborhoods, including whether they believe the people they live near are willing to help their neighbors and would intervene if they witnessed a fight in the vicinity of their house. The purpose of these questions was to gain a sense of the degree of social solidarity across neighborhoods, or what some sociologists term a sense of "collective efficacy." These items for measuring collective efficacy are derived from research originally developed for studying neighborhoods in Chicago and have since been replicated across a wide array of jurisdictions in the United States. They are robust measures of the degree to which neighborhood residents anticipate relying on each other to achieve common goals, by combining both social cohesion and the expectation for community social order. Prior research statistically links this feature of neighborhoods with both crime and policing: neighborhoods rich in collective efficacy enjoy lower levels of violent crime such as homicide, and such neighborhoods also manifest greater trust in police agencies among residents.

³ We were unable to locate a survey of residents for Riverside, the first city in California to implement a stipulated judgment with the state Department of Justice, so we cannot compare the results in Bakersfield to this peer city.

Older research on collective efficacy measured this solidarity within neighborhoods. Yet new research finds that collective efficacy may be concentrated in smaller geographical units, including at the level of individual street segments, or diffused across spatially proximate neighborhoods. As a result, while police zones in Bakersfield may not map on to residents' views of their own neighborhood parameters, it is possible that attention to geographic contiguity of these zones may provide new insights about how collective efficacy interacts with crime and police-resident relations.

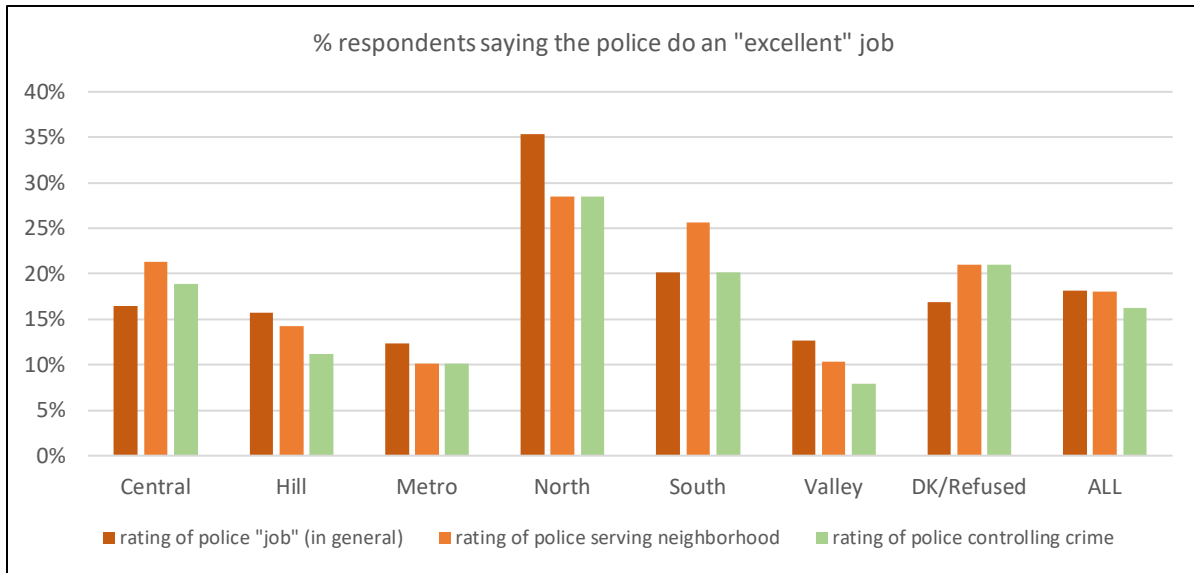
Because there also is evidence that the quality of policing can itself foster greater collective efficacy among residents and that district-level police services are themselves one of the institutions that may promote or depreciate collective efficacy, we highlight here the substantial variation across Bakersfield police zones in the sense of this solidarity and efficacy. For instance, as Figure 1 below shows, respondents who resided in the North Zone expressed the greatest amount of social solidarity when measured in terms of the willingness to help neighbors, intervene in conflicts, and positive ratings of their neighborhood as a place to live. Residents in the Hill and Metro police zones, by contrast, had much lower senses of solidarity: they were three times less likely to say their neighbors would help others or intervene in a fight.

Figure 1. Measures of Social Solidarity Across Police Zones



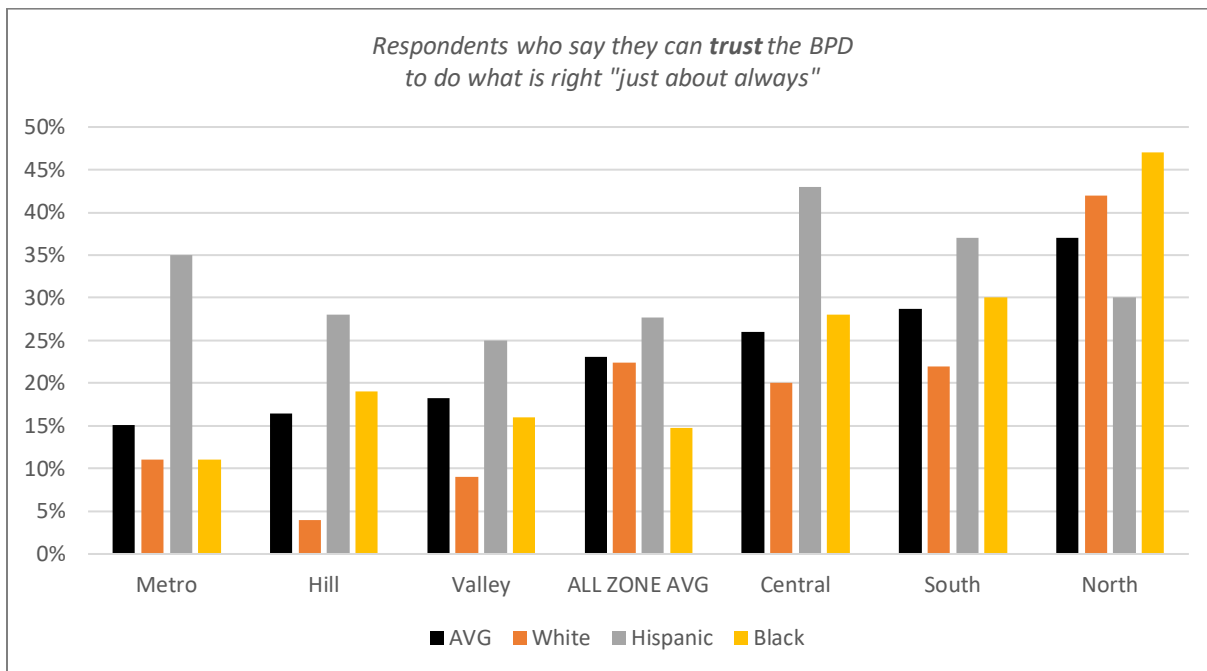
The stronger signs of collective efficacy in the North Zone are associated with several other favorable attitudes and perceptions of policing. For instance, as the following figure shows, respondents in the North zone are most likely to indicate that the police are doing an excellent job, *and* that the Bakersfield police is excellent at serving people in their neighborhood, *and* that the BPD is doing an excellent job controlling crime. Note that on these latter points, residents in the North Zone were more than twice as likely as residents in the Metro and Valley zones to express this view.

Figure 2. Ratings of Three Aspects of Police Performance Across Police Zones



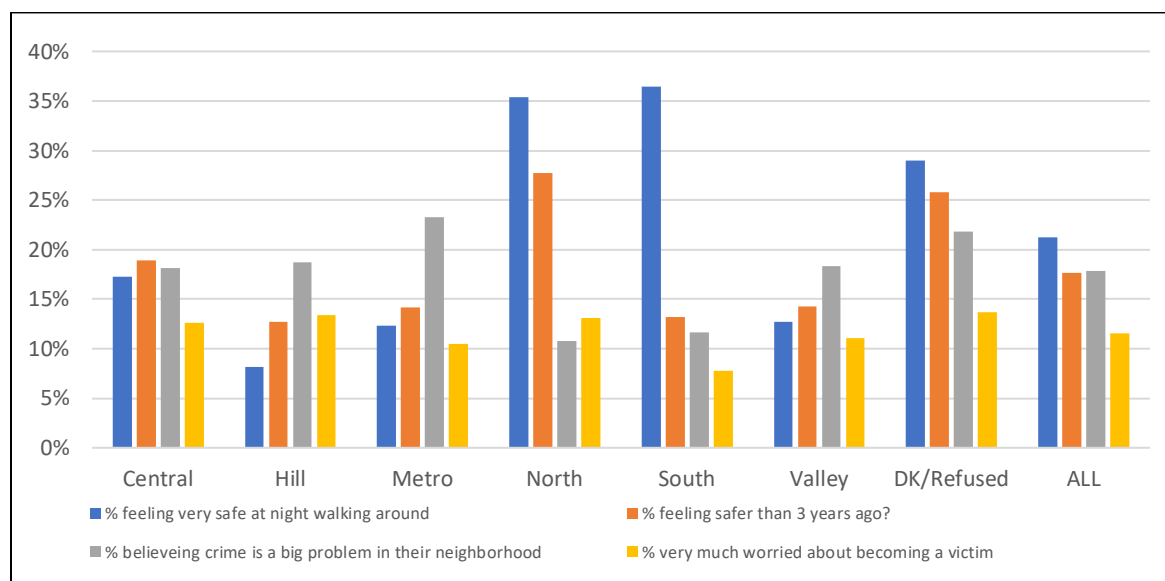
One possibility is that this variation is simply a matter of demography: the highest proportion of respondents in the survey that identified as Hispanic resided the North zone, and recent research in Los Angeles finds that above a certain threshold, a higher proportion of Latino immigrant residents increases a neighborhood’s collective efficacy (Browning et al. 2016). But when looking across zones, our survey suggests that Hispanic residents do not have the most favorable opinion about all aspects of policing. As Figure 3 shows, while all residents in the North zone were more than twice as likely as residents in the Metro zone to say they can trust the police “just about always,” among Hispanic residents the sense that they can trust the police was nearly indistinguishable from the average across all zones.

Figure 3. Perceptions of the Trustworthiness of the BPD, by race/ethnicity and police zone



The survey also found variations in sense of personal safety and fear of crime suggesting that sentiment about policing may be more closely related to aspects of the neighborhood or community in which people reside than the race and/or ethnicity of residents. For example, residents in the North Zone were much more likely to say they felt very safe walking around their neighborhood at night than residents in all other zones except the South, and as Figure 4 shows, they also were much more likely than other residents to feel safer today than three years ago. In addition, residents in the North Zone recorded the lowest level of belief that crime is a “big problem” in their neighborhood and one of the lowest levels of fear of becoming a victim of crime.

Figure 4. Four Measures of Sense of Safety and Fear of Crime Across Police Zones



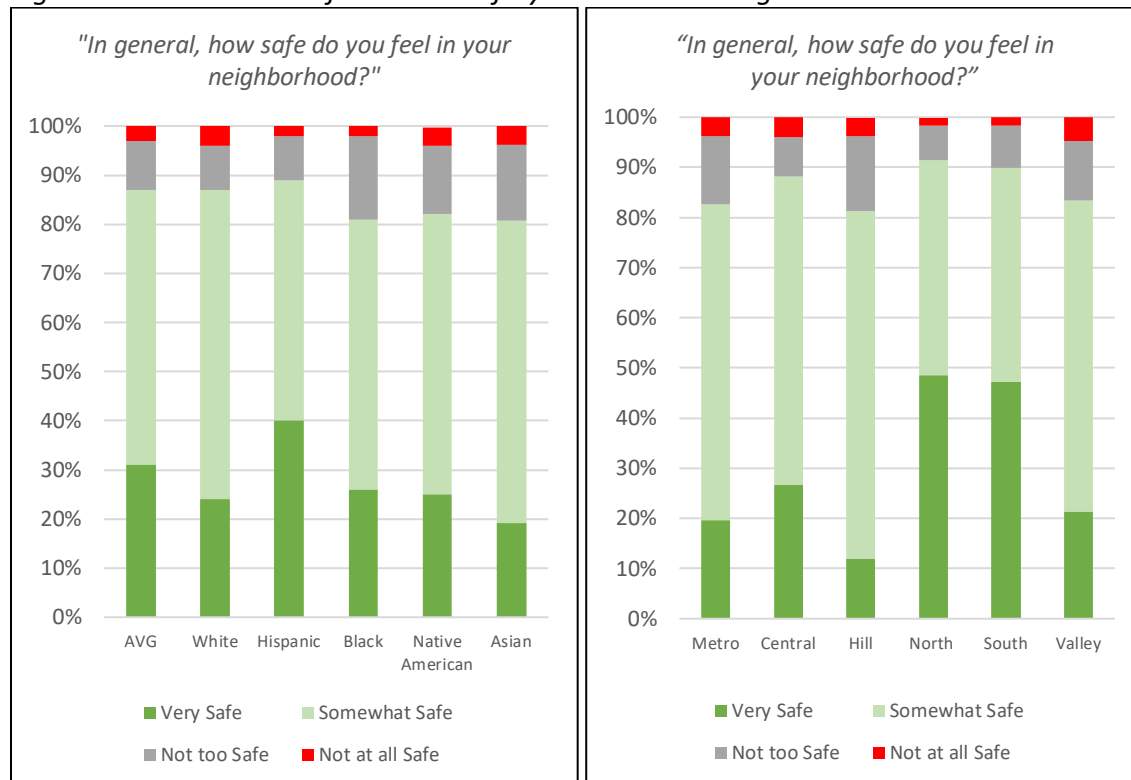
It is possible that these perceptions are related to differing levels of victimization and crime in each zone; we have not yet accessed or analyzed that kind of data nor attempted to measure the strength of its association with other indicia of social strain. It is also possible that these perceptions of safety are related to different levels of police presence and enforcement: the proportion of all calls for service is lowest in the North and South Zones, as is the proportion of all arrests and use of force incidents in the city. But it seems unlikely that these perceptions are the result merely of lower levels of crime and law enforcement activity. The proportion of respondents in our survey who reported having a “direct contact” with the police was only marginally lower in the North Zone (23 percent) than the average for the city (25 percent). It also seems unlikely to be purely an artifact of demography: while Hispanic respondents reported feeling much safer in their neighborhoods than others, they were only slightly more likely than Black respondents to believe that the police in their community almost always treat members of ethnic and racial groups equally, and only slightly more likely than Black respondents to rate the police as either doing an excellent job to control crime in their neighborhood or as doing an excellent job serving people in the neighborhood.

These findings, in short, suggest that there may be geographic effects based on the locations where people live, the institutions available to them, and the engagement that they have with other residents that may have consequences for perceptions of crime and of policing. This is why we focused on the North zone, where we detect salutary effects of social cohesion – if a little lower on some measures – and in the South zone, which appears more racially and ethnically heterogeneous.

Section 2. Sense of Personal Safety

Nearly a third of residents in Bakersfield said they felt “very safe” in their own neighborhoods; an additional 56 percent said they felt “somewhat safe.” Hispanic residents were nearly twice as likely as white residents to feel “very safe” in their neighborhoods.⁴ Asian residents felt the least safe of all groups, as the data in Figures 5 and 6 show. Perceptions of personal safety varied considerably across the city. People who reside in the North and South police zones are more than three times as likely as their counterparts in Hill to say they feel “very safe” in their neighborhood.

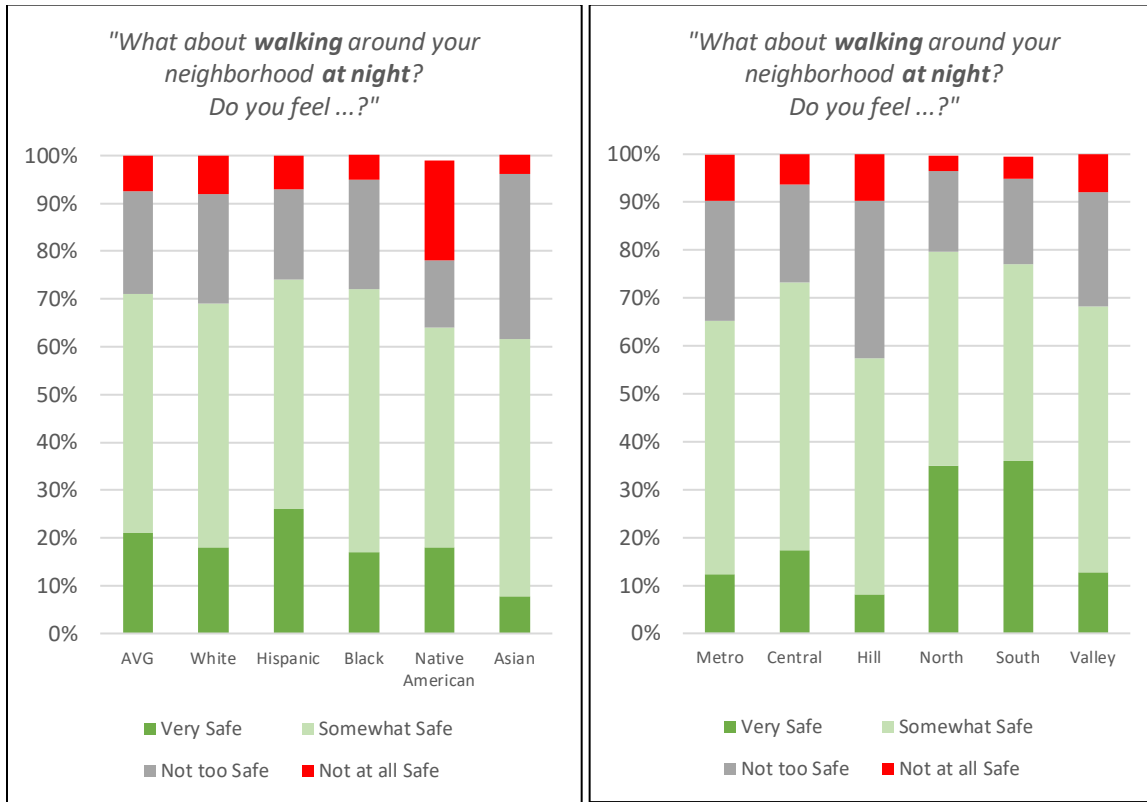
Figures 5 and 6. Sense of Personal Safety in Your Own Neighborhood



The degree of disparity between racial and ethnic groups in residents’ sense of personal safety in Bakersfield diminishes when we asked them about their sense of safety when *walking at night in their own neighborhood*. We focus on this result here because most experts in public opinion polling and victimization surveys treat this question as a more reliable measure of people’s true sense of security in their neighborhood. The divergence in responses to this question is also smaller across police zones, although it remains stark, as Figures 7 and 8 show. People who reside in the North and South police zones are still three times more likely to say they feel “very safe” than their counterparts in Hill, Metro, and Valley.

⁴ A community perception survey in Los Angeles in 2009 used a dichotomous response scale to gauge resident’s sense of personal safety, asking if they felt “safe” or “unsafe.” A third of Hispanic residents said they felt “unsafe” compared to 27 percent for Black residents and 15 percent for White residents.

Figures 7 and 8. Sense of Personal Safety Walking Around At Night

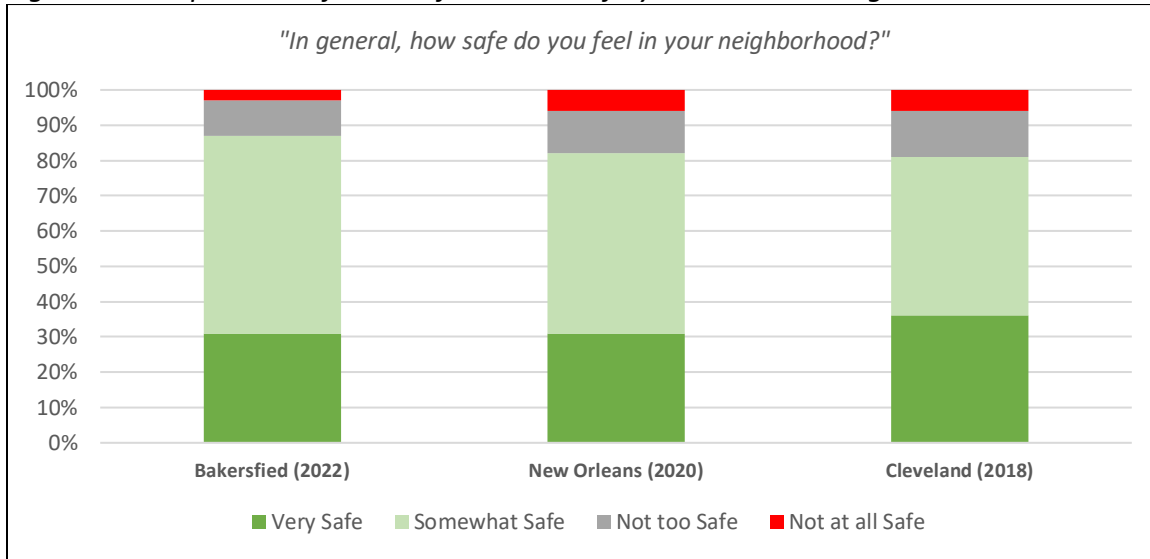


Comparing Responses in Bakersfield to Cities with Consent Decrees

We found only two cities whose police departments currently operate under consent decrees that posed questions about residents’ sense of personal safety in their community surveys -- New Orleans and Cleveland.⁵ Despite differences in the histories, economies, and demographics in these cities, the sense of personal safety in Bakersfield is similar to what other surveys have found in these two cities. Roughly a third of residents in all three cities say they feel “very safe” in their neighborhoods, and roughly half feel “somewhat safe.” The only appreciable difference is in the fraction of the population that feels “not at all safe,” with 3 percent of residents in Bakersfield saying this compared to 6 percent in both New Orleans and Cleveland.

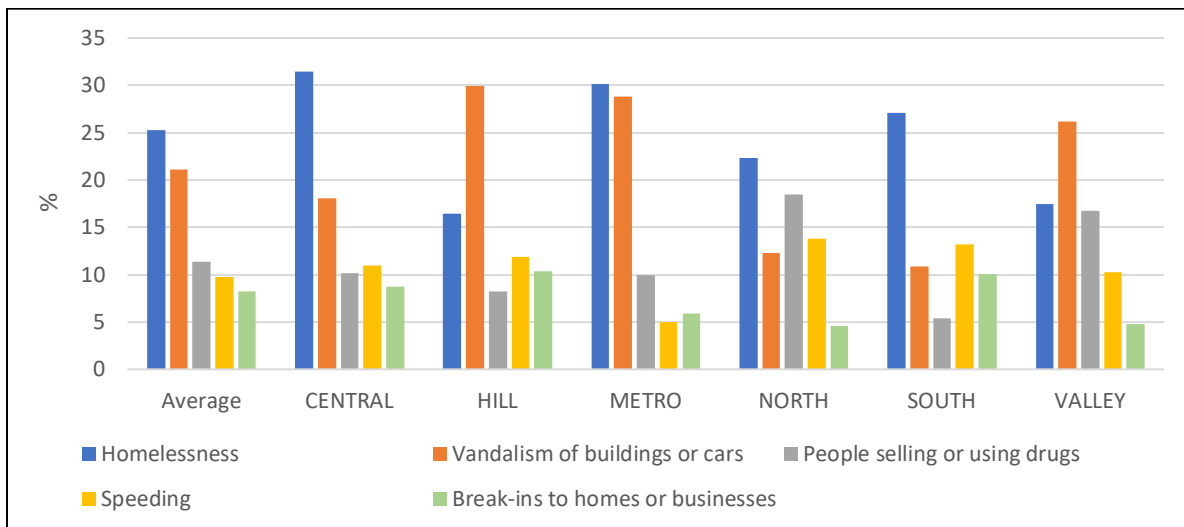
⁵ Most surveys of residents in cities with consent decrees have focused exclusively on perceptions of the police, ignoring residents’ sense of safety or broader attitudes about the city. For this reason, it is only possible to compare results of the survey in Bakersfield with response patterns in Sacramento, Stockton, and Los Angeles in regard to perceptions of the police.

Figure 9. Comparisons of Sense of Personal Safety in Your Own Neighborhood



The broad similarities in the sense of personal safety among residents in different cities may mean that this question is not a reliable guide to urban planning or the evaluation of policing. As the responses to questions on neighborhoods in this survey show, the disparity in sense of safety *within* Bakersfield is much greater than the differences between cities. We also found disparities in the public safety priorities of residents across police zones. We listed ten problems commonly identified in survey research on urban safety, ranging from homicides to homelessness, and asked respondents to name the two that were “the most serious problems in your neighborhood.”⁶ As figure 10 shows, the priorities varied considerably by police zone, with residents in the Hill Zone twice as likely as those in the North Zone to prioritize vandalism, and much less concerned about homelessness than all others.

Figure 10. Two Most Serious Problems in Your Neighborhood

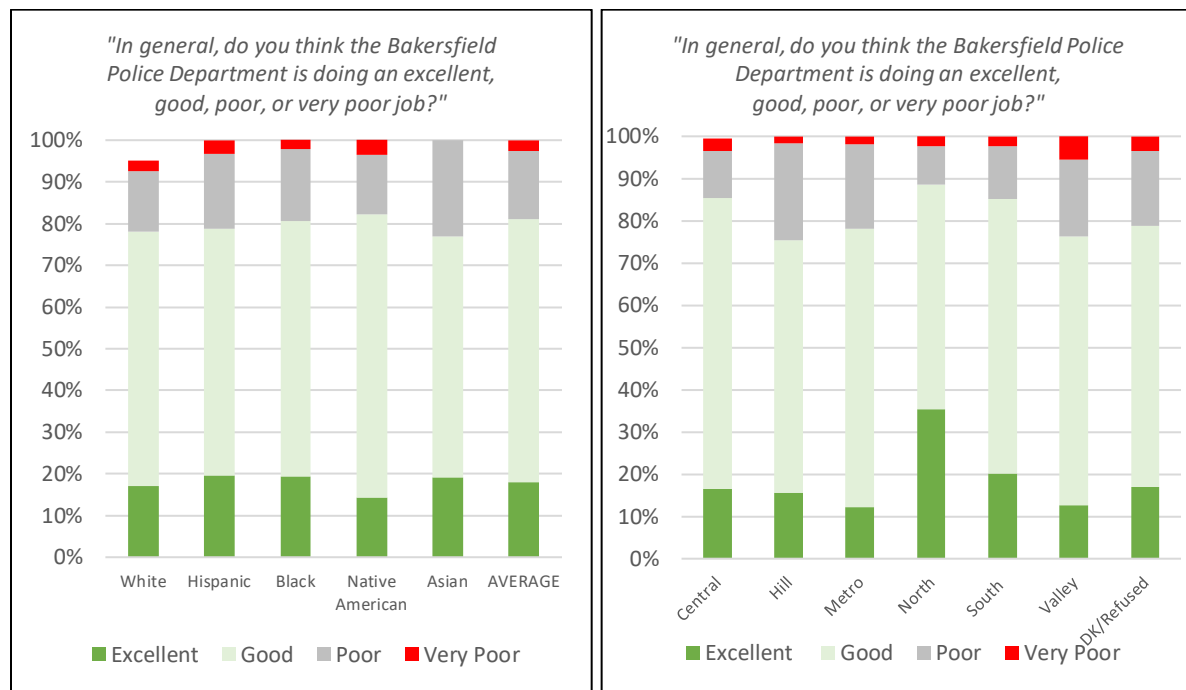


⁶ This list is recommended by the COPS office in its guidance for Community Surveys on Public Safety and Law Enforcement, available [here](#).

Section 3. Appraisals of Police Performance in Bakersfield

Most respondents expressed favorable impressions of the job the police are doing in Bakersfield. As Figure 11 shows, an average of eighteen percent of all respondents said the police are doing an “excellent” job. Another 63 percent said it is doing a “good” job. Only ten percent of respondents thought the BPD is doing a “poor” job and less than 3 percent of respondents thought it is doing a “very poor” job. Hispanic residents were slightly more likely than White and Black respondents to say the police were doing an “excellent” job. Respondents identifying as Native American had less favorable impressions, with only 14 percent saying it was “excellent,” though only a small percentage said it was “very poor.” But there was greater variation in appraisals of the police by zone than by race/ethnicity. As Figure 12 shows, residents in the North Police Zone were 3 times as likely as their counterparts in the Metro Police Zone to say the police are doing an “excellent” job. Negative sentiment was also unevenly distributed, with a quarter of respondents in Hill saying the police were doing a “poor” or “very poor” job. Intensely negative sentiment was highest in the Valley Police Zone, with 6 percent of respondents saying policing was “very poor.”

Figures 11 and 12. General Appraisals of Police Performance, by Race/Ethnicity and Police Zone

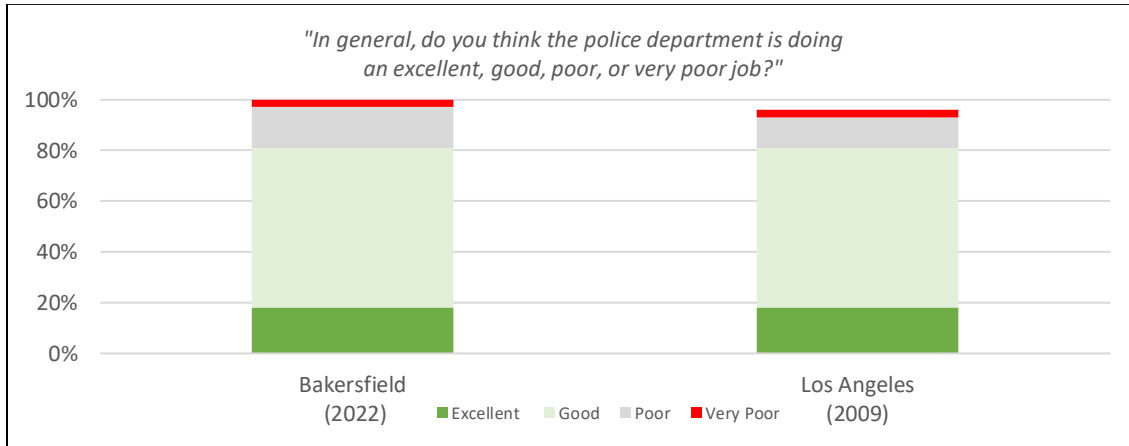


Comparing Perceptions in Bakersfield and Los Angeles

The only city in California for which we can make a direct comparison in the general rating of the police is Los Angeles. The Public Policy Institute of California, which studies electoral sentiment as well as public opinion about governance across the state, stopped asking this question in 2011 and does not report results by city, so we cannot compare Bakersfield with an average response for the state. Riverside, the first city in the state to conclude a stipulated judgment with the California Department of Justice, did not commission a survey of residents as part of its reforms. For these reasons, we compare the responses in Bakersfield in 2022 below to the responses to the same question posed in a study of the LAPD under a consent decree in 2009.

As Figure 13 below shows, the proportion of residents who think the police are doing an excellent job in Bakersfield is nearly identical to appraisals of the LAPD in 2009, seven years after the introduction of the consent decree in that city. Note, though, that the proportion of respondents reporting that the police are doing a “poor” job in Bakersfield (16%) is slightly higher than in Los Angeles (12%).

Figure 13. Appraisals of Police Performance in Bakersfield and Los Angeles

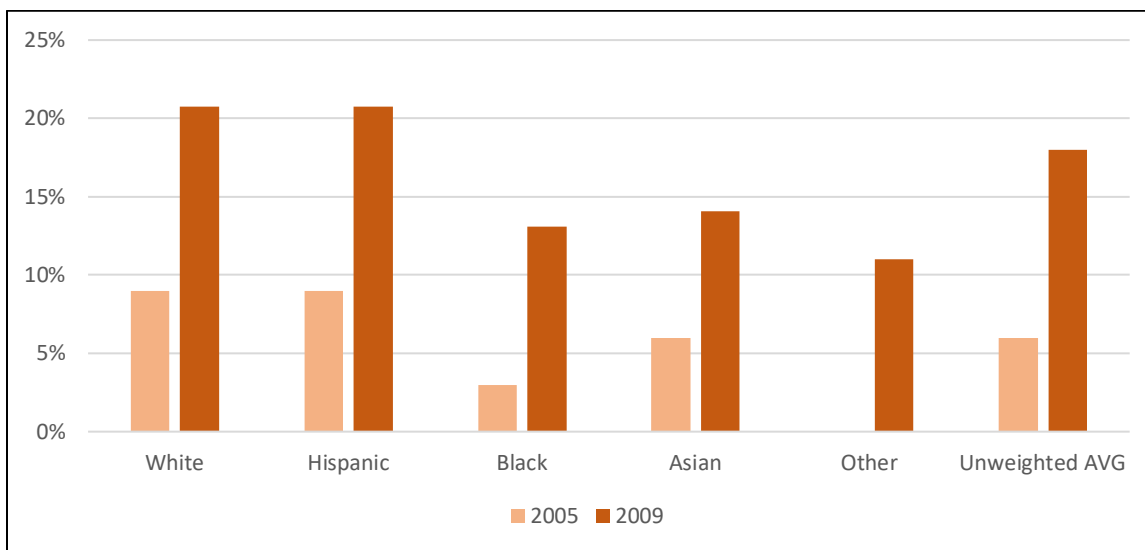


Source for Los Angeles: [Policing Los Angeles Under a Consent Decree: A Study of The Dynamics of Change at the LAPD](#), Harvard Kennedy School of Government, May 2009.

Note: 4 percent of respondents in Los Angeles replied: “don’t know.”

The comparison with Los Angeles at one moment in time may be less insightful than an analysis of how this appraisal of policing changes over time within the city. In Los Angeles, the proportion of respondents who thought the LAPD was doing an “excellent” job increased markedly between 2005 and 2009, from an average of 6 percent in 2005 to 18 percent in 2009. As figure 14 shows, this perception improved among all racial and ethnic groups, with the greatest proportional improvement among Blacks (from 3 to 13 percent).

Figure 14. Proportion of Respondents Saying the LAPD is doing an “excellent job,” 2005 vs 2009



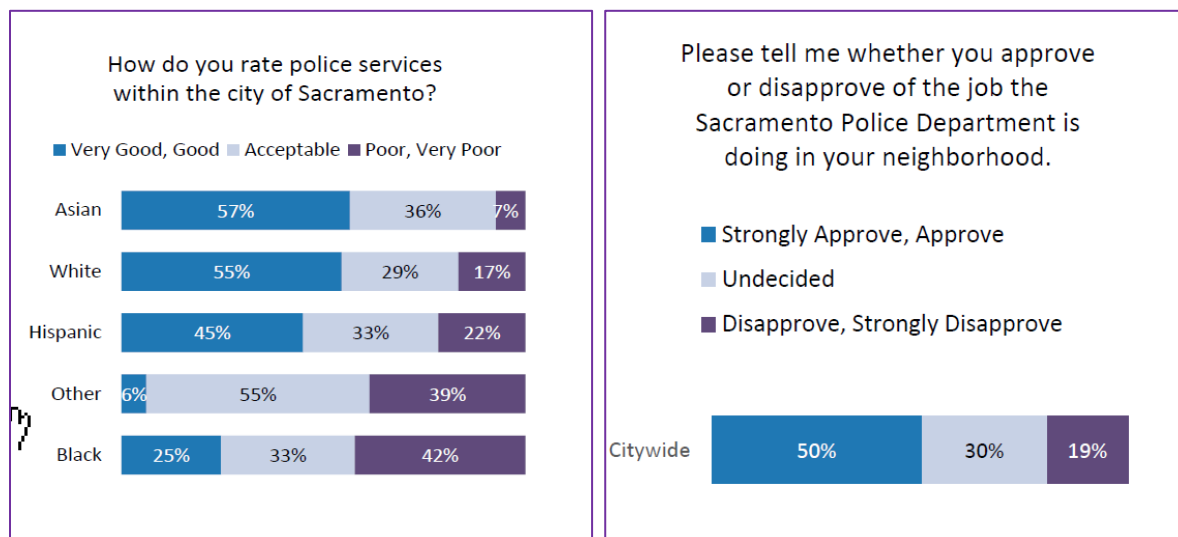
Source [Policing Los Angeles Under a Consent Decree: A Study of The Dynamics of Change at the LAPD](#)

Comparisons with Other Cities

Los Angeles is the only city with which we can make precise comparisons of responses to this question. This is because few surveys of public perceptions of the police pose the same question about residents' appraisals of policing, and many of them employ different scales to record the responses. Residents in different cities also may have different expectations of the police and use different intuitive criteria to appraise the quality of their work. There may also be different informal understandings of how to evaluate policing, and different political winds for residents to manage. In sum, while these contrasts can provide insights, we must be circumspect when making inferences from such comparisons.

Consider the example of Sacramento, whose city government commissioned a one-time survey in 2019 that asked residents to "rate police services" rather than the quality of the "job" they do. The survey in Sacramento also asked respondents whether they "approve" or "disapprove" of the police. In addition, as Figures 15 and 16 below, shows, the researchers who analyzed the results of the survey combined two responses that we consider important to distinguish – namely, strongly and moderately favorable responses. The merging of "very good" with "good" ratings of the police below means we cannot discern the intensity of positive or negative sentiment about the police in Sacramento, and thus cannot compare directly to the responses in Bakersfield. Nevertheless, the imperfect comparison yields two insights: First, there appears to be much greater variation in ratings of police services across racial and ethnic groups in Sacramento than in Bakersfield, with Blacks half as likely as Whites and Asians to rate police services favorably. Second, the proportion of mildly *and* severely negative ratings of the police is also greater in Sacramento than in Bakersfield, which suggests opinion is more polarized there.

Figures 15 and 16. Responses to Two Questions about Police Performance, Sacramento, 2019

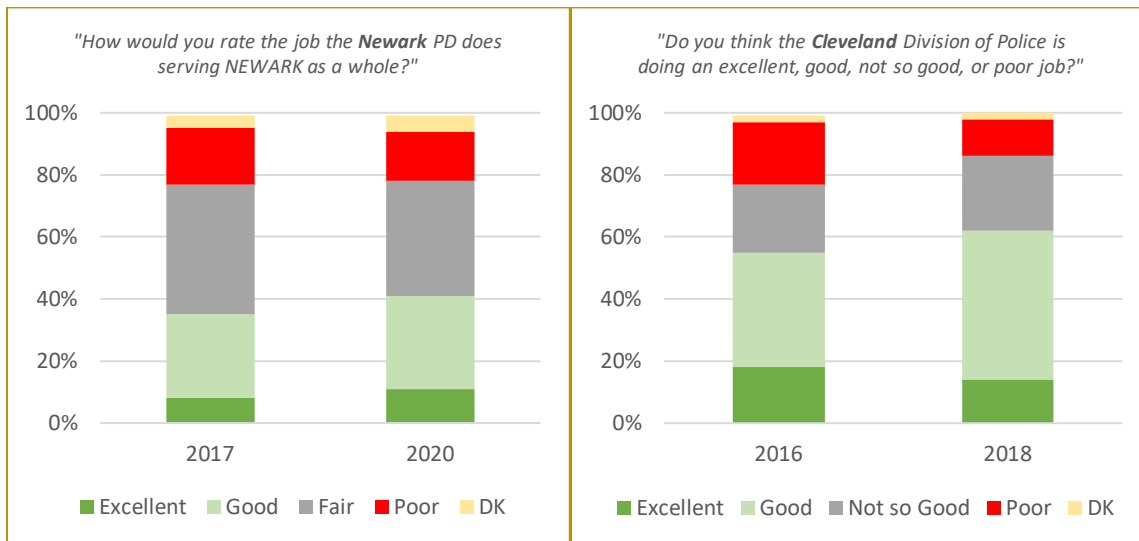


Source: Sid Martinez, Sacramento Community Survey, 2019: How Residents View the Sacramento Police Department, available [here](#).

Comparisons with cities whose police departments are operating under consent decrees are also inexact but can be illuminating and the basis for understanding change in residents' perceptions of the police in Bakersfield. First, perceptions of the performance of policing can improve and deteriorate over time. In Newark, as Figure 17 below shows, the proportion of residents with strongly favorable ratings of the job

the police do “serving” the city increased between 2017 and 2020, and the proportion of residents with strongly negative appraisals also contracted. In Cleveland, by contrast, as Figure 18 shows, the proportion with strongly favorable impressions declined from 18 to 14 percent in the first three years of the consent decree, although the proportion with intensely negative impressions shrank.

Figures 17 and 18. Ratings of Police Performance in Newark and Cleveland

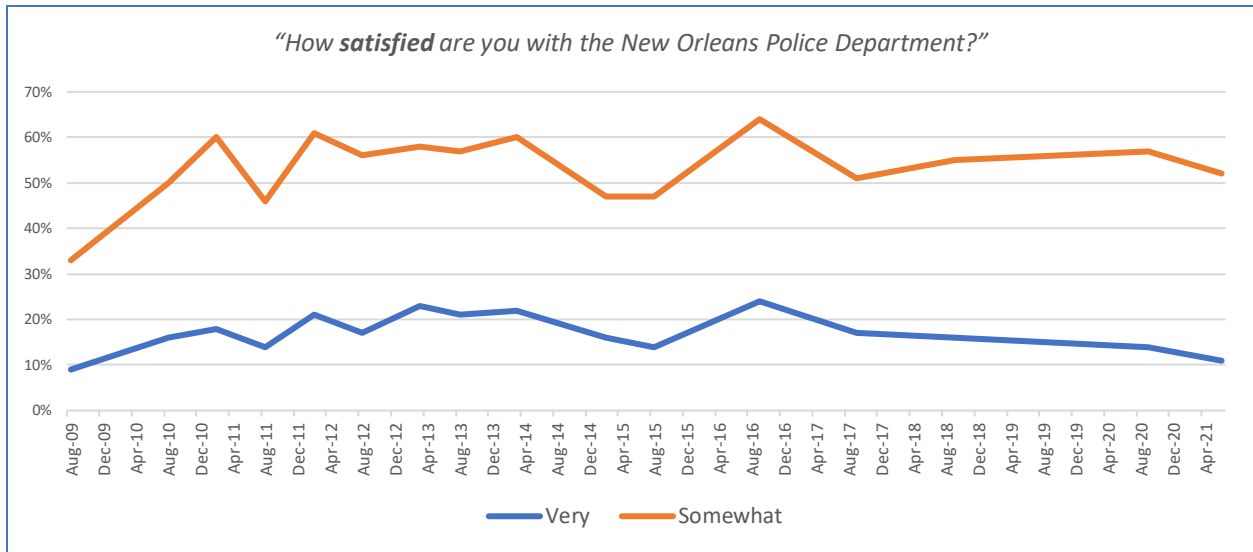


Continuous Improvement?

A latent belief in continuous improvement pervades most surveys about policing: that is, they appear to assume favorable ratings of local police services will improve over time in response to improvements in policing. They rarely investigate whether residents’ expectations of these same services might change (for instance, by growing more insistent and demanding or complacent and cynical), which would affect the way residents respond to the same question over time, regardless of experience. The results of surveys in New Orleans illustrate a few reasons to question that assumption.

New Orleans is the only city we know whose police Department is operating under a consent decree and has used a survey of residents’ perceptions of the police every year. For most of the 10 years of the decree, the city has administered a survey on a semi-annual basis, asking a batter of questions approximately every six months about residents’ “satisfaction” with a range of police services. As Figure 19 below shows, sharply favorable responses to a question about general satisfaction with the police increased almost continuously between 2009 and 2016, with the proportion of residents “very satisfied” with the police more than doubling in seven years. The proportion that was “somewhat satisfied” increased sharply in the first two years of the decree, oscillated briefly, before stabilizing for a few years and then declining between the end of 2013 and Summer of 2015, when favorable feeling about policing deteriorated in many cities across the US. Notice that intensely favorable views of the police then declined, while moderately favorable impressions remained relatively steady after 2016.

Figure 19. General Satisfaction with the Police Department in New Orleans



Source: [New Orleans Crime Coalition](#), survey findings

Section 4. Experiences of the Police

Much public opinion research shows that beliefs about policing are shaped and buffeted by factors other than direct experience. The experiences of friends and relatives as well as incidents that receive wide media attention have been shown to affect public perceptions of the police, with effects that are shown to be pronounced among members of minority groups. So do stories told by family and neighbors and the narratives in novelists and news. The circulation of such narratives are often referred to as “collective memory,” and it may influence how people perceive interactions and events. In fact, some scholars of public opinion believe that “beliefs suffuse perceptions” and thus that research on perceptions of things such as policing are determined primarily by matters other than first-hand experience.

Our survey did not investigate these other factors or their influence for residents, although we believe an understanding of memories and shared understandings of the police in Bakersfield would help guide the interpretation of these findings. The survey did ask, however, whether residents had any “direct contact” with the police in the preceding 12 months. It also asked about the type of contact with the police – whether it was involuntary or voluntary, whether it was on the street or in a car – and what effect, if any, such contact had on residents’ level of satisfaction with the encounter or their opinions about the BPD in general. The pattern of responses indicates that people’s experiences of the police during the encounter has an independent effect on perceptions of the police.

One quarter of all respondents in our survey reported having a recent “direct contact” with the police.⁷ There was little variation in the prevalence of contact across police zone, as the data in the table below

⁷ The proportion of survey respondents in other surveys reporting a recent contact with the police varies by city and over time. In New Orleans, for example, 25 percent of respondents in 2012 reported a recent contact with the police; in 2019 this figure was 44 percent, and in 2021 just 34 percent. In Cleveland in 2018, ten percent of respondents in the ALG community survey reported having been “arrested” in the preceding 12 months.

shows. There was also little variation in the type of contact residents experienced in each zone: roughly equal proportions of respondents in each zone reported having “requested assistance” as being stopped in a car or being stopped on the street. Ratings of the police among respondents who had a recent and direct contact with the police were also slightly more favorable than for those without any contact: between 23 and 24 percent of respondents that had any of these types of contact said they police were doing an “excellent job” overall, compared to 18 percent of all respondents, on average.

There was substantial variation in respondents’ impressions of police behavior during the contact, both by zone and by race/ethnicity, as well as their overall level of satisfaction with the encounter. Below, we address divergences in these impressions by zone first, recalling that residents in the North Police had equal rates of contact with the police as in Central and Hill police zones but were more than twice as likely to say the police were doing an excellent job.

Table 2. Rates of “Direct Contact” and “Excellent” Ratings of Police Performance

Survey Question	Central	Hill	Metro	North	South	Valley	DK or Refused	ALL
any "direct contact" with the police in last 12 months?	23.60%	23.9%	26.0%	23.1%	27.9%	30.2%	22.6%	25.2%
rating of the "job" done by the police (% "excellent")	16.5%	15.7%	12.3%	35.4%	20.2%	12.7%	16.9%	18.1%

Variation By Zone

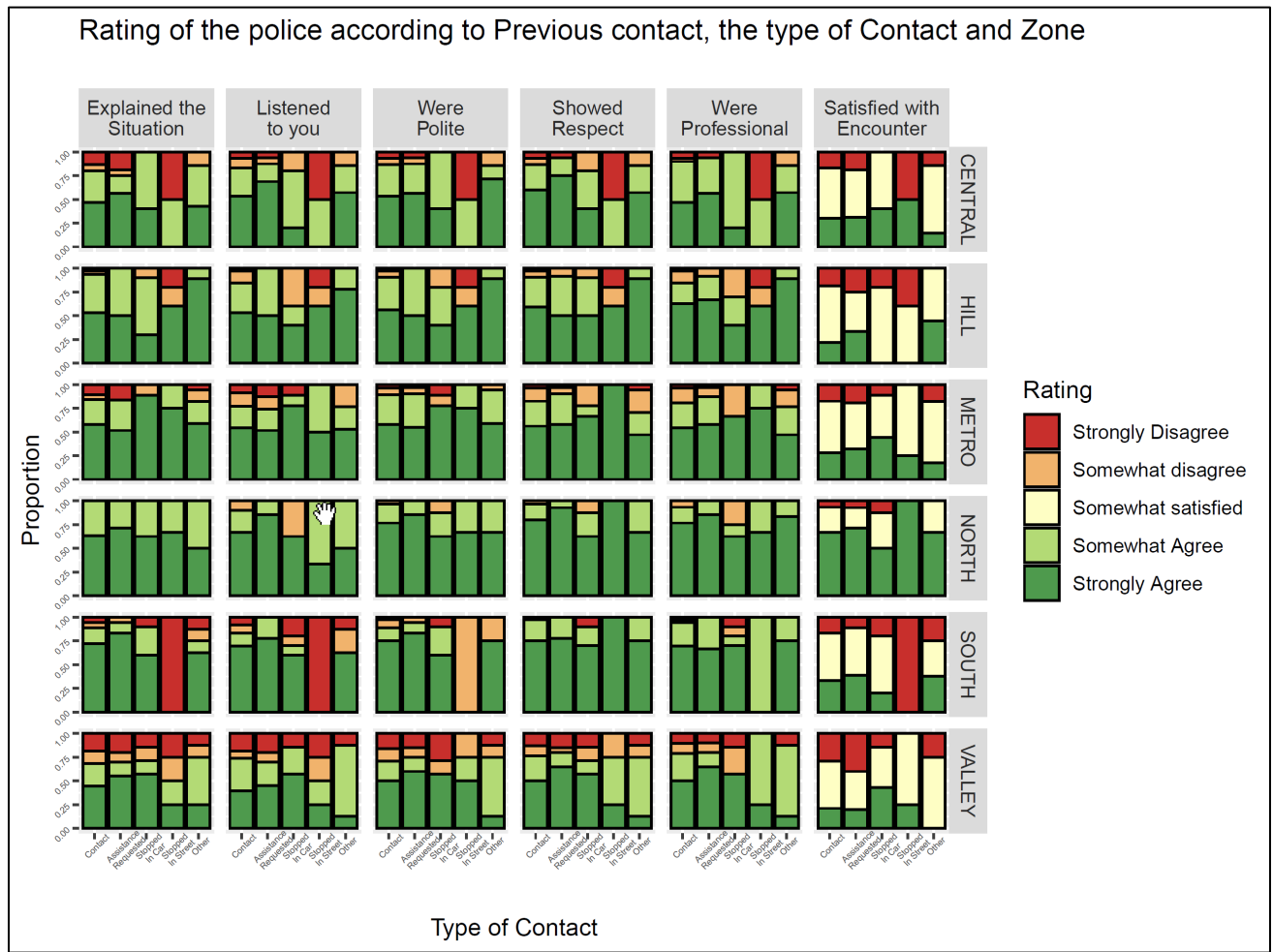
Favorable impressions of the encounters with the police were again strongest in the North Zone. No respondent from that zone in our survey reporting a direct contact with the police of any kind in the last 12 months strongly disagreed with the following statements: a) the police explained their actions to me; b) the police officer listened to what you had to say; c) the officers were polite in how they spoke to me; d) the officers treated me with respect; e) the officers were professional. However, a tiny fraction of respondents in the North Zone said they were, overall, “not satisfied” with the encounter, which indicates that respondents distinguished their impressions of the officers’ behavior during the encounter from their evaluation of the sum or outcome of the experience.

Note that we used three-point scale to calibrate residents’ overall level of satisfaction with this experience of the police, only asking if they were “very satisfied,” “somewhat satisfied,” or “not satisfied” with the encounter. For questions about the way officers behaved during the encounter, we used the five-point scale used in other surveys, asking whether they “strongly agreed” or “somewhat agreed” or whether they “somewhat disagreed” or “strongly disagreed” with statements about the demonstrations of respect and professionalism, for instance. The purpose of using a five-point scale for responses to these questions is to register the intensity of the feeling about the behavior of the officers as well as to test whether an overall impression of the police (are you satisfied?) is correlated with these aspects of police conduct.

In addition to the strongly favorable evaluation of encounters with the police in the North Zone, and the only slightly less favorable impressions in Metro Zone, Figure 20 below highlights two other important variations. First, the least favorable evaluations of police behavior were registered in the Valley Zone,

across most types of contact. Nearly a quarter of respondents strongly disagreed that the police explained the situation to them or listened to them during the encounter. Respondents in the South Zone, which generally recorded positive evaluations of their encounters with police, had even more negative evaluations of police conduct than residents in the Valley when they had been stopped on the street: all respondents in this zone strongly disagreed that the police explained the situation or listened to them.⁸ A large proportion of respondents in the Central Zone also recorded strongly unfavorable impressions of the encounter when they had been stopped in the street. This pattern of responses suggests that there might be more strain in relationships between police and residents during this type of encounter than when they are stopped in a car.⁹

Figure 20. Impressions of Police Behavior During Contact with the Police, by type and zone



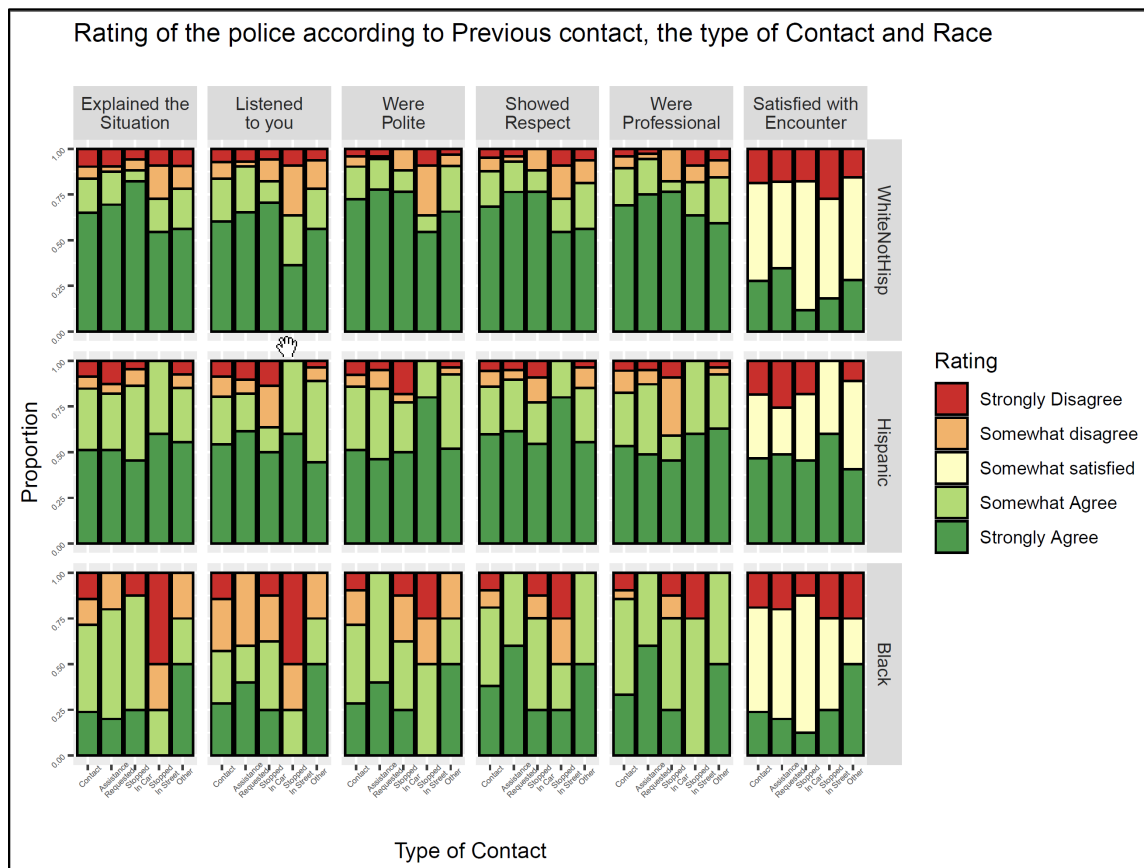
⁸ At the same time, respondents in this zone thought the police displayed respect and were professional when they had been stopped in the street. We have yet to identify the reason for this apparent incongruity.

⁹ One possibility, of course, is that the experience of being stopped on the street was the result of having been suspected of committing a crime rather than merely an infraction, although we have no evidence to appraise this likelihood. We can rule out, however, that residents' negative impressions were the result of general bias against the police since most respondents gave favorable evaluations of police conduct in other types of encounters.

Variation by Race/Ethnicity

Evaluations of encounters with police officers varied considerably by race and ethnicity. Less than one-quarter of Black respondents who had any type of contact with the police strongly agreed that officers “explained the situation” to them, compared to more than two-thirds of white residents. No Black respondents who said they had been stopped on the street strongly agreed the police “listened” to them, and more than half strongly disagreed with this statement. No Black residents who said they were stopped on the street thought the police “were polite,” compared to 50 percent of White respondents and 75 percent of Hispanic respondents. However, impressions of the degree to which police “showed respect” and “were professional” were more equal across all three groups, especially when residents had asked for assistance. One possibility is that residents care about and distinguish different aspects of the officer’s demeanor, and that being treated politely and with respect are not the same, and that these are different again from professionalism. And residents of different minority groups might experience different levels of politeness and listening in their interactions with the police, even if respect and professionalism are offered more equitably.

Figure 21. Evaluations of Police Behavior During Encounters, by Race/Ethnicity¹⁰



¹⁰ The small number of respondents in our survey who identified as Native American or Asian (29 and 26, respectively) combined with relatively low rates of contact with the police make it imprudent to calculate percentages for members of these groups.

Figure 21 also highlights a second striking variation in evaluations of the police across members of different racial and ethnic groups: Hispanic residents were less likely than White residents to record favorable evaluations of their *encounter* with the police, despite having the most favorable impressions of the overall *performance* of the police in Bakersfield (eg controlling crime, serving the community). That variation might be a matter of communication, since Hispanic residents more often strongly agreed that officers had demonstrated respect and professionalism during the encounter. Whatever the reason might be, the reversal of the order of these favorability ratings between Whites and Hispanics raises the possibility that for some groups impressions of the work of the police may be shaped by collective understandings more than personal experiences, and that based on these understandings a group's *expectations* of what the encounter with police may look like can vary considerably.

One way the BPD might investigate further the interaction between residents' group identity, location of their residence, and experience of the police is by analyzing these three dimensions together. Figure 22 below is a prototype of a grid that could facilitate such analysis in which we combined zone and race/ethnicity in evaluations of the police by type of contact. Notice also that it converts the percentages of respondents' answers to survey questions into scores on a scale of 1 to 100 (for instance, we treated a response of "strongly agreed" as a 4, "somewhat agreed" as a 3, and so on, and then multiplied each response by 25). That conversion might make it easier to use the pattern of responses as a performance evaluation tool.

Figure 21 shows that residents in the North Zone had more favorable experiences of the police than residents in all other zones across all aspects of a police officer's demeanor. It also shows that residents in the Valley Zone recorded the least favorable impressions of their encounters with the police, and that within that zone black respondents had far less favorable evaluations of the degree to which they had been listened to, treated politely, or had the situation explained by the officer than Hispanics or Whites. Notice also there was substantially greater disparity between racial and ethnic groups' impressions of the police in the Valley Zone than all other zones, and yet these disparities were reversed on one possibly cumulative aspect of the encounter – whether they were satisfied with the encounter overall.

Figure 21. Scores of Interactions with the BPD by Zone, Race/Ethnicity, and Officer Demeanor



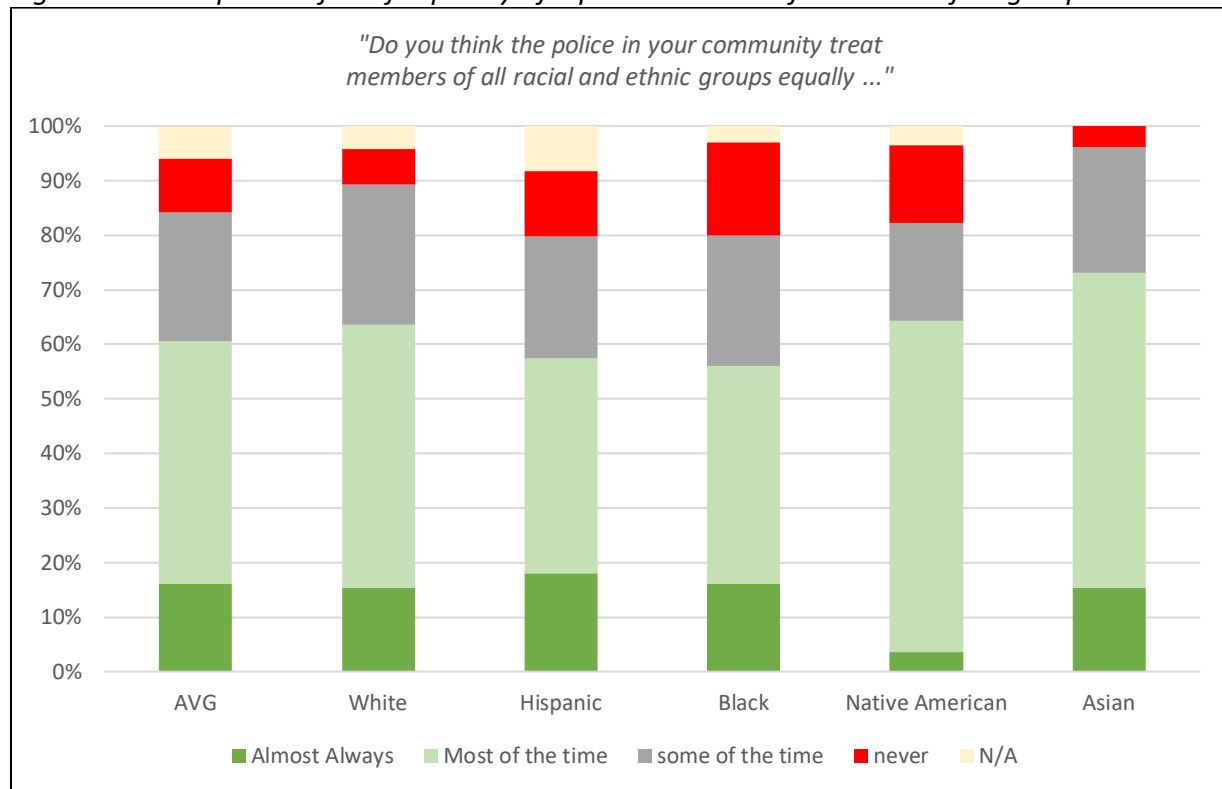
This grid facilitates closer attention to variation in residents’ appreciation of their treatment by the police during and encounter by zone and ethnicity. It could guide discrete evaluations of police performance by zone and concentrate efforts to improve experiences of the police on specific aspects of these encounters. Recall that Black residents in the Central Zone had comparatively low scores for being “listened to” by officers and sensing “respect” but not for other aspects of officer demeanor. Recall also that generalized or abstract questions about impressions of the police such as “are you satisfied” are more likely to produce more negative responses and less likely to yield an insight about the sources of people’s feelings than when they are accompanied and preceded by specific questions about aspects of these experiences.

SECTION 5. Beliefs about Policing

It is common now in cities where state or federal governments have intervened in the governance of local policing for surveys to inquire into resident’s perceptions of equality and integrity in the conduct of policing. Some of these surveys solicit detailed information about residents’ utilization of accountability mechanisms, such as whether they filed complaints after a dissatisfying experience of the police or noticed changes in the amount or type of “police presence” in their community, or how often they believe the police detain people for longer than necessary, and believe the consent decree is being faithfully implemented. Our survey only posed a few of these types of questions; we focused first on perceptions of equal treatment of members of all racial and ethnic groups.

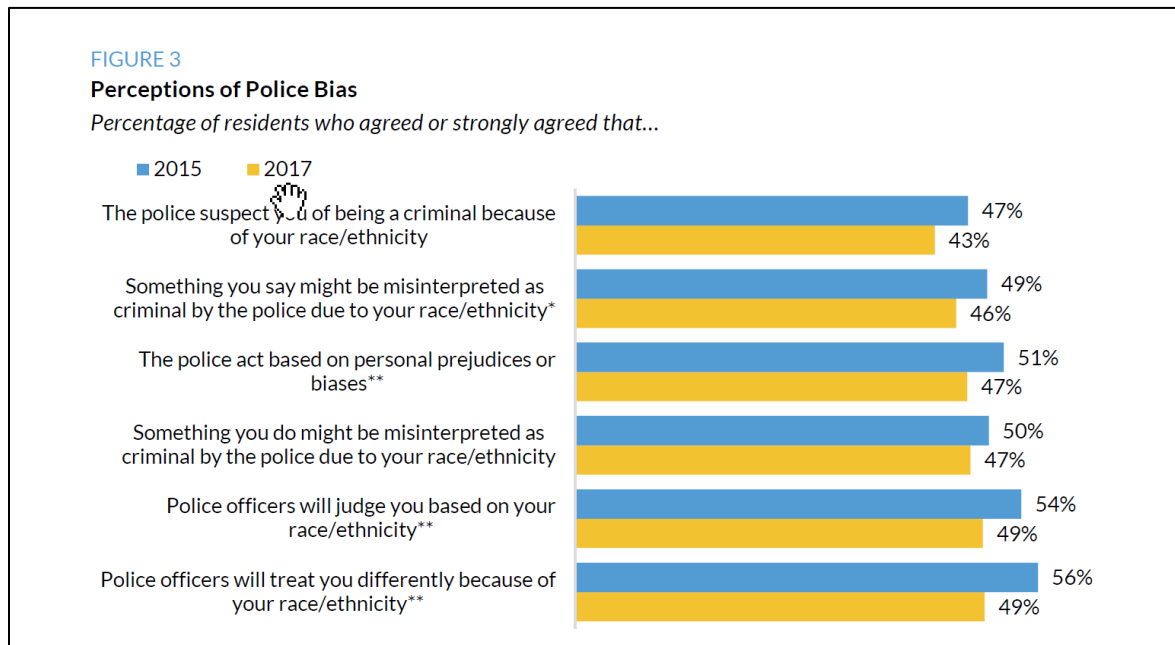
On average, 16 percent of respondents in Bakersfield said believe the police treat members of all racial and ethnic groups equally “almost always.” A slightly greater proportion of Hispanic, respondents have this impression (18 percent); only a tiny percentage of Native American residents hold that view. Negative impressions of the frequency of unequal treatment were also more common in response to this question than for any other question on the survey, and roughly equal proportions of minority respondents felt this way. For instance, twelve percent of Hispanic respondents, fourteen percent of Native American respondents and eighteen percent of Black respondents think the police *never* treat everyone equally.

Figure 22. Perceptions of the frequency of equal treatment of members of all groups



Comparisons between Bakersfield and other cities are fraught since the phrasing of the question about equal treatment differs, as do response scales. For instance, in Cleveland, surveyors asked residents how good of a “job” police were doing treating people equally. In Sacramento, surveyors asked residents “how confident” they were that officers were “treating people of all races equally.” In Stockton, as figure 24 below shows, researchers asked a panoply of questions about “bias” in policing. Moreover, they focused on the rate at which residents believed they would suffer rather than avoid discriminatory treatment by the police.

Figure 24. Perceptions of the likelihood of discriminatory treatment by the police in Stockton



Source: Urban Institute, Justice Policy Center, “[Views of the Police and Neighborhood Conditions: Evidence of Change in Six Counties Participating in the National Initiative for Building Community Trust and Justice](#),” 2019, p. 9.

Newark is the only other city in the United States for which we can precisely compare responses to the question about equal treatment in Bakersfield since the recurring survey in that city asks residents how often they believe the police treat everyone “equally, regardless of race and ethnicity.”¹¹ But a close comparison with the responses to a recent survey in Los Angeles is possible, too: researchers studying public sentiment in that city asked whether residents “strongly agree” that the LAPD treats all groups “equally.”¹² An additional but slightly less precise comparison can be made to the results of the PPIC survey in California, which asked residents how often they believe “the police in your community treat all racial and ethnic

¹¹ The main the reason we chose the language in the Newark survey is because of its recurring nature. Repeated over time, the survey in Bakersfield will enable the city and BPD to track change over time in a city undergoing analogous, if not exactly comparable, changes. A link to the results and instrument used in the most recent survey can be found [here](#).

¹² Researchers at Loyola Marymount University just this month released the results of their 2022 survey, which we have not yet incorporated into our analysis. See “Public Opinion About Policing in Los Angeles,” available [here](#).

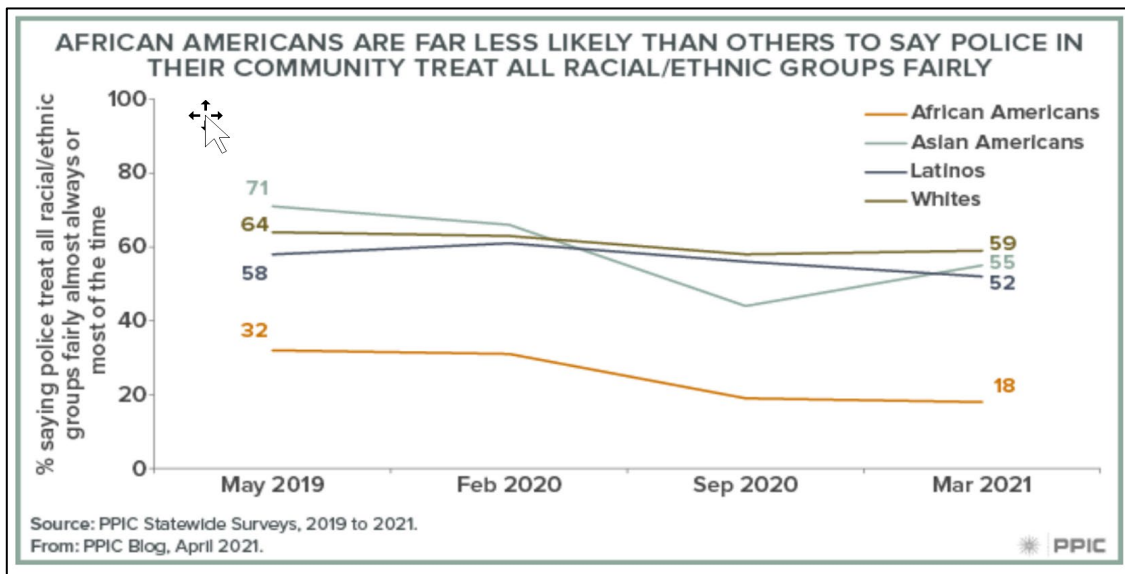
groups **fairly.**" If we disregard these lexical differences and analogize the minor variations in the response scales, then the responses in Bakersfield appear to be roughly equal to perceptions in Los Angeles but lower than the average for cities across California, where 25 percent of residents believe local police officers "almost always" treat members of all groups equally. In Newark, every fifth resident believed this was true in 2020. In Cleveland, by contrast, only 11 percent of respondents thought the police were doing an excellent job in this regard.¹³

Figure 23. Most Favorable Responses to Questions About Equal Treatment Across Group

Bakersfield (2022)	California (2021)	LAPD (2020)	Newark (2020)	Sacramento (2019)	Cleveland (2018)
"Do you think the police in your community treat members of all racial and ethnic groups equally...?"	Do you think the police in your community treat all racial and ethnic groups fairly...	"Do you agree or disagree that LAPD officers treat all racial and ethnic groups equally?"	Do you think Newark police officers treat all people equally regardless of race or ethnicity...	How confident are you that Sacramento Police officers treat people of all races equally?	Are the police doing a good job treating all racial and ethnic groups equally ...
ALMOST ALWAYS	ALMOST ALWAYS	STRONGLY AGREE	ALL THE TIME	VERY CONFIDENT	EXCELLENT
16%	25%	16%	20%	19%	11%

We have yet to carefully analyze the extent of disparity across racial and ethnic groups in Bakersfield in the degree to which residents hold these beliefs about the police. But an initial analysis makes it appear there is much less disparity across groups in beliefs about equal treatment by the police in Bakersfield than in California. Across all cities in California, 18 percent of African Americans believe the police treat all groups fairly "almost always" and/or "most of the time," compared to 52 percent of Latino respondents and 59 percent of Whites.

Figure 24. PPIC Research on Perceptions of Equal Treatment by the Police, California



¹³ In 2016, 20 percent of respondents in Cleveland said the police were doing an "excellent" job treating all people equally regardless of race or ethnicity. A report on the results of that survey can be accessed [here](#).

Perceptions of Integrity in Policing

Surveys used in cities with consent decrees typically ask four questions to gauge resident’s perceptions of integrity in policing: 1) whether officers stop people without good reason, 2) whether they use on the amount of force necessary to accomplish their tasks, 3) whether officers make untruthful statements, and 4) if officers are held accountable for misconduct.¹⁴

As figure 25 shows, residents in Los Angeles were nearly three times more likely than their counterparts in Bakersfield to believe that officers stop and search people without good reason. Residents in Newark were slightly less likely to believe this was true. Residents in Newark were also slightly less likely than those in Bakersfield to believe officers used force only when it was necessary, while residents in Los Angeles were slightly more likely to believe this was true. Differences in the responses to the other two questions about integrity were modest, too, although residents in Newark and Los Angeles believed that police officers make untruthful statements more than 10 percent of the time, compared to just 8 percent in Bakersfield. Residents in Newark had greater confidence in the accountability systems for police misconduct, perhaps because of the many years operating under a consent decree.

Figure 25. Four measures of perceived integrity in policing, three cities.¹⁵

Survey Q (% respondents who said "all the time")	Bakersfield (2022)	Los Angeles (2020)	Newark (2020)
"How often do police officers stop and search some people without good reason?"	13.7%	32.7%	12.4%
"How often do police officers only use the amount of force necessary to accomplish their tasks?"	17.0%	19.5%	14.0%
"How often do police officers make untruthful statements?"	7.6%	10.0%	11.6%
How often are police officers held accountable when misconduct occurs?"	15.7%	n/a	20.2%

Trust in Policing

Most researchers who study policing in North America claim that public “trust” in the police is one of the most important ingredients of the success of community policing in a democratic society. Ironically, few researchers routinely measure changes in levels of such trust; and those that do often instead measure “confidence,” treating trust as one of its derivatives.¹⁶ For

¹⁴ The surveys whose results are analyzed here posed these questions to all respondents, regardless of whether they had a recent encounter with the police. By contrast, the 2018 survey in Cleveland only asked these questions of respondents who reported having a recent contact with the police.

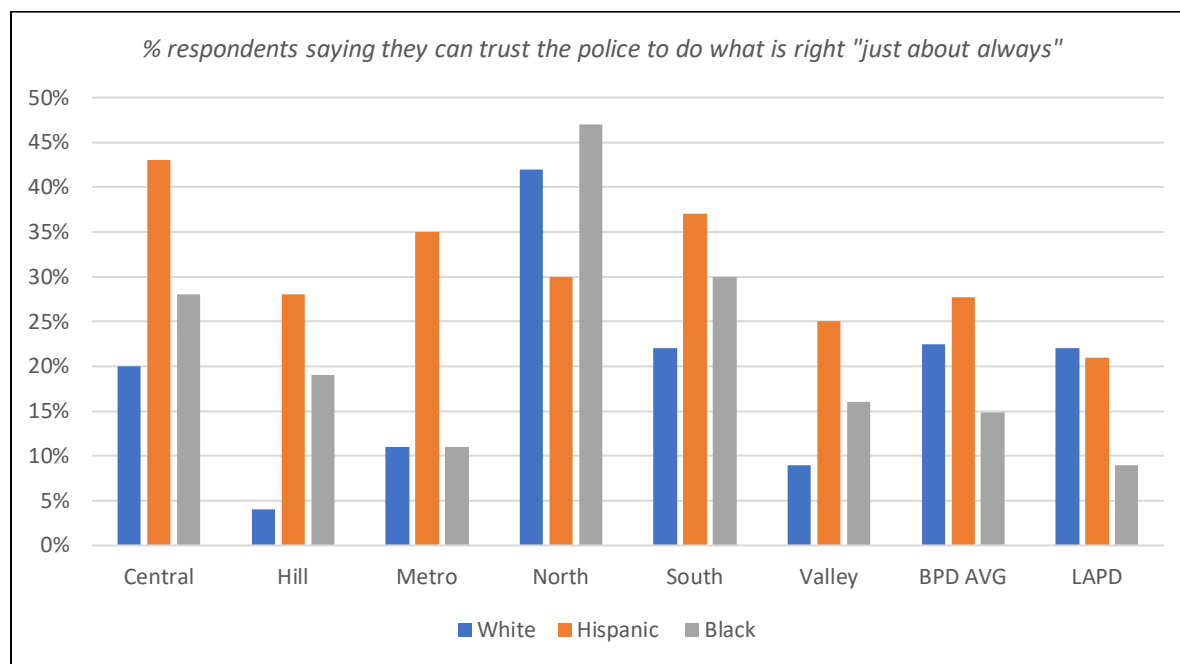
¹⁵ A reliable comparison with Sacramento is not possible because the survey in that city asked respondents whether they believe “the police stop *too many people on the street* without good reason.”

¹⁶ Most researchers insist that trust and confidence are profoundly different concepts, with trust widely understood as a *feeling* rooted in individual experience and relationships while confidence is considered a *belief*.

instance, Gallup’s recurring public opinion poll asks about residents’ “confidence” in local police, not their trust in the police.¹⁷ ELUCD, a public opinion firm that provides survey research to the Chicago and San Diego police departments, among others, publishes a monthly measure of such “trust” yet uses responses to two statements that are only obliquely related to that concept, including: “the police in my neighborhood treat local residents with *respect*” and “the police in my neighborhood *listen* to and take into account the concerns of local residents.”¹⁸

Our survey used the only direct question about trust we could find, which appears in a recurring survey designed by researchers at Loyola Marymount University’s Center for the Study of Los Angeles. Figure 26 below shows that, on average, nearly a quarter of all respondents said they trust the Bakersfield Police Department to do what is right “just about always.” Hispanic respondents expressed stronger levels of such trust than White residents, and almost twice much trust as Black respondents. More striking is the variation across police zone, as we mentioned in Section 1 of this report, and especially the variation across race/ethnicity within zones. Fewer than 4 percent of White residents in Hill police zone said they can just about always trust the police to do what is right, compared to 26 percent of Hispanic residents in that zone, and 42 percent of white residents in the North zone. Hispanic and Black residents in Los Angeles expressed lower levels of trust in the LAPD in 2020.

Figure 26. Trust in the Police in Bakersfield and Los Angeles, by race/ethnicity of respondents



Nevertheless, leading scholars in the United Kingdom claim that “overall, confidence in police is a product of judgments made about its *trustworthiness*.” See Jackson, J. and Bradford, B. (2010) ‘What is Trust and Confidence in the Police?’, *Policing: A Journal of Policy and Practice* 4(3), 241-248

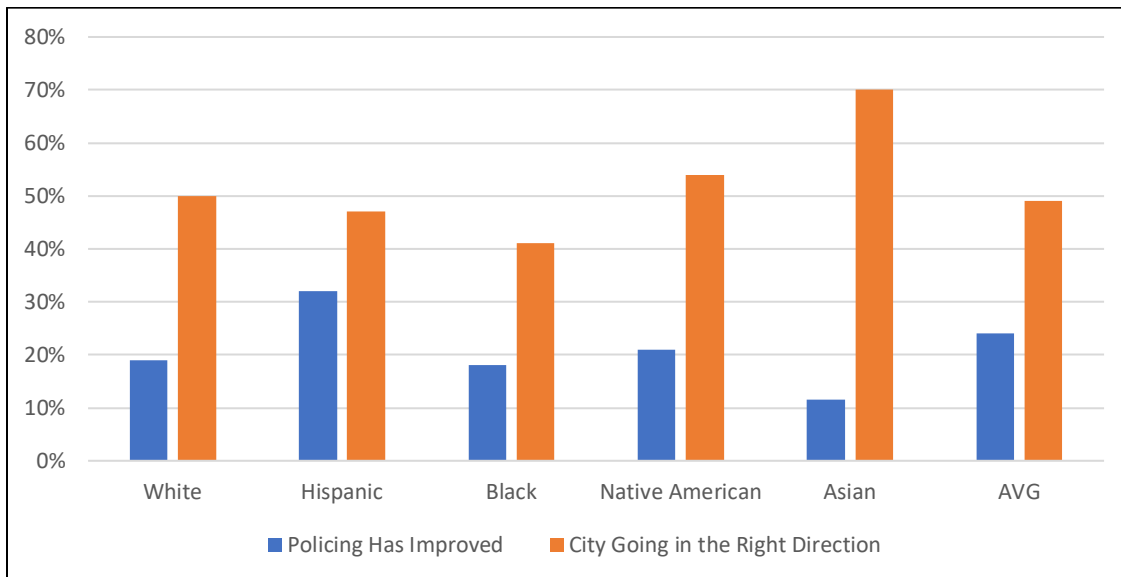
¹⁷ See, for example, <https://news.gallup.com/poll/352304/black-confidence-police-recovers-2020-low.aspx>

¹⁸ An illustration of the scores and questions for Trust and Safety in Chicago can be found [here](#).

Section 6. The Future of Policing in Bakersfield

Nearly a quarter of all residents believe policing in Bakersfield improved over the last few years and nearly half believe the city is headed in the right direction, suggesting there is hope and confidence about the future.¹⁹ As Figure 27 shows, 24 percent of respondents thought the BPD is doing a better job than it was three years ago. Hispanics were substantially more likely than others to believe this, with 32 percent of respondents in this group saying policing had improved over the last three years. Asian respondents (of which there only were 25 in our sample) were more circumspect; 11 percent thought it was getting better and 8 percent thought it was getting worse. An even greater percentage of respondents believe the city is going in the right direction, with little variation in that outlook by race or ethnicity, although Asian respondents were considerably more optimistic than all others.

Figure 27. Perceptions about the Past and the Future

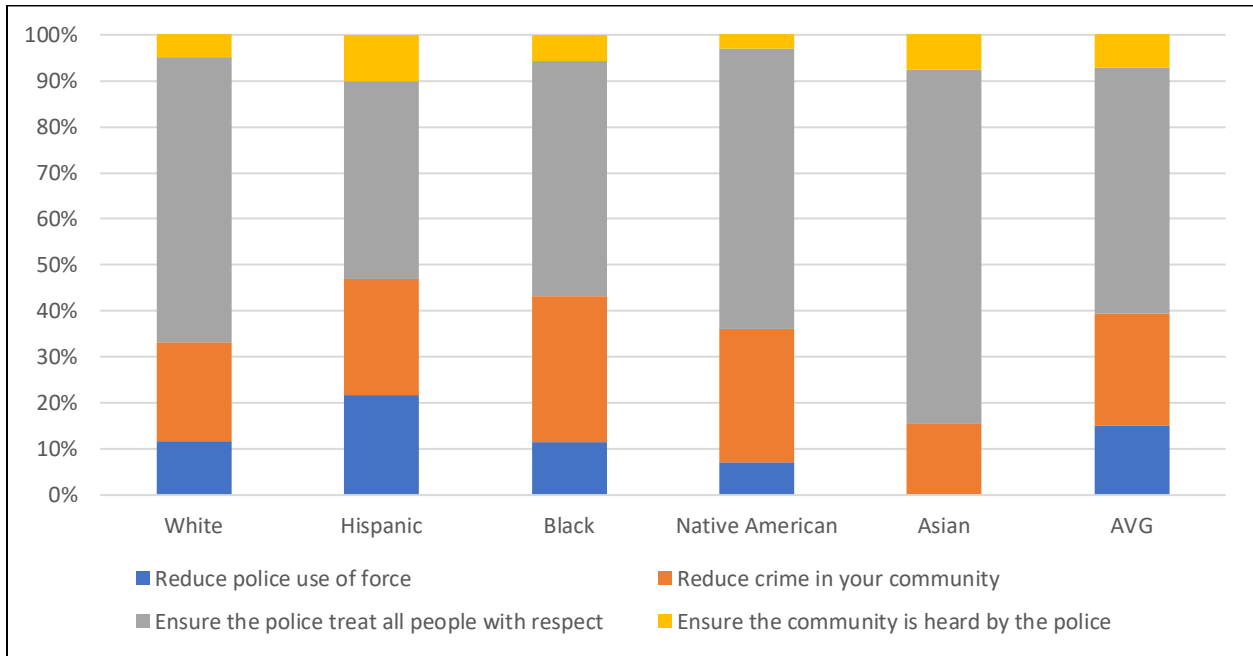


Priorities for Policing

Most residents selected “respect” when asked to select their top priority among four options – reducing the use of force, reducing crime in their community, ensuring that all people are treated with respect by the police, and ensuring that the community is heard by the police. Respect mattered more to some. Two thirds of White respondents and nearly the same proportion of Native Americans selected this response, compared to fifty percent of Black residents and only 43 percent of Hispanics. A third of Black respondents said that reducing police use of force was the top priority, as did a quarter of all Hispanics.

¹⁹ We have yet to analyze responses to the penultimate question on the survey: “how much do you expect that over the next three years the police department will get better?”

Figure 28. Priorities for the Future of Policing



Research on hopes for the future in other domains suggests that people’s priorities for the future are highly conditioned by their present context. But we find it striking that there appears to be remarkable convergence in these findings across groups. It may be that the reasons for these choices may vary – members of different groups may have different experiences that can all converge on ensuring “respect.” The emphasis on respect and crime reduction also resonates with what we have identified in other US cities, where many residents say that the two may coincide, with greater respect itself allowing for enhanced cooperation between residents and the police.

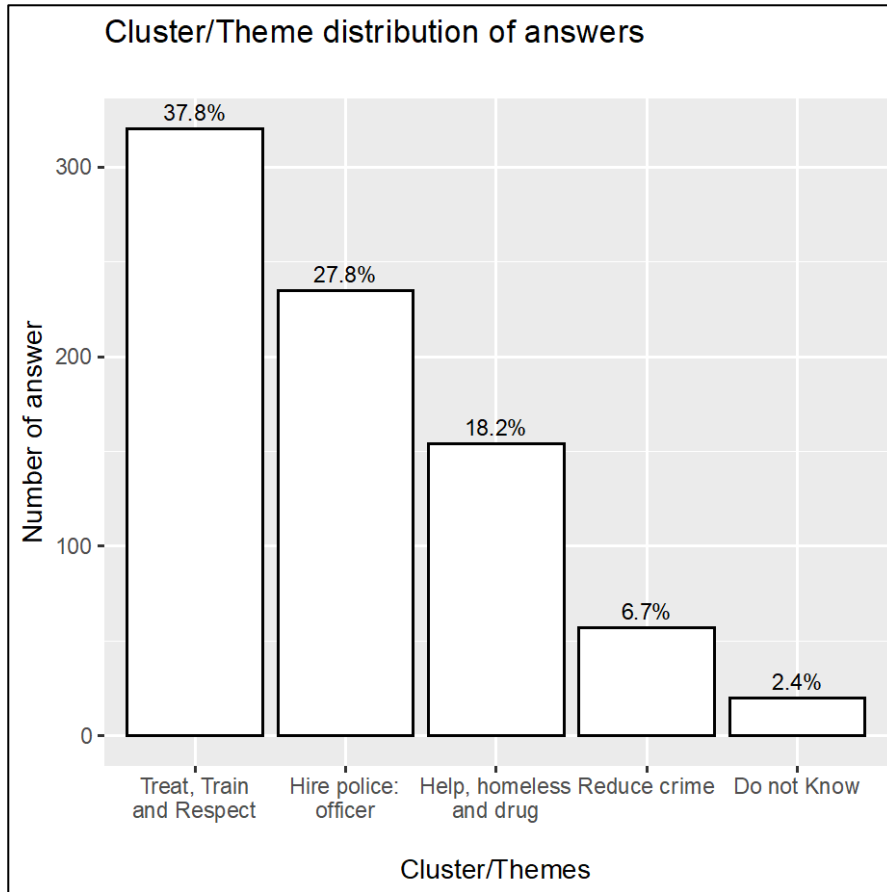
If you were the Chief of Police?

The final question on the survey was open-ended. It asked respondents: “If you were chief of police, what’s the first thing you would do?” The purpose of this question was not to solicit actionable advice for the BPD but rather to learn whether the priorities that residents expressed in this way differed from those they registered in close-ended questions with fixed response scales, such as “which of the following objectives should be the highest priority for the city of Bakersfield?”

We converted the resulting statements into a data base and analyzed the relationships between the 100 most invoked words - those that appeared at least 6 times. We clustered the responses into five groups according to the frequency with which they appeared together using a statistical method called “Ascending Hierarchical Classification (AHC) on a Factorial Correspondence Analysis (FCA).” For example, the words “treat,” “train” and “respect” were mentioned most often together, indicating the existence of a common theme. The words

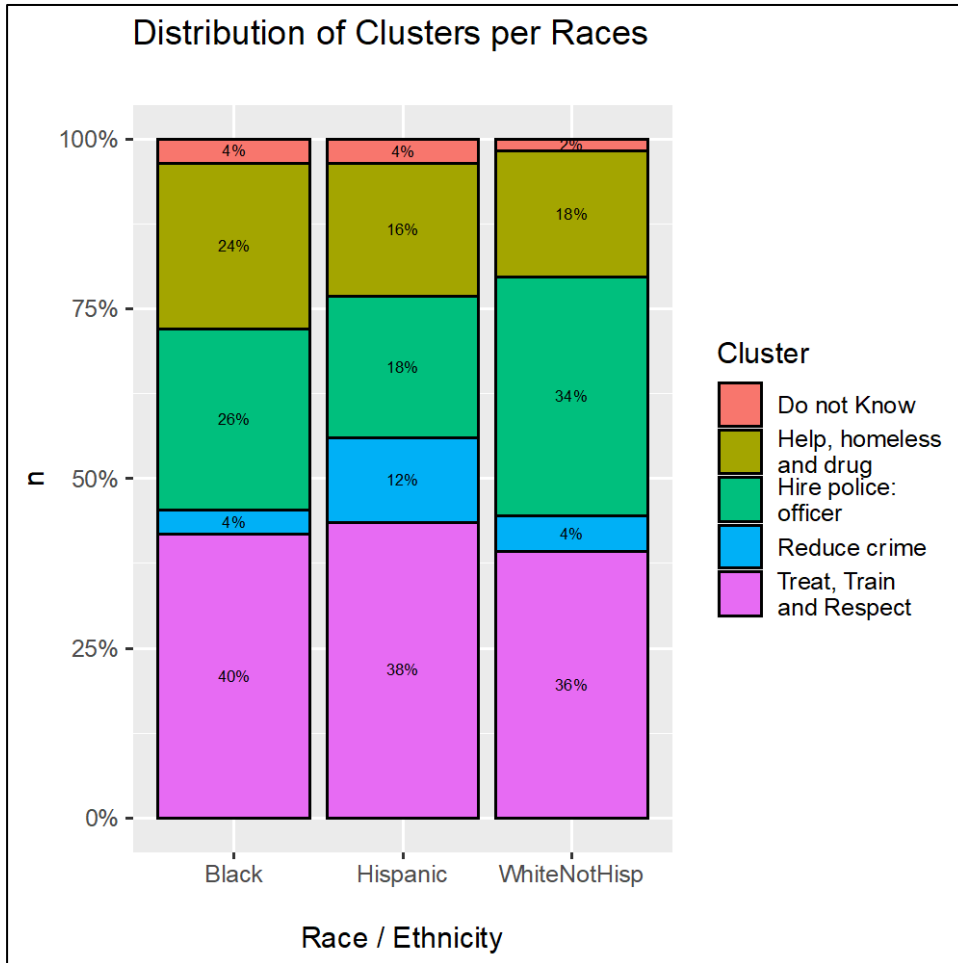
“help,” “homeless,” and “drug” tended to occur together, too, but rarely in relation to the words in the lexical chain relating to “respect,” and rarely in relation to the words in two separate and shorter lexical chains, “reduce crime” and “hire officers.”

Figure 29. Clustered Distribution of Responses to “What would you do as Chief of Police?”



There was modest but interesting variation by the race or ethnicity of the respondent across these clusters. For example, there was almost no significant difference in the racial/ethnic composition of respondents who mentioned the words “treat,” “train,” and “respect.” Whites, Blacks, Hispanics, Native Americans, Asians, and others were equally likely to mention these words. However, 34 percent of the White respondents said they would hire more officers compared to 26 percent of Blacks and 18 percent of Hispanics. On the other hand, a greater percentage of Hispanics (12%) than Blacks (4%) or Whites (4%) said they would try to “reduce crime.” In other words, Hispanics expressed the objective of reducing crime but did not link it to hiring additional or new police officers. Also, 24 percent of the Blacks in the sample mentioned help, homelessness, and drugs as problems that they would try to resolve if they were chief of police, compared to 18 percent of the whites and 16 percent of the Hispanics. Blacks also were the only group to specifically use the word “listen” in their responses, suggesting that this trait of a chief was a distinct priority for this group.

Figure 30. Distribution of Clustered Response Themes, by Race and Ethnicity



We hesitate to infer too much from these responses, especially since they occur at the end of a twenty-minute survey. Several people responded by saying “I don’t know,” and despite encouragement from the interviewers some of these respondents reiterated this answer. The amount of time for reflecting upon and synthesizing their own responses to previous questions and then concentrating them into a specific proposal for a public official may have been insufficient. Moreover, “hiring officers” and “reducing crime” may be the most easily conceived actions of an imaginary police chief. Nevertheless, the pattern of responses we’ve sketched here is suggestive of the potential of asking residents what they would like to see in policing without prejudicing their responses by proposing fixed answers. The most common priority appears to be an expression of care for the community, of treating people with respect and hiring and training more officers to do so.

The complexity of interpreting responses to this question convinces us of the need for further interviews with officers as well as residents who have more frequent, possibly recurring, and involuntary encounters with the police. The importance of the theme (treat, train, and respect) (38%) demonstrates an engagement with issues about policing and an interest in improving the

activity of the BPD rather than alienation and anomie, which is a conclusion drawn about the relationship between the public and the police in other cities. We will pursue these questions in interviews and focus groups with officers and arrested detainees.

Section V. CONCLUSION

Despite abundant debate about how public sentiment about policing has changed in the United States over the last decade, there's a scarcity of data about how local residents think and feel about policing in specific cities and neighborhoods. Much of the public opinion research is national in outlook, despite what most mayors, police officers and residents know, which is that policing is a radically local practice.²⁰ Our analysis of the results of the survey of residents' experiences and perceptions of the police in Bakersfield finds generally positive impressions of the police across racial and ethnic groups alongside considerable variation in such sentiment by police zone and, within certain types of encounters, by race and ethnicity. It also found a divergence between generally favorable impressions of police performance, on the one hand, and concerns about the degree to which police officers stop residents without good reason, use force sparingly, make untruthful statements, and are held accountable for misconduct.

The process of drawing inferences from these findings and assigning meaning to them within the organization of policing could be organized in different ways. In some cities, the results of surveys are discussed once in a public meeting or hearing; in others, they are used repeatedly over time by crime analysts, academic researchers, and community organizations. Whatever process is used in Bakersfield for the further use of these findings, we recommend close consideration of four questions that might guide their interpretation:

First, is it more important to focus on reducing negative sentiment about the police, and its unequal distribution, or further increasing the amount of positive feeling?

Second, is the intensity of public sentiment about police, whether it is positive or negative, a better measure of opinion than the overall amount of favorable or negative sentiment? In other words, is the cumulative amount of fervent and moderate approval of an aspect of policing a better indicator of changes in the public's appreciation of policing, or is the intensity of such sentiment a more reliable guide?

Third, is the continuity and sustainability of improvements over time the right objective in policing, or is it more important to maintain consistency and prevent deterioration in favorable sentiment over time as residents' expectations and experiences of the police evolve?

²⁰ Most national public opinion research measures the abstract "confidence" in the police regardless of changes in the behavior of police, such as increases or decreases in stops and arrests, which vary over time and in response to changes in public safety, and without much regard to change in residents' behavior, such as their use of police services to resolve problems. See, for example, Gallup's annual polling asking about residents' "confidence" in institutions, such as the military, legislature, police, banks, and schools.

<https://news.gallup.com/poll/394283/confidence-institutions-down-average-new-low.aspx>

Fourth, what is the standard for evaluating whether favorable impressions of the police are satisfactory, and whether negative evaluations require attention? Is the standard of evaluation the character of sentiment about the police in another jurisdiction – whether it is a peer or neighboring city or the state as a whole -- or is it change over time within Bakersfield? In other words, what unit of comparison will guide the evaluation of the results of the survey?

One approach to comparison over time within Bakersfield is to contrast perceptions by assembling a panel of different types of respondents stratified by their experiences. For instance, the BPD could compare perceptions of the police among three groups with different types of contact with the police: 1) individuals who called the police for assistance, either as victims or witnesses of a crime, whose views are captured by Spydertech surveys; 2) individuals who had either a voluntary or involuntary contact with the police and participated in the community survey; and 3) individuals who were arrested by the BPD, booked into the detention facility, and agreed to be interviewed about their experiences and perceptions of the BPD. A framework for comparison of the kind below could be assembled after the completion of interviews with arrested detainees. It could be supplemented later by adding the results of a survey of officers.

Figure 31. Possible Framework for Comparing Perceptions of Police-Citizen Encounters

Comparing Sources of Insight into Public Perceptions of the Police					
Aspect of Policing	Source				
	Spydertech		Community Survey		Detainee Survey
	Victims	Witnesses/ Neighbors	Voluntary	Involuntary	Involuntary
Form of Contact with Police					
% Satisfied With Experience of the Police					
% who would "call for assistance" in the future					
Other Feedback					

Appendix 1. Survey Methodology and Sample

We designed a survey instrument with 40 closed and 4 open-ended questions that was administered to 1000 residents of Bakersfield in the summer of 2022. 500 residents were contacted by phone using listed mobile phones, and 500 residents were interviewed on the street by researchers employed by the survey firm, ISA Corp, who recruited participants at malls and bus stops in areas throughout the city.²¹ The resulting sample is broadly representative of this likelihood and diverges marginally from the composition of the population estimates in the US Census.

Figure 1.1. 2022 Community Survey Demographics

2022 Bakersfield Census and sample distribution of the population

		U.S. 2021 Census	Sample Demographics
Sexe :			
	Male	49,4 %	51,4 %
	Female	50,6 %	48,5 %
Race and Hispanic Origine :			
	White alone	61,1 %	58,1 %
	Black or African American	7,4 %	10,1 %
	American Indian	0,8 %	3,5 %
	Asian	7,4 %	3,8 %
	Two or More Races	8,9 %	0,3 %
	Hispanic or Latino	51,1 %	41,2 %
	White alone, not Hispanic	31,4 %	41,9 %

We did not assign quotas for race and ethnicity; instead, we sought to match the distribution of the likelihood of respondents having experienced a recent contact with the police by zone, which varies considerably as indicated by the distribution of calls for service, stops, arrests, and use of force incidents that is highlighted in the table below along with the variation in the top response to some of the key questions on the survey.

²¹ The ongoing surveys of residents in Newark and Baltimore also use a bifurcated model for recruiting participants in the community surveys administered as part of consent decrees in those cities.

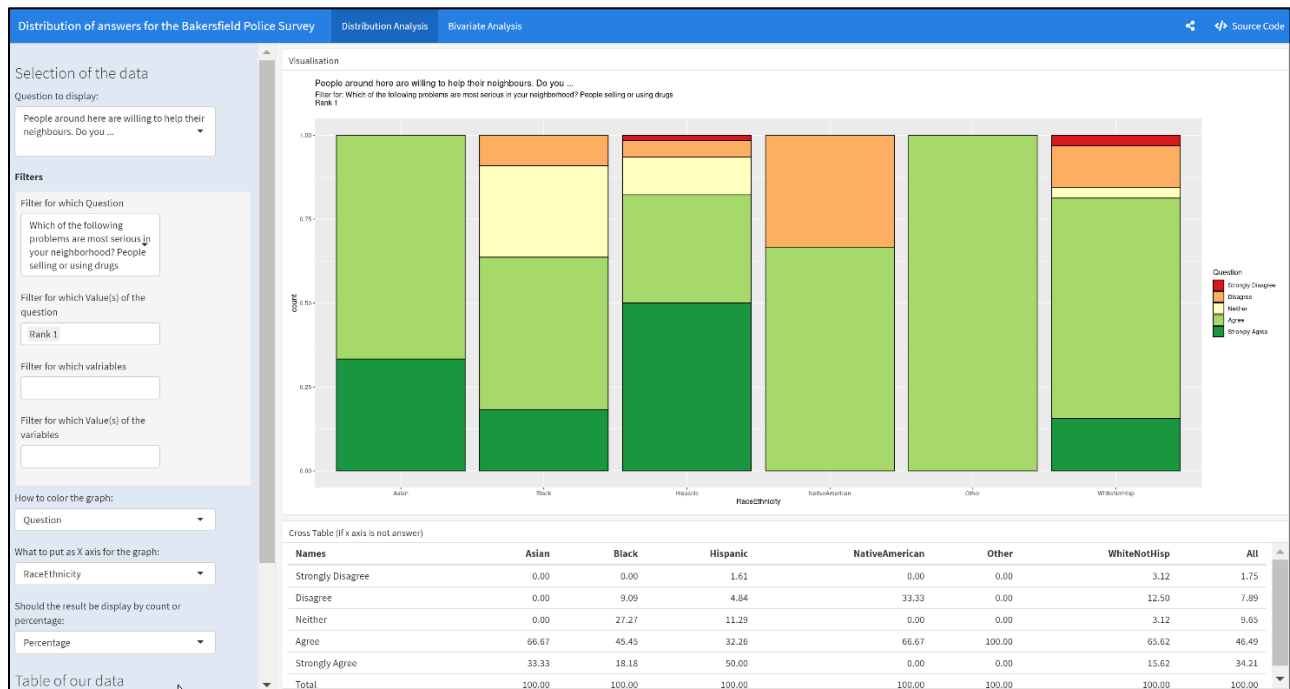
Figure 1.1. Top Responses to Select Questions, by Police Zone

Responses to Select Questions About the Police in Bakersfield CA, Munk School and ISA Corp Survey									
Strongest Response	Survey Question	Central	Hill	Metro	North	South	Valley	DK/Refused	ALL
% "strongly agree"	willing to help neighbors?	35.4%	12.7%	12.3%	44.6%	28.7%	24.6%	34.7%	26.3%
% "strongly agree"	would intervene?	30.7%	15.7%	10.5%	36.9%	30.2%	19.1%	21.0%	22.5%
% "excellent"	Rating of neighborhood as place to live	26.8%	9.0%	4.0%	35.4%	33.3%	10.3%	26.4%	21.1%
% "very safe"	Safe at night walking around	17.3%	8.2%	12.3%	35.4%	36.4%	12.7%	29.0%	21.2%
"safer"	feel safer than 3 years ago?	18.9%	12.7%	14.2%	27.7%	13.2%	14.3%	25.8%	17.7%
% "big problem"	crime as a problem	18.1%	18.7%	23.3%	10.8%	11.6%	18.3%	21.8%	17.8%
% "very much"	worried about becoming a victim	12.6%	13.4%	10.5%	13.1%	7.8%	11.1%	13.7%	11.5%
% "always"	can trust the police to do what's right?	26.0%	16.4%	15.1%	37.0%	28.7%	18.3%	n/a	23.1%
% "all the time"	police treat everyone equally?	18.1%	7.5%	10.1%	26.9%	27.9%	8.7%	16.1%	16.0%
% "very positive"	relationship with the police?	27.6%	16.4%	16.4%	44.6%	37.2%	17.5%	39.5%	27.7%
"a lot"	how much respect do you have for the police?	40.2%	30.6%	27.4%	56.2%	61.2%	31.8%	59.7%	42.5%
"a lot"	how much respect do they have for you?	35.4%	23.1%	26.0%	46.2%	50.4%	26.7%	45.2%	35.4%
"very likely"	would you ask for help?	40.9%	34.3%	24.2%	55.4%	52.7%	34.9%	55.6%	41.2%
"very likely"	would you provide information if you witnessed a crime?	46.5%	35.8%	28.8%	60.8%	62.8%	34.1%	59.7%	45.5%
% "excellent"	rating of police "job" (in general)	16.5%	15.7%	12.3%	35.4%	20.2%	12.7%	16.9%	18.1%
% "excellent"	rating of police (serving neighborhood)	21.3%	14.2%	10.1%	28.5%	25.6%	10.3%	21.0%	18.0%
% "excellent"	rating of police (controlling crime)	18.9%	11.2%	10.1%	28.5%	20.2%	7.9%	21.0%	16.2%
% "better"	is the BPD doing a better job than 3 yrs ago?	32.3%	17.9%	21.5%	30.0%	17.8%	23.8%	25.0%	23.8%
% "any"	direct contact with the police in last 12 months?	23.60%	23.9%	26.0%	23.1%	27.9%	30.2%	22.6%	25.2%
% of all, last 3 years	CFS (Call for Service)	19.0%	17.0%	26.0%	9.0%	11.0%	15.0%	BPD info	
% of all, last 3 years	Arrests	17.7%	16.4%	32.7%	6.0%	6.3%	14.6%		
% of all, last 3 years	Use of Force Incidents	14.0%	19.0%	32.0%	6.0%	8.0%	17.0%		
"better"	is the BPD doing a better or worse job than 3 yrs ago?	32.3%	17.9%	21.5%	30.0%	17.8%	23.8%	25.0%	23.8%
"right direction"	are things going in the right direction?	52%	36.60%	52.10%	55.40%	50.40%	53.20%	13.70%	48.20%
"excellent"	how would you rate the city as a place to live	21.30%	10.50%	7.30%	30.80%	22.50%	5.60%	16.90%	15.60%

Appendix 2. Application for Analyzing the Survey Results

To make it easy for the BPD to use findings from the survey for its own purposes, we created a web-based application for the visualization of results. As the screen shot of this app below illustrates, users can select the question in the survey that interests them most using a drop-down menu in the upper left-hand corner of the screen. There are filters for the police zone in which residents said they lived and their racial or ethnic identity as well as their responses to other questions in the survey: users can therefore investigate whether and by how much responses to one question are correlated with responses to another or the demographic composition in the city. For instance, one can examine whether respondents who reported having a contact with the police in the last twelve months had higher or lower ratings of the overall performance of the police, or whether Hispanic residents who registered high degrees of social solidarity in their neighborhood were also likely to prioritize reductions in crime or police use of force for the future of policing. One can also appraise whether residents who prioritized improvements in safety in “parks” in their neighborhood, or who said it was more important to reduce crime in the city than ensure everyone is respected by the police, had higher or lower than average senses of personal safety and/or fear of becoming a victim of crime. The tool automatically calculates the quantitative results.

Figure 2.1. Screen shot of the Data Visualization Tool



APPENDIX 3. Munk School Survey Instrument, Bakersfield

I. Introduction

Hello, my name is _____. I'm calling residents of Bakersfield on behalf of the City Monitor, which wants to hear from community members like you about the police department. Your input will help the Monitor determine whether policing is being improved in the city. All your answers will be confidential. The survey will take just a few minutes. May I continue?

Screening questions

First, because we need to speak to people of different ages and backgrounds, I would like to know something about *you*:

SQ1. Do you currently reside in Bakersfield? ____ Yes ____ No (if "no," terminate interview).

SQ2. In what year were you born? _____ (NB: If after 2004, terminate interview).

SQ3. How long have you lived in *Bakersfield*?

- Less than a year
- 1-5 years
- 5-10 years
- > 10 years

SQ4. How long have you lived in *the neighborhood* where you currently reside?

- Less than a year
- 1-5 years
- 5-10 years
- > 10 years

SQ5. What is the zip code of the neighborhood you live in? _____

SQ6. Do you consider yourself ...

- Male
- Female
- Non-Binary
- Transgender

SQ7. Are you of Latino or Hispanic origin?

- Yes
- No

SQ8. Which of the following groups best represents your race/ethnicity?

- White
- Black
- Native American
- Asian
- Other

Interview Questions

Section 1. You and Your Neighborhood

Now I'd like to ask you about the neighborhood you live in, and whether you agree or disagree with the following statements.

Q1. People around here are *willing to help* their neighbours. Do you ...

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

Q2. Someone in your neighborhood *would intervene if there was a fight* in front of your house and someone was being beaten or threatened. Do you ...

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

Q3 Thinking about your neighborhood, where would you say safety most needs to be improved?

- Parks
- Schools
- Stores
- Public transportation
- other

Q4 Which of the following problems are most serious in your neighborhood? Rank the top two.

- People selling or using drugs
- Vandalism of buildings or cars
- Vacant or deserted houses, buildings, or storefronts
- Homelessness
- Litter or trash on the streets, sidewalks, vacant lots
- Break-ins to homes or businesses
- Speeding
- Vehicle theft
- Gang violence
- Homicides

Q5. How would you rate *your neighborhood* as a place to live?

- excellent
- good
- fair
- poor

Sense of Safety

Now I'd like to ask about your sense of safety *in your own neighborhood*.

Q6. In general, how safe do you feel in your neighborhood?

- Very Safe
- Somewhat Safe
- Not too Safe
- Not at all Safe

Q7. What about walking around your neighborhood at night? Would you say you feel ...

- Very safe
- Somewhat Safe
- Not Very Safe
- Not at all safe

Q8. Do you feel safer in your neighborhood now than you did 3 years ago, or less safe? Do you feel....

- Safer
- Less Safe
- About as Safe

Crime as a Problem

Q9. How much of a problem is crime in your neighborhood?

- Is it a big problem?
- Is it a minor problem?
- Is it not a problem?

Fear of Crime

Q10. How worried are you that you will be a victim of a crime?

- Very Worried
- Somewhat Worried
- Not Very Worried
- Not at all Worried

Q11. Why is that? (i.e. why are you worried that you will be a victim of crime?)

Relationships with the Police in Your Neighborhood

Now I'd like to ask you about your relationships with the police in your neighborhood.

Q12. How would you describe the relationship between the Bakersfield police and the people in your neighborhood?

- Very Positive
- Somewhat positive
- Somewhat Negative
- Very Negative

Q13 How responsive are the police to concerns in your neighborhood?

- Very responsive
- Somewhat responsive
- Uncertain
- Somewhat unresponsive
- Very unresponsive

Q14. How would you rate the job the police are doing **servicing people** in your neighborhood?

- Excellent
- Good
- Fair
- Poor
- DK

Q15. How would you rate the job your local police are doing in **controlling crime** in your neighborhood?

- excellent
- good
- fair
- poor

Q16. Finally, what do parents in your neighborhood tell children about the police?

Section 2. You and The City of Bakersfield

Now I want to ask your opinions about *the city of Bakersfield* as a whole, not just the neighborhood where you live.

Q17. How would you rate *the city* of Bakersfield as a place to live?

- excellent
- good
- fair
- poor

Q18. How do you think things are going in the city of Bakersfield? Would you say the right direction or the wrong direction?

- Right Direction
- Wrong Direction
- Nothing's Changing
- Don't Know

Section 3. Personal Experiences of Policing in Bakersfield

Now I want to ask you about your *personal experiences* of the Bakersfield City Police Department.

Q19. In the last 12 months, have you had any **direct contact** with the Police Department in Bakersfield?

- Yes
- No

If "No," skip to Question #23

If "Yes," solicit information on the type of interaction

Q20. Please tell me about the most recent contact you had with the police.

- Did you request assistance from a police officer?
- Were you stopped while you were in a car?
- Were you stopped while on the street?
- Were you given a ticket/citation?
- Were you arrested and taken to a police station?

Q21. Thinking back about this most recent contact, would you say you agree or disagree with the following statements:

- a) The officers clearly explained their actions
- b) The officers listened to what I had to say
- c) The officers were polite in how they spoke to me
- d) The officers treated me with respect
- e) The officers were professional

Response Scale:

- Strongly Agree
- Somewhat Agree
- Somewhat Disagree
- Strongly Disagree

Q22. Overall, **were you satisfied** with the way the police handled your situation? Were you:

- Very Satisfied
- Somewhat Satisfied
- Not Satisfied
- Don't know

Q23. "Did your most recent interaction with the Bakersfield police department **change your opinion about police**?"

- Yes
- No

Best and Worst Experienced of the Police

Q24. In just a few words, tell us about your most memorable *positive experience* with a Bakersfield police officer...

Q25. In just a few words, tell us about your most memorable *negative experience* with a Bakersfield police officer....

Section 4. Your Opinions and Beliefs about the Police

Now I'd like to ask you about your beliefs about the police and your priorities for the city.

Q26. In general, do you think the Bakersfield police department is doing an excellent, good, poor, or very poor job?

- Excellent
- Good
- Poor
- Very Poor

Q27. Compared to *a few years ago*, do you think the Bakersfield Police Department is doing a better job, a worse job, or about the same?

- Better
- Worse
- About the same

Q28 How much **respect** do *you* have for the Bakersfield Police, in general?

- A lot
- Some
- A little
- None at all

Q29. How much respect does the Bakersfield Police Department have *for you*, in general?

- A lot
- Some
- A little
- None at all

Q30. Do you think the police in your community treat members of all racial and ethnic groups *fairly* ...

- Almost always
- Most of the time
- Only some of the time
- Almost never
- Don't know

Qs31-34. Do you believe the following things about the Bakersfield Police Department? Do ...

- Police Officers Stop and Search Some People Without Good Reason
- Police Officers Only Use the Amount of Force Necessary to Accomplish Their Tasks
- Police Officers Make Untruthful Statements
- Police Officers Are Held Accountable when Misconduct Occurs

- All of the time
- Most of the time
- Some of the time
- Rarely
- Never

Q35. How much of the time can you trust the Bakersfield Police Department to do what is right?

- Just about Always
- Most of the time
- Only some of the time
- None of the time

HYPOTHETICALS

Q36. If you needed assistance, how likely would you be to ask a Bakersfield Police Officer for help? Are you...

- Very likely
- Somewhat likely
- Not too likely
- Not at all likely

Q37 If you witnessed a crime that took place, how likely would you be to report it or provide information to the Bakersfield Police?

- Very likely
- Somewhat likely
- Not too likely
- Not at all likely

Section 5: You and Priorities and the Future

Next, I'd like to ask about your hopes and priorities for the police and city of Bakersfield.

Q38. Which of the following do you think should be the highest priority for the city of Bakersfield?

- Reduce police use of force
- Reduce crime in your community
- Ensure the police treat all people with respect
- Ensure the community is heard by the police

Q39. How much hope do you have that over the next 5 years, the police department will get better?

- A lot
- Some
- Little
- None

Q40. If you were chief of police, what's the first thing you would do?

Section 6. Additional Demographics

Q41. What is the highest level of education you completed?

- Some schooling, no high school degree/No GED
- High school degree/GED
- College degree
- Graduate degree
- Don't know/refused

Q42. Do any children live with you?

YES NO

Q43. In what year were you born?

Q44. Do you know what police zone you live in?

- North
- Hill
- Metro
- Central
- Valley
- South
- Don't know/refused

Q45. So that we can be sure to include people from all parts of the City of Bakersfield in this research, can you tell us: what is your current home address? Can you name the nearest cross-streets?

Findings from the Survey of Police Officers in Bakersfield

March 31, 2023

This report analyzes the responses of police officers to questions in a December 2022 evaluative survey about their work environment, the quality of policing, and relations with residents in the communities they serve. It also compares officers' and residents' perceptions of the performance of the police, personal sense of safety, and relationships of trust and respect across police zones. As we describe in detail below, we find that the views of police officers coincide with those of residents surveyed in July 2022 on the overall performance of policing in the city but diverge on most other matters such as whether crime is a problem in the community, how often officers treat people equally, and what the priorities for the city of Bakersfield ought to be going forward. Understanding the sources of that divergence and its variation across police zones could help the Department develop communication and supervision strategies that further improve services to and relations with residents.

1. Survey Methodology and Sample

The evaluative survey was made available to all employees of the Bakersfield Police Department in the last two weeks of December 2022. Employees received a unique password-protected URL that was designed by the survey research firm ISA Corp, which also administered the survey of residents. These links were then electronically distributed by the Quality Assurance Unit of the BPD. This method ensured full confidentiality of responses since the URL could not be traced back to individual employees. All employees were told that their responses would be analyzed and reported only in aggregate form.

Of the 668 employees who were invited to participate in the research, 419 (63%) began the survey.¹ The vast majority completed the survey (84 did not), with a resulting sample of 335 employees. On average, it took employees 19 minutes to complete the survey. The data in Table 1 on the next page relay basic demographic traits of survey respondents. Note that the overwhelming majority of respondents who completed the survey were sworn officers, whether in patrol, as detectives, working at Headquarters, or in Specialized Units. Only 28 non-sworn officers participated in the research. This means we cannot reliably compare the views of civilian employees with those of sworn officers. It also means nearly three quarters of all sworn officers in the Department completed the survey, and this number is also large enough to permit comparisons of responses across the police zones in which officers work, which is the focus in this report. Note, however, that we have not yet disaggregated responses to many survey questions by role, sex, race, or age of participating police officers, although we could perform that analysis in a future memo.² That said, the data visualization tool we created for the department, [linked here](#), would permit designated users in the BPD to independently examine these data in this disaggregated form as well as conduct other more detailed analyses of the responses.

¹ A recent meta-analysis of response rates to police officer surveys found an average response rate of 64 percent; lower rates of response were found in surveys addressed to all employees. See Justin Pickett et. al., "Police Research, Officer Surveys, and Response Rates," *Policing and Society*, 29/5 (2019).

² A third of respondents declined to report their year of birth; accordingly, we cannot compute the average age of individuals who participated in the survey. To ascertain whether this sample is representative of the Department as a whole, we would need similar demographic data on all sworn officers.

Table 1. Role and Basic Demographic Traits of Survey Sample

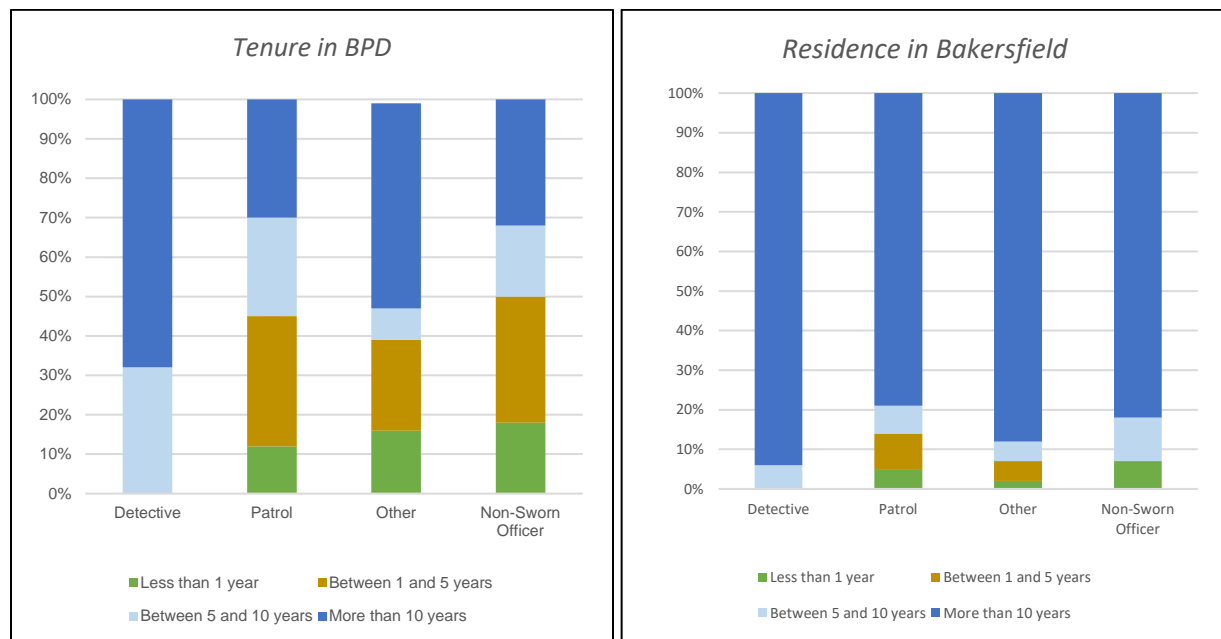
Role/Responsibility	Role/Responsibility		Sex/Gender			Race/Ethnicity**		
	N	%	Male	Female	Other	White	Black	Hispanic
Patrol	138	41%	91%	6%	3%	69%	3%	32%
Detective	47	14%	87%	10%	3%	61%	7%	56%
Other *	122	36%	47%	48%	4%	60%	7%	36%
Non-sworn	28	8%	11%	87%	4%	62%	6%	48%
TOTAL	335	100%	66%	30%	4%	62%	6%	43%

Includes work at Headquarters or Specialized Units

**Too few respondents identified themselves as “Asian” or “other” for us to calculate percentages.

Figures 1 and 2 below convey information about the length of tenure in the department and duration of residence in Bakersfield for all survey respondents. Roughly four fifths of all respondents have lived in Bakersfield for more than 10 years, which suggests that across this sample respondents are likely familiar with the diverse communities, areas, opportunities, and challenges in the city. More than 90 percent of detectives are long-term residents of the city. Respondents have also worked with the BPD for significant periods of time: only a small fraction of officers has less than one year’s experience in the Department, with a majority employed by BPD for more than 5 years; two-thirds of the detectives in our sample have been employed by the BPD for more than 10 years. Overall, these data suggest that respondents have the experience necessary to appraise change in policing and in the city over time.

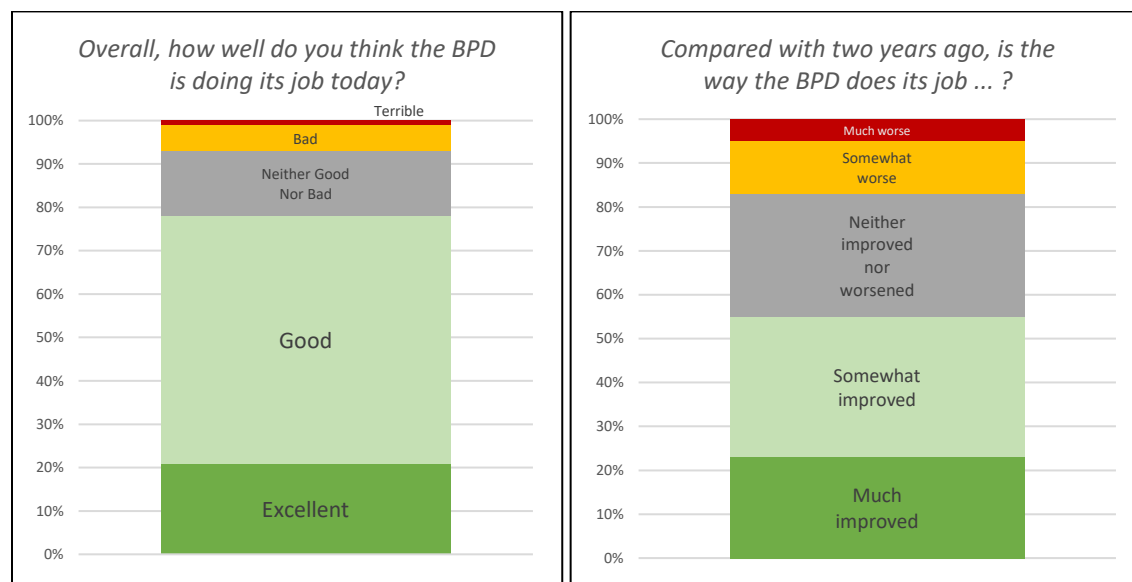
Figure 1 and 2. Tenure in the BPD and Length of Residence in Bakersfield



2. Views of Police Performance

Most officers recorded favorable views of police performance. As Figure 3 shows, this comes to nearly 80 percent of respondents, with 21 percent indicating that the BPD is doing an “excellent” job overall and another 57 percent saying it is doing a “good” job. Only a small fraction thought the Department is doing a “bad” or “terrible” job. Most officers also think policing has improved over the last few years, though their appraisals of the *degree* of change over time were more modest. Figure 4, for example, shows that a slight majority of officers think police performance is either “much improved” or “somewhat improved” over the last two years. A quarter say it has neither improved nor worsened, and 17 percent indicate it is either somewhat worse (12%) or much worse than previously (5%).

Figures 3 and 4. Officer Perceptions of Police Performance



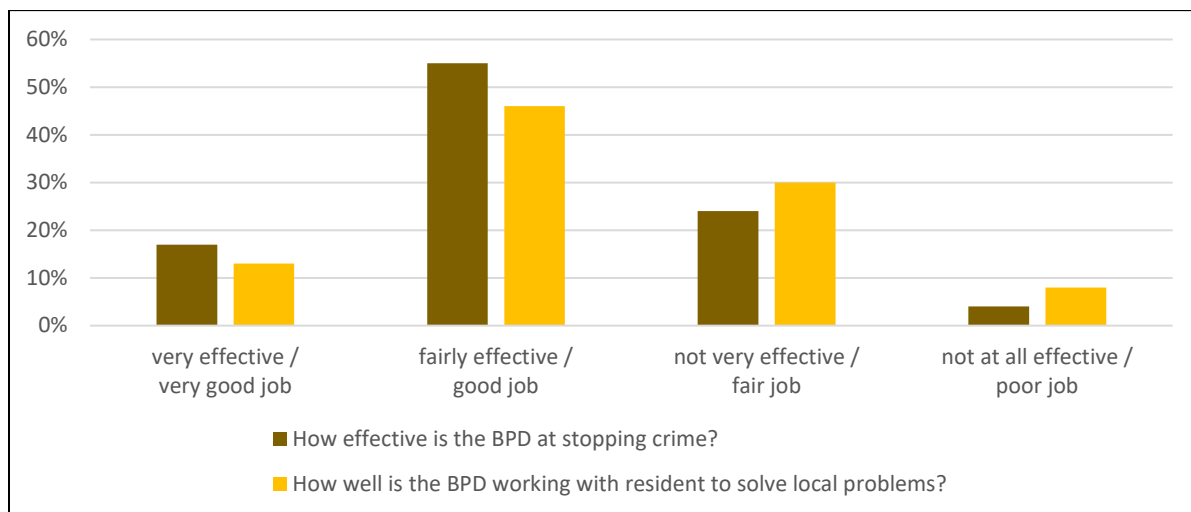
The wide range of responses to these two questions make it seem unlikely that respondents were complacent or cynical in their appraisals of police performance. We have also conducted statistical tests to assess whether respondents merely clicked through the survey without regard to the variation in the question or response scales, and we found no evidence to indicate that respondents were dismissive of the survey in general.³ Moreover, the substantial variation across officer role and race/ethnicity in the response to this question builds confidence in the sincerity of respondents. It also may hold clues for supervisors about how to improve attitudes and perceptions in the Department. For example, 24 percent of patrol officers think the department is doing an “excellent” job, compared to just 10 percent of detectives. More than a third of officers who identified as Black or African American think the BPD is doing an “excellent” job, compared to less than a quarter of Whites and Hispanics. Male officers were slightly more likely than female officers to say policing by the BPD is excellent.

³ We found no examples of “mainlining” responses to the survey (no respondent ticked only the top or bottom or middle response to all questions). Moreover, only a few respondents completed the survey in less than 10 minutes, which is another possible indication of the care with which officers answered the questions.

Specific Elements of Policing

Officers' views about the performance of the police in stopping crime and working with residents to solve local problems are slightly less positive than their appraisal of the work of the BPD in general. As Figure 5 shows, just 17 percent of officers think the department is "very effective" in stopping crime, and nearly 25 percent think it is "not very effective." This resonates with other research: the greater specificity in questions about performance may be the reason for the apparent differences between views about these elements of police performance and appraisals of policing in general.

Figure 5. Officer Views of Specific Aspects of Police Performance



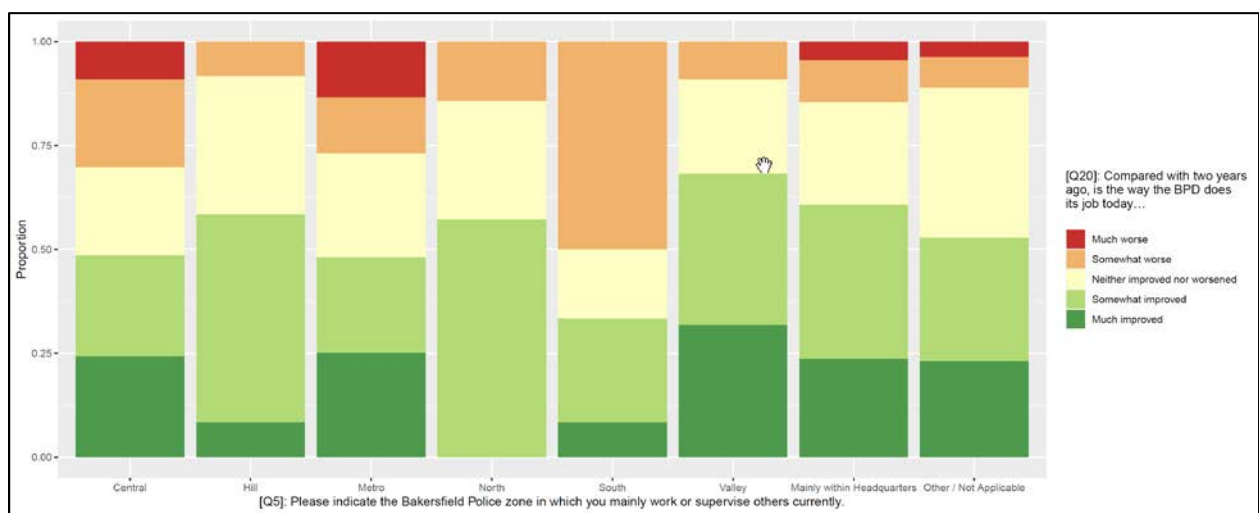
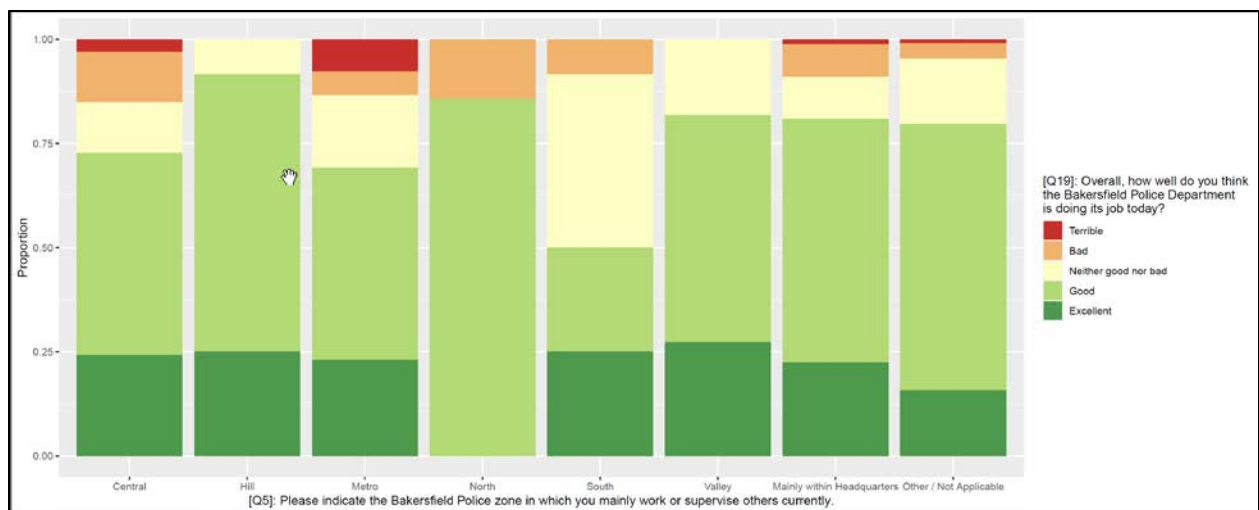
To assess the meaning of these results, we need a standard for comparison, such as a baseline measure of officer views in Bakersfield two years ago or an comparable measure of officer views in another department that is similar to Bakersfield in some way or serves as a useful contrast.⁴ Such a comparison will be possible once the same online officer survey is repeated in 2024. In the meantime, we can compare officers' views with the views of Bakersfield residents who were surveyed separately just six months earlier in 2022. Note that the broad appraisal of police performance is nearly identical across these two groups: 18 percent of respondents in the community survey said the police were doing an "excellent" job, compared with 21 percent in the survey of officers; another 63 percent of residents said the police are doing a "good" job, compared with 57 percent in the police survey. Similarly, 24 percent of residents thought the way the BPD does its job was markedly better than two years ago, compared with 23 percent in the police department survey.

⁴ None of the surveys of officers in cities with consent decrees that we reviewed have posed a question about police performance overall. Instead, these surveys only asked questions pertinent to the execution of key provisions of the consent decree, such as the amount of bias in policing, the quality of the department's leadership, and whether officers are discouraged from using force because of the scrutiny of media organizations or internal affairs. In our view, this approach misses an important dimension of how views of policing are formed. For examples of such questions, see the results of the third round of the officer survey in Newark, in Appendix C, pp. 55-108, of the Monitor's Seventeenth Quarterly Report, September 21, 2021, available at: <https://npdmonitor.wpengine.com/wp-content/uploads/2021/09/Seventeenth-Quarterly-Report-Files-9.21.21.pdf>

We think this broad convergence of views may give the police and community groups additional common ground through which to pursue discussions about the future of policing. This common ground may be especially important because the views of residents diverge greatly from officers on most other items in the survey, especially when asked about specific aspects of police performance.

This divergence is most visible when responses are disaggregated by zone. For instance, as Figure 5 shows, there is little variation across zones in officers' perceptions of police performance: only in the North Zone did no officer believe the department was doing an "excellent" job. By contrast, a third of residents in the North Zone believed the police are doing an excellent job, compared to 20 percent in the South and 11 percent in Metro and Valley. Also, officers working in different zones had divergent views about whether policing had improved over time. As Figure 6 shows, no officers in the North Zone thought policing was "much improved," and just five percent of the officers in the Hill and South Zones thought that policing there was much improved. Officers working in these three zones also had more moderate views of policing than their colleagues: none said it was terrible or much worse.

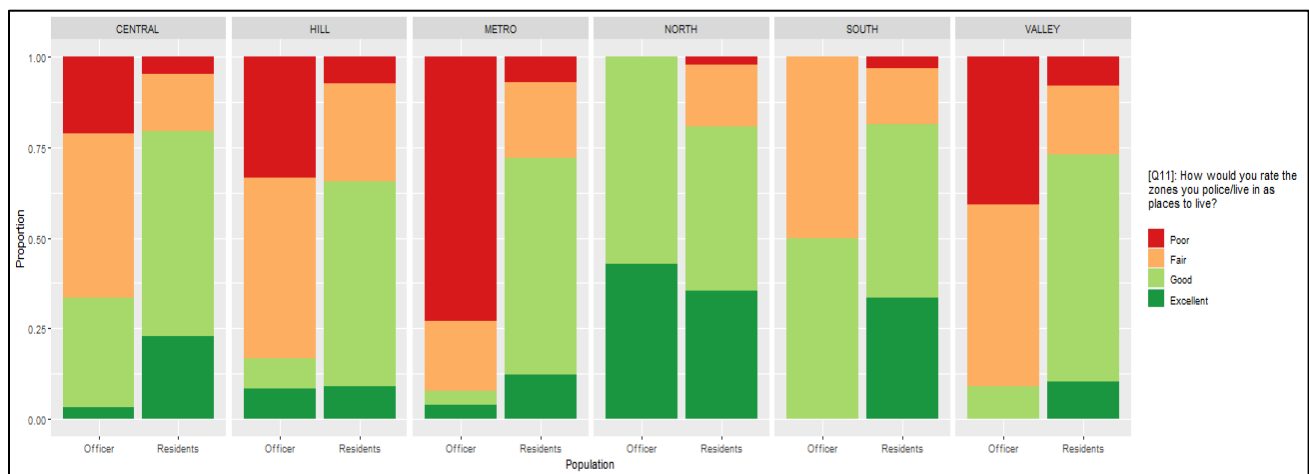
Figures 5 and 6. Variation by Zone, Officer Perceptions of Police Performance and Improvement Over Time



3. Officer Perceptions of the Communities in which they work

Many officers expressed unfavorable views of the communities in which they work. Less than a third of officers rated the zones in which they work as “excellent” or “good” places to live; nearly three quarters considered them “fair” or “poor.” These views varied considerably by zone: for example, more than 40 percent of the officers who said they worked in the North Zone said it was an “excellent” place to live, whereas none said so about the South or the Valley zones and only a tiny fraction said so about living in the Metro and Central zones. Officers’ views of these communities as places to live also conflict with the views of residents in many zones, as Figure 7 below shows. They diverged the most in Metro, with residents’ ratings 4 times as favorable as officers, followed by Valley, where residents’ ratings were 2.5 times more positive than officers. Only in the North Zone did residents and officers’ views of these communities roughly correspond (note that officers rated the area more favorably than residents).

Figure 7. Residents’ and Officers’ Views of Zones as places to live



Perceptions of Collective Efficacy

Many officers express little confidence in the solidarity of residents in the zones in which they work, also in sharp contrast to what residents believe about their own neighborhoods. Note that the questions we examine here focus on perceived “collective efficacy,” understood to be a combination of social cohesion with a shared expectation of how others in the neighborhood would act in the future. As Figure 8 below shows, less than half of police officers strongly agree or agree with the statement that people in the places they police are “willing to help their neighbors.” Yet more than 80 percent of residents in the community survey believe their neighbors would do so. This divergence is even more striking when asking about crime directly: less than a quarter of all officers agreed or strongly agreed that “someone in the places you police would intervene if there was a fight in front of a house and someone was being beaten or threatened,” and yet more than three-quarters of residents expressed this confidence in their neighbors.

Figure 8. Perceptions of Collective Efficacy

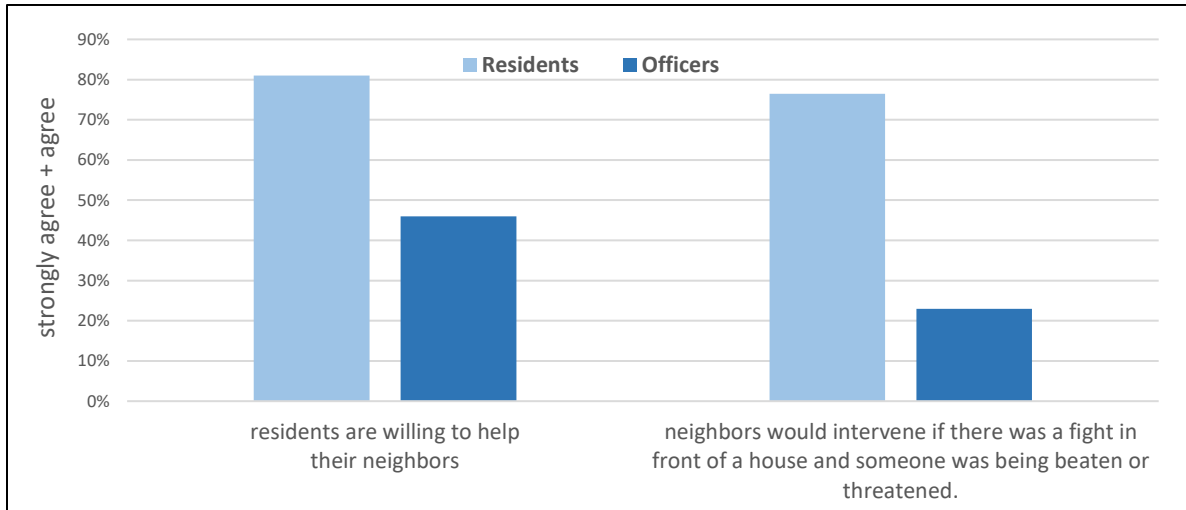
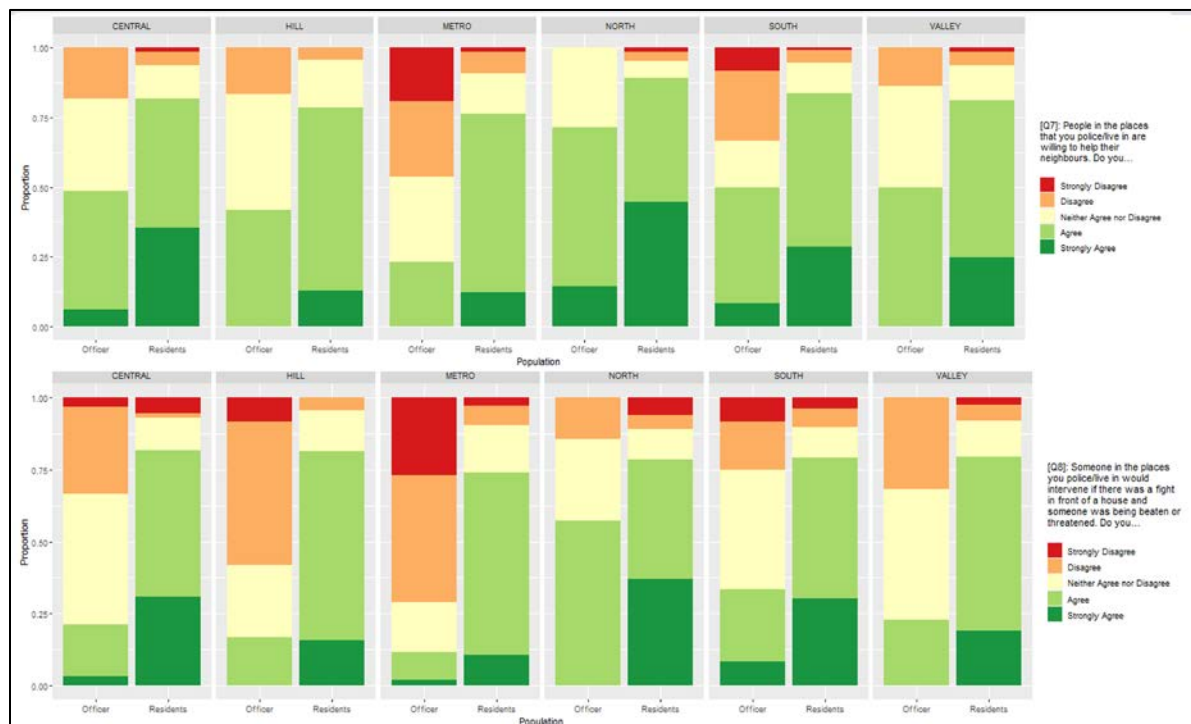


Figure 9 below shows that officers' perceptions of such solidarity vary considerably across the city, as does the extent of divergence between officers' and residents' views. For instance, no officers in the Valley Zone strongly agree that residents would help their neighbors or intervene if there was a fight in front of a house in the places they live, compared to a quarter of residents who said they would. Likewise, no officers in the North Zone believed a resident would intervene in a fight, compared to a third of residents who believed they would. The divergence between residents' and officers' views of such solidarity was least pronounced in Metro but marked in most of the other zones.

Figure 9. Officers' and Residents' Perceptions of Collective Efficacy, by zone



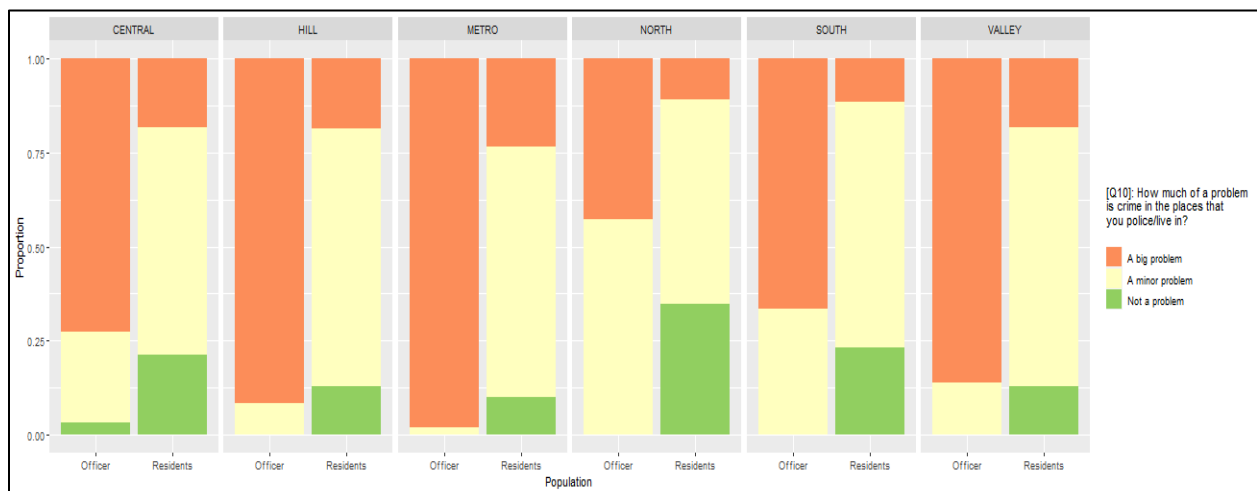
We would need data about direct experiences of policing by residents and officers in these zones as well as information about local social ecology to explain this variation. Still, our impression is that there may be qualities of social relations that exist in neighborhoods that are not visible to officers, whose perceptions of neighborhoods might be mediated by the role they serve in the community. We anticipate that it would be fruitful to have conversations with city residents, across neighborhoods, to inquire into the sources of this perceived collective efficacy, with recent research in criminology pointing to the role that local non-governmental organizations can play in helping to reduce crime and violence.

Perceptions of Crime and Safety

Officers have a much worse appreciation of residents' sense of personal safety than do residents, and a much greater sense that crime is a big problem in the communities in which they work. Nearly a third of residents in our community survey last summer said they feel "very safe" in their communities, while just 4 percent of officers believe residents feel very safe in the zones in which they worked. Also, while less than 20 percent of residents said crime is "a big problem" in their communities, over three quarters of officers believed it to be a big problem.

The disparity in these views is perhaps best appreciated by comparing officers' and residents' views across zones. As Figure 10 shows, nearly every officer working in the Metro zone thinks that crime is a big problem there, whereas just one of every five residents hold that view. Similarly, in the North Zone nearly a third of residents think crime is "not a problem," whereas no police officer working or supervising officers in that zone think that is the case.

Figure 10. Crime as a Problem

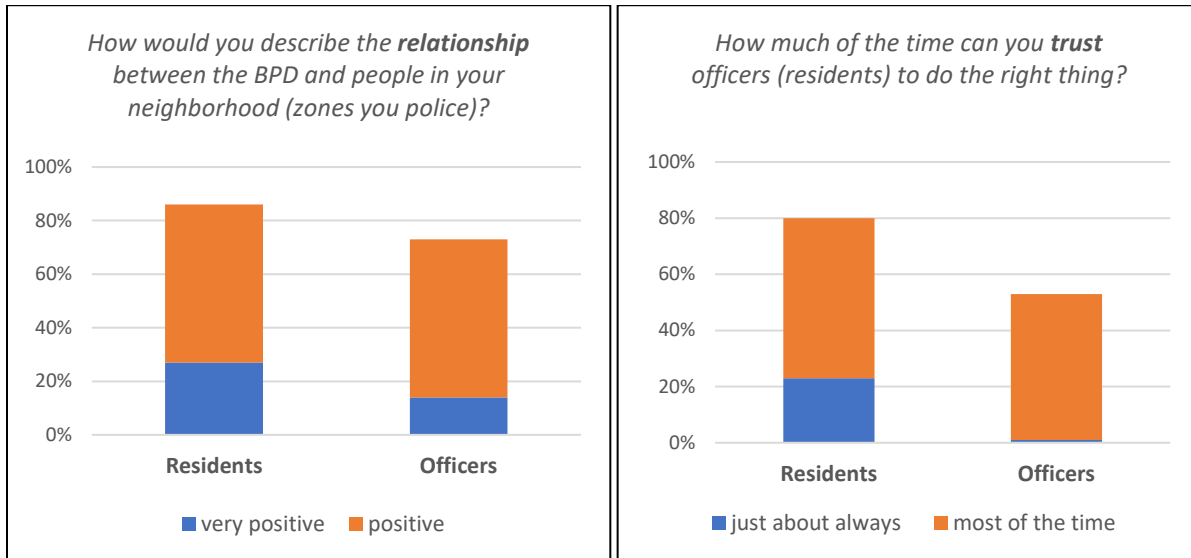


Relationships with the Police

There is a little more common ground between residents' and officers' views when it comes to the question of relationships with the Bakersfield Police Department. As Figure 11 shows, more than 85 percent of residents said the relationships with the police in their community are "very positive" or "positive," with 64 percent of officers also expressing this view. The gap widens, though, when asking about trust. Officers are much less likely to "trust residents to do the right thing" than residents would

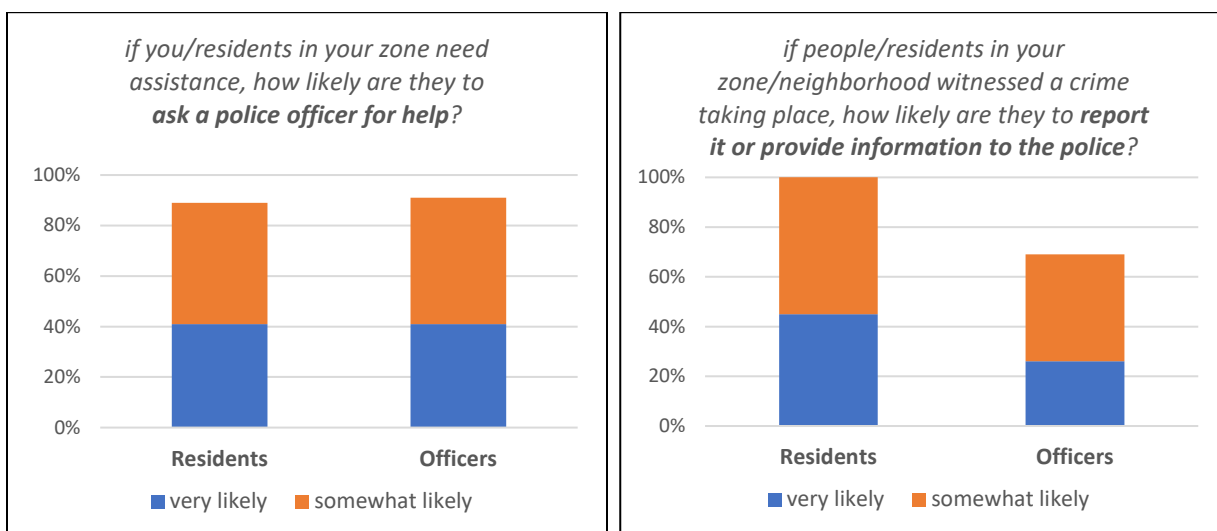
trust officers to do the same. As Figure 12 shows, nearly 80 percent of residents said they could “just about always” or “most of the time” trust the police to do the right thing, compared to just 52 percent of officers who believe they could trust residents to do the right thing.

Figures 11 and 12. Beliefs about Trust and Relationships Between the Police and Residents



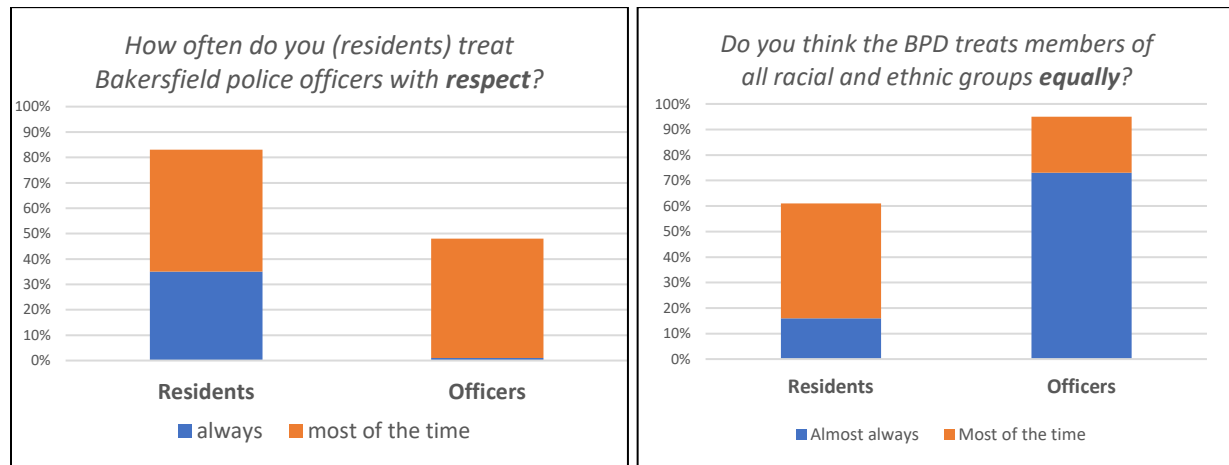
Officers and residents also largely agreed on whether residents are likely to ask police officers for help, as Figure 13 shows; almost 90 percent of both officers and residents said residents were very or somewhat likely to ask police for assistance if they needed help. But officers are much less likely than residents to believe that residents would report a crime that they witnessed or cooperate with the police in its investigation. As Figure 14 shows, one hundred percent of residents said they were either very likely or likely to provide information to the police in such circumstances; officers are more skeptical, with less than two thirds holding this view.

Figures 13 and 14. Willingness to Ask for Assistance/Provide Information



Officers are more circumspect than residents in their appraisal of the amount of respect they receive from the public. As Figure 15 shows, only 1 percent of officers believed that residents “always” treated them with respect, whereas over a third of residents said they always treated officers with respect. But residents are more circumspect than officers about whether they receive equal treatment. Figure 16 shows that only fifteen percent of residents said officers “almost always” treat members of different racial and ethnic groups equally, compared to nearly three quarters of officers who believed this.

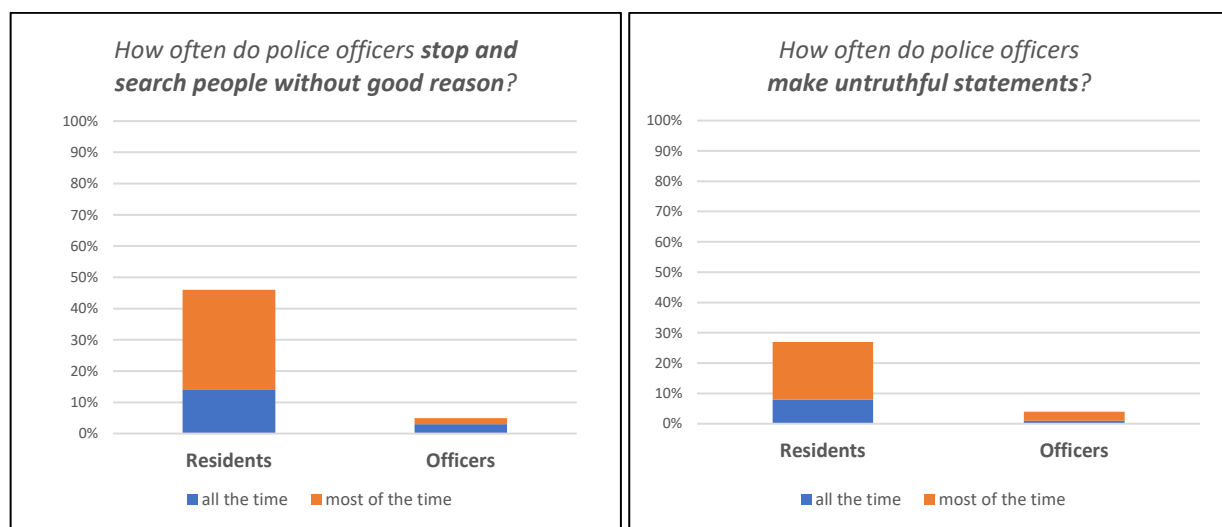
Figures 15 and 16. Perceptions of Respect for Police Among Residents



4. Officer Misconduct and Police Accountability

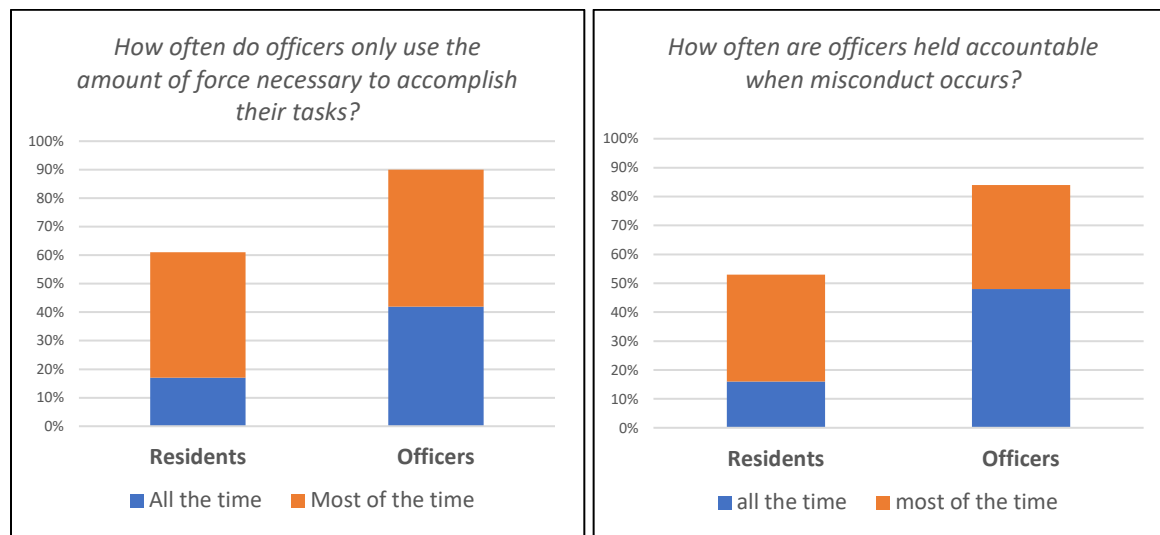
Officers’ and residents’ views of policing diverged still more on questions relating to the conduct of policing. Figure 17 shows that fourteen percent of residents believed officers stop and search people without good reason “all the time,” compared to just 3 percent of officers. And Figure 18 shows that more than a quarter of residents said officers make untruthful statements all or most of the time, compared to just 4 percent of police officers who hold this view about the police.

Figures 17 and 18. Residents’ and Officers’ Perceptions of Police Misconduct



Beliefs about the frequency of the unnecessary use of force and likelihood of accountability for police misconduct also diverged. Nine of ten police officers said they only use the amount of force necessary to accomplish their tasks “all the time” or “most of the time,” whereas only 60 percent of residents held that view. As Figure 19 shows, the divergence is starkest in the degree to which residents and officers believed this happened “all the time.” Likewise, officers were far more likely than residents to believe that officers are held accountable when misconduct occurs. As Figure 20 shows, nearly half of police officers said this happens “all the time,” compared to just 15 percent of residents.

Figures 19 and 20. Perceptions of the Use of Force and Accountability for Misconduct



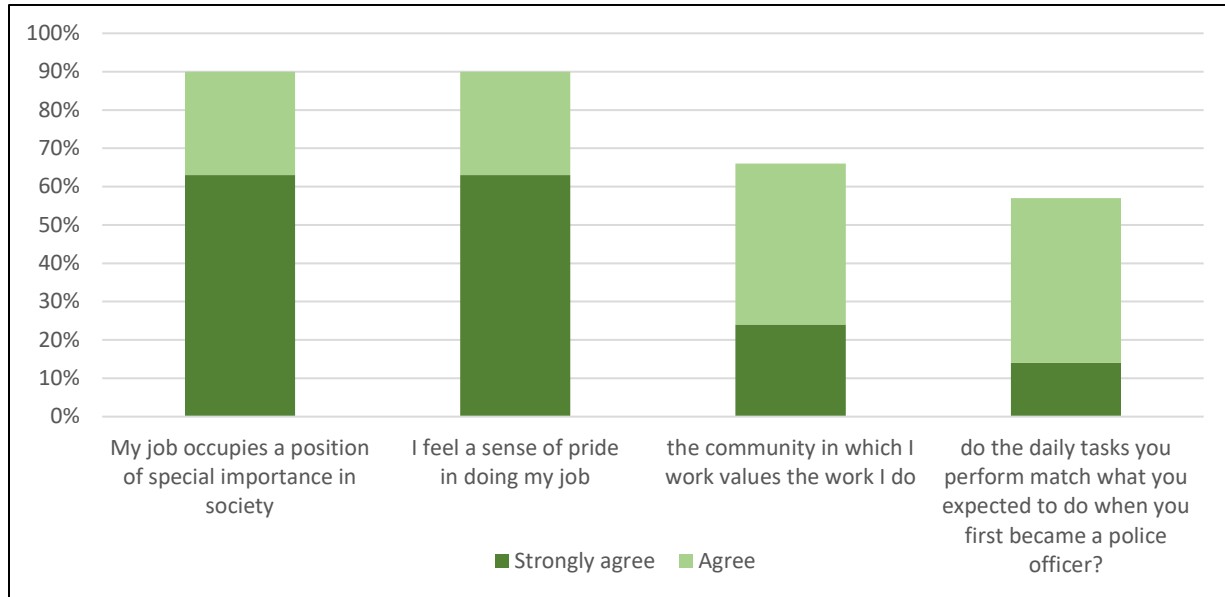
5. Officer Motivation and Job Satisfaction

Most officers depicted their work as a vocation rather than a job and said they became police officers to provide some service to the community.⁵ For example, the most common response to a question about why they became a police officer was “to serve the community” (33%) followed by “to protect people from violence” (27%), and “to fight crime” (14%). These views appear to endure, with most officers believing that their job occupies a “position of special importance in society” and taking “pride in their job,” as Figure 21 below shows. However, only a quarter of officers believe the community values the work they do, and an even smaller portion believes the daily tasks they perform match what they expected to do when they became a police officer.⁶

⁵ Our forthcoming report on the views of detainees finds that persons arrested by the police frequently portray the work of police officers as “a job,” not a vocation. The phrase “it’s just a job” and “they just got a job to do” suffuse comments that complain about the work of the police as well as those that rationalize an adverse encounter.

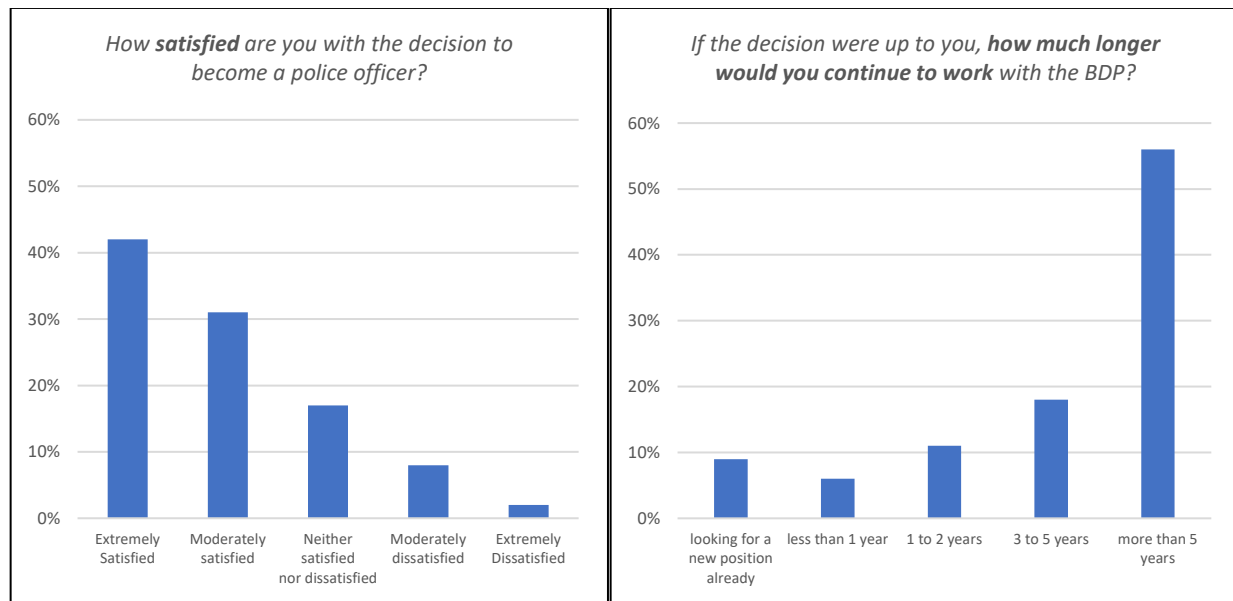
⁶ The biennial survey of sentiment in the Newark police department found a moderate decline between 2017 and 2021 in the share of officers who believe (a) that the community values the work they do and (b) that the tasks they perform match their original expectations upon becoming a police officer. See the figures in Appendix D, p. 42, of the analysis of the results of the survey, available at: <https://npdmonitor.wpengine.com/wp-content/uploads/2021/09/Seventeenth-Quarterly-Report-Files-9.21.21.pdf>

Figure 21. Officers' Perceptions of the Value of their Work in Society



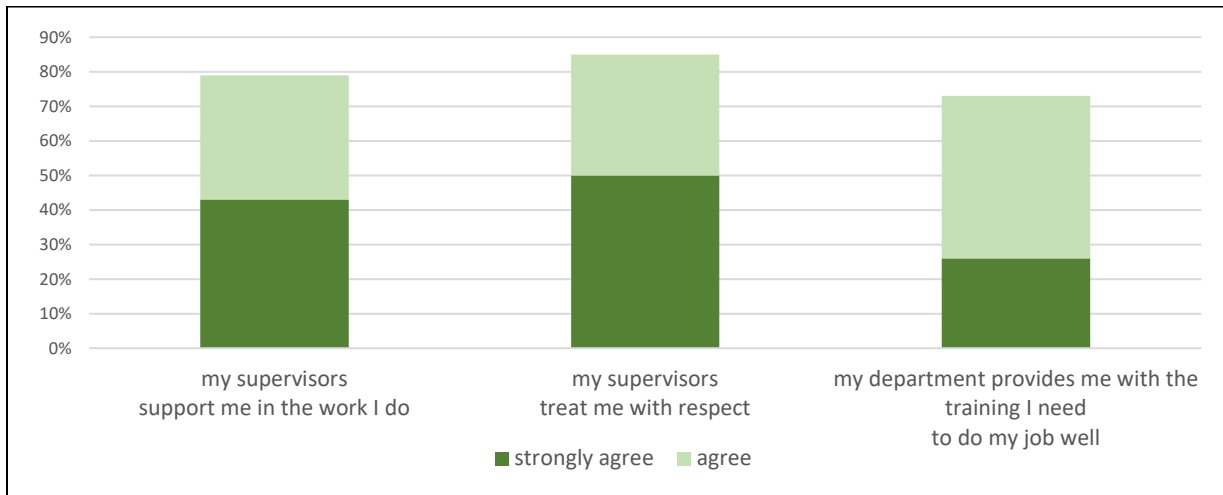
Despite the incongruity between officers' original motivations and their daily tasks, most officers report being satisfied with their decision to become a police officer, and only a small portion of officers say they are considering looking for work elsewhere. As Figures 22 and 23 below show, over 40 percent of officers are "extremely satisfied" with their work situation, and another 30 are moderately satisfied. Moreover, less than 10 percent of officers are actively looking for alternative employment. A majority of officers wish to remain in the BPD for at least five more years; since a large portion of officers have been employed for well over a decade, this figure may understate commitments to the department.

Figures 22 and 23. Employment Satisfaction



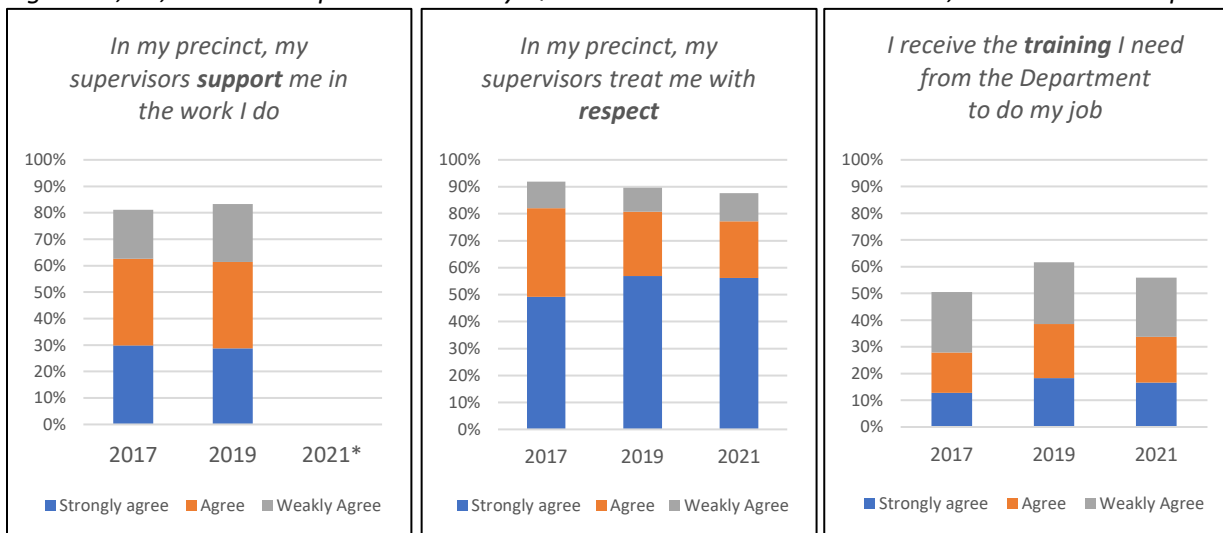
One possible explanation for the high degree of dedication to the Department is that officers feel supported by supervisors and appreciate the department’s training programs. Nearly 80 percent of officers strongly agree or agree with the statement “my supervisors support me in the work I do,” and 85 percent say they strongly agree or agree with the claim that “my supervisors treat me with respect.” Nearly two thirds believe the training provided by the department helps them do their job well.

Figure 24. Sense of Support and Quality of Training in the Department



We posed these specific questions about the work environment for police officers in Bakersfield so that we could compare them with responses in Newark, the only city under a consent decree for which we could find the precise phrasing of questions as well as data about the response pattern over time. Figures 25-27 show lower levels of agreement with statements about support from supervisors and adequacy of training in Newark but similar levels of perceived respect.

Figure 25, 26, and 27. Responses to Survey Questions about Work Environment, Newark Police Department

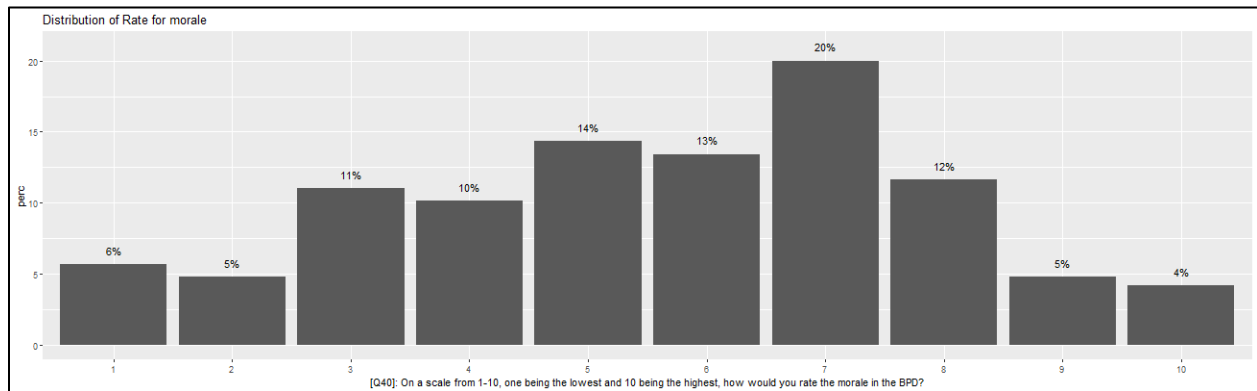


Source: Monitor for the Newark Police Department, [Seventeenth Quarterly Report](#), 2021. * Question not asked in 2021.

Morale

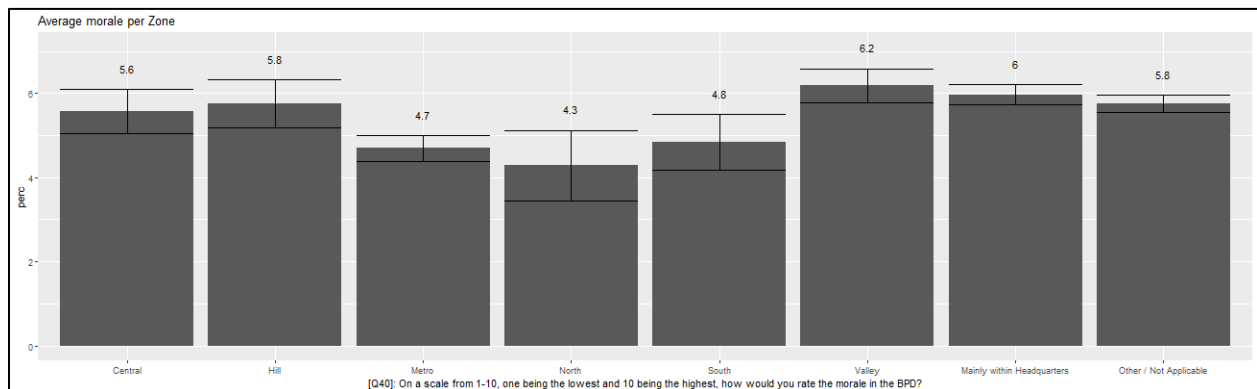
We asked officers to rate the “morale” in the department on a scale of 1 to 10, with 10 being the highest possible score. The modal score was 7, and a total of fifty-five percent of respondents rated the morale of the department at 6 or above, suggesting that the mood or morale in the department is predominantly positive, even though the quantum of strongly negative sentiment (a score of 1 and 2) slightly exceeded the amount of extremely positive feeling (9 and 10), as Figure 28 shows.

Figure 28. Officer Ratings of Department “Morale”



The highest average rating of officer morale was registered by officers working in or supervising others in the Valley Zone, followed by Hill. The lowest rating of morale was recorded in the North Zone, as was the greatest amount of variation between officer ratings, Figure 29 shows.

Figure 29. Officer Ratings of Morale by Zone

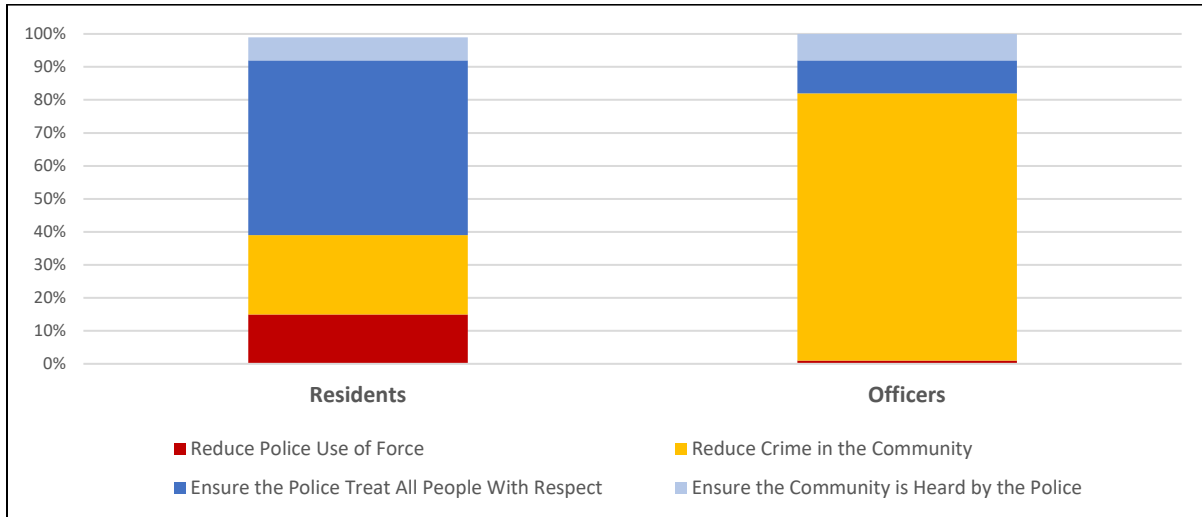


6. Priorities for the Future

One of the greatest differences in the beliefs of officers and residents comes from competing views about the priorities for the city. When asked to choose between four options – (1) reduce the use of force in policing, (2) reduce crime in the community, (3) ensure that all people are treated with respect, and (4) ensure the community is heard by the police -- residents and officers prioritized different objectives. As Figure 27 below shows, over 80 percent of police officers believe that reducing crime should be the top priority for Bakersfield; only 10 percent said that ensuring all people are treated with

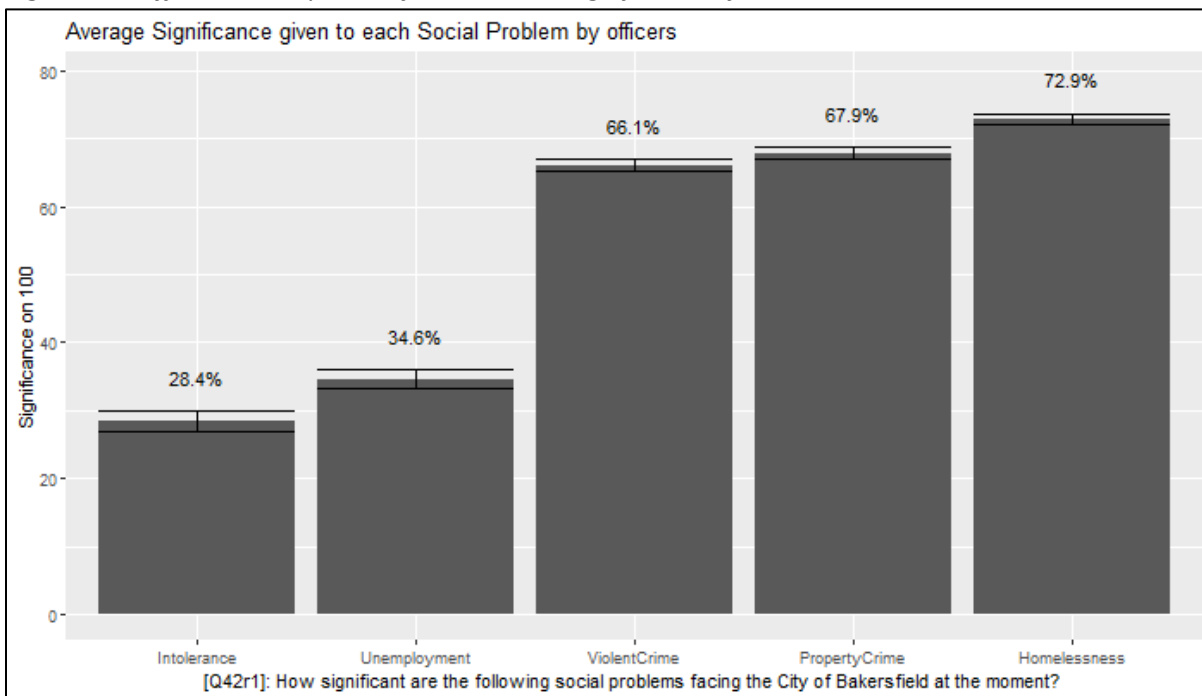
respect was more important. By contrast, only 24 percent of residents believed reducing crime was the top priority, while 53 percent said that ensuring all people with respect was more important.

Figure 30. Officers' and Resident's Views of Priorities for the City



We also asked officers to rank the social problems facing the city of Bakersfield in terms of their significance, with 1 being the least significant and 5 being the most significant. As Figure 31 shows, officers assigned the highest significance to homelessness, followed by reducing property crime. Reducing unemployment and intolerance were deemed two to three times less significant.

Figure 31. Officers' Perceptions of the Relative Significance of Social Problems



Concluding Observations

The large number of sworn officers who participated in the survey and their high rate of response permits us to make a few general observations about the sentiment in the Department about policing and the communities it serves.⁷ First, officers express strongly favorable impressions of police performance in most zones, and these perceptions appear to be shared by residents in all areas except the North Zone. Second, there is considerable divergence between officers' and residents' views of the degree of safety and solidarity in communities they serve or live in as well as measurable gaps in their sense of reciprocal respect and trust. In short, officers were substantially more likely than residents to believe residents distrusted the police and lived in neighborhoods with a lot of crime and little confidence in neighbors. Third, there are marked differences between officers' and residents' perceptions of specific aspects of policing, such as the frequency of unfounded stops, the extent of equal treatment of all members of society, and the priorities for the future of policing in Bakersfield.

We highlight the divergences here not because we believe the views and appraisals of officers and residents should be identical, nor symmetrical in the shape of their divergence. Instead, we highlight the incongruities in officers' and residents' perceptions of policing and the character of communities to raise two questions that the Department might wish to discuss with community groups: 1) where in the city and on what aspects of policing does the degree of divergence warrant further attention? 2) would a reduction in the amount of divergence constitute an improvement in community policing?

It will be possible to detect whether the degree of divergence in officers' and residents' views of these aspects of policing are growing or shrinking when the on-line survey is repeated in 2024. But already these results could support discussions in the Chief's community advisory panel about the quality of policing and diverse needs in neighborhoods. Their members could further disaggregate the findings by using the data visualization tool we devised for the Department, [linked again here](#).

Finally, the survey uncovered among officers a strong sense of support and respect from their supervisors as well as what appears to be lasting dedication to the Department and the ideas about community service they brought to the policing when they were hired. Especially when disaggregated by zone, length of tenure, and the different roles in patrol, investigation, and supervision occupied by officers who participated in the survey, these findings also could be used to guide conversations by Department leaders about how to maintain morale, solidify new management processes, and sustain the ongoing alignment of personnel policy with organizational commitments to community policing.

⁷ A recent survey of a small police department in San Diego County found a response rate of 48 percent among sworn officers. See Anthony Triola and Joshua Chanin, "[Police Culture, Transparency, and Civilian Oversight](#)," *International Journal of Police Science and Management*, 25/1, 2022. An earlier meta-analysis of response rates in police officer surveys found that response rates are lower with Department-wide surveys than those which target officers in specific duties and roles or geographic zones. See Pickett et. al., cited in footnote 1, above.

Experiences and Perceptions of the Police in Bakersfield

Final Report on Interviews of Arrested Detainees

October 31, 2023

This report analyzes the experiences and perceptions of policing of 49 individuals we interviewed in Bakersfield soon after their arrest. Most of these interviews took place in the last week of February and first week of March 2023. Nine more took place in early September 2023, shortly before the presentation of our findings to the Chief of Police.

The main purpose of these interviews is to provide feedback to the Chief of Police, California Department of Justice, the Monitor for the BPD, and the Community Advisory Panel about the perceptions of policing among people who, for the most part, have had an involuntary encounter with police officers (some had initiated the contact that led to their arrest by calling the police for assistance). This feedback can supplement other sources of structured insight about residents' interactions with the police, such as the customer service call-back enabled by Spydertech, the biennial survey of residents, and periodic consultations with community leaders. Used in combination with these information systems, this feedback could help the Department ascertain whether the changes in policing taking place during the implementation of the stipulated judgment are recognized and appreciated by a particular group of members of the public, many of whom have had multiple encounters with the police in the past.

The inferences we draw from detainees' impressions of policing in this report are provisional. The number of interviews allows us to offer close analyses of the views of detainees with whom we spoke, but it is smaller than the number with whom we expected to speak. The size of the sample (N = 49) also makes it more challenging to disaggregate responses by the types of charges for which they were arrested or basic demographic variables such as the age, sex, or race/ethnicity of the interviewee. We explain the reasons for the unexpectedly low number of interviews in Appendix 1, along with recommendations for how to boost the number of interviews we conduct in the next round of research in 2024. A full description of the research methodology and the questions posed to detainees appears in Appendix 2.

Sample

Table 1 (next page) contains data about the basic demographic traits of the people we interviewed. This information is sparse because we intentionally did not solicit much biographical information from the people we interviewed. We asked only their age, sex, racial and ethnic identity, and the neighborhood or area of the city in which they live. The mean age of all detainees was 37 years. Four-fifths of the interviewees were male. Almost half said they were Hispanic. Nearly one quarter identified as Black or African American. Less than 15 percent of detainees identified themselves as White non-Hispanic, which is much lower than their share among all persons arrested by the Bakersfield Police Department over the last four years (30%). The share who described themselves as Asian, Native American, or "other" (18%) was much higher than we expected, in part because 4 people (8%) refused to answer this question.

Table 1. Demographic Traits of Arrested Detainees We Interviewed

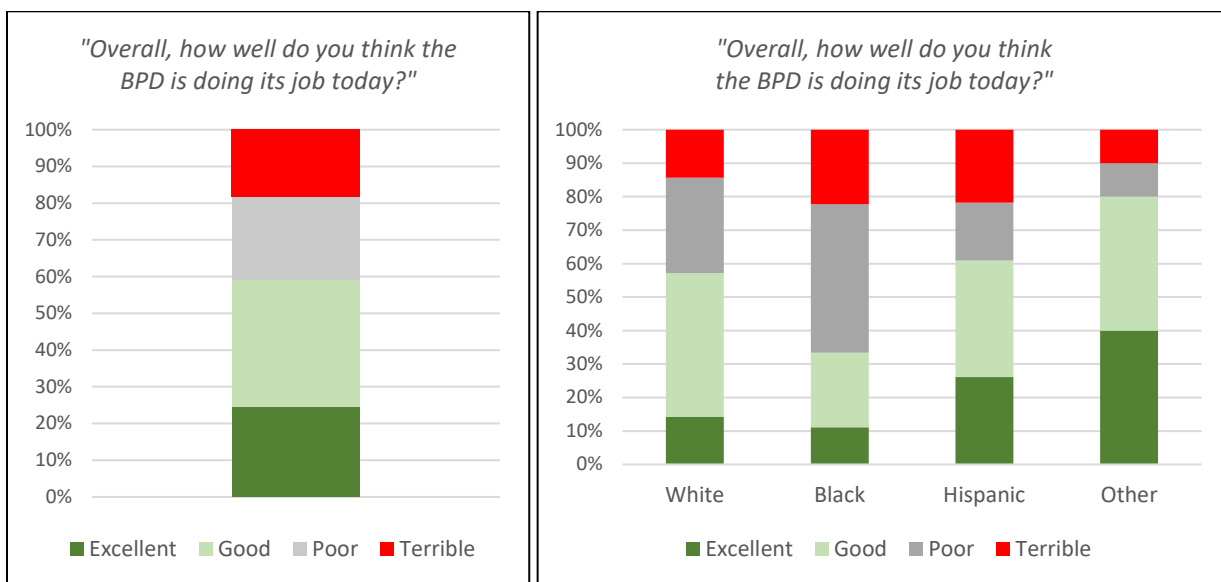
	White	Black/African American	Hispanic	Other*	TOTAL SAMPLE
Number and Percent	7 (14%)	9 (18%)	23 (47%)	10 (20%)	49
Male / Mean Age	4 / 40	6 / 37.3	20 / 35.3	10 / 37.8	40
Female / Mean Age	3 / 40	3 / 31.3	3 / 32.3	n/a	9

The age, sex, and racial and ethnic profile of people we interviewed corresponds roughly to the profile of all persons *arrested* by the BPD between 2019 and 2022, according to data we received from the Quality Assurance Unit -- with one exception. The BPD coded as White 30 percent of all persons arrested in 2022; another 18 percent were Black, 49 percent as Hispanic, and 1 percent "Other." Some discrepancy between our sample and the BPD data on arrests might be expected since officers use discretion about which persons to cite and release. Nevertheless, to understand the reasons for this discrepancy, and to ascertain whether our sample is representative of all *detainees*, we need to know what portion of all arrests led to a detention in this period. Changes in law and policy on the prosecution of misdemeanors may have affected the rate of detention as well as the demographic characteristics of all persons taken into custody by the BPD. We explain how we might work with the BPD on this question in Appendix 1.

1. Views About Police Performance

As Figure 1 below shows, nearly a quarter of the detainees we interviewed said that the BPD is doing an "excellent" job; just over a third said it was doing a "good" job. Roughly equal portions said it was doing a "poor" or "terrible" job. Hispanic detainees registered the most favorable *and* the most negative views, with nearly equal proportions saying the police was doing an excellent or terrible job, as Figure 2 shows. Black detainees were the most likely to say policing was "poor."

Figures 1 and 2. Detainee Perceptions of Police Performance

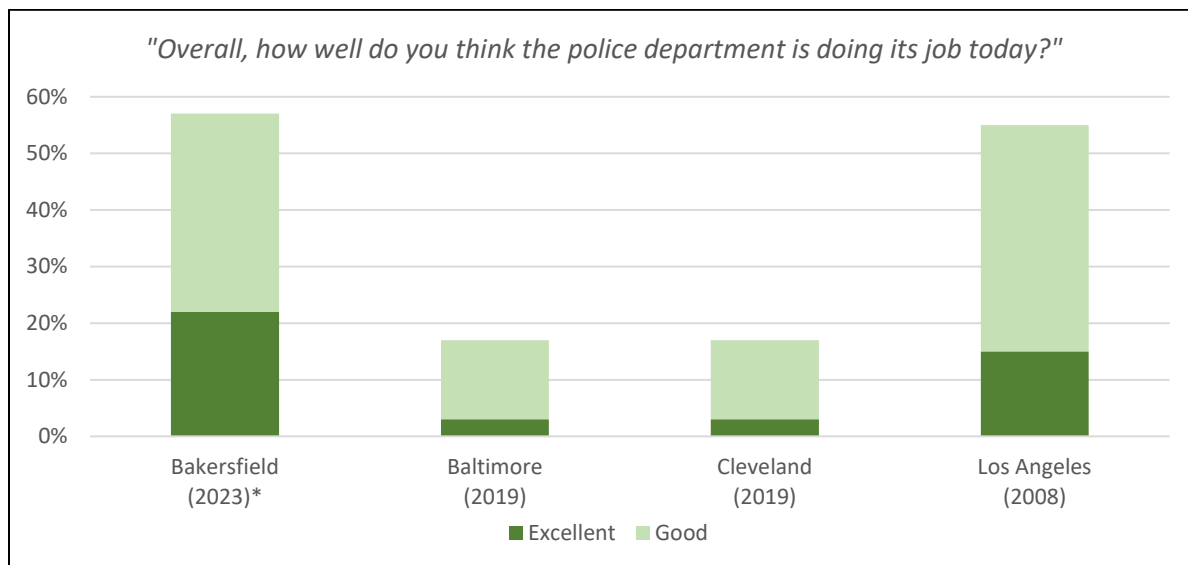


There are several ways to think about this pattern of responses. One is skeptical. That is, some observers might doubt that any detainees had genuinely favorable opinions about the overall quality of policing; they might assume and persist in a belief that detainees’ attitudes about the police are hostile, prejudiced, or tainted by the negative consequences of arrest and the experience of being handcuffed and taken to jail. Others might be suspicious of the finding that some detainees expressed *negative* opinions about the Bakersfield Police Department, perhaps doubting that detainees would voice complaints for fear that the arresting officers might find out what they said later and punish them, or believing that police officers behave differently while researchers study their practices.

We heard conjectures along both these lines. One officer said, referring to detainees, “they’re just going to bad mouth us.” One detainee told us she thought the police were “putting on a pony show” for us. However, both these conjectures are belied by the pattern in the data described above as well as the character of the language and reasoning that detainees used to convey their views of policing, which we analyze in detail in this report.

Another way to think about this pattern of responses is celebratory. The Department might be pleased that a quarter of detainees expressed strongly favorable opinions about policing in Bakersfield. The Department also might be thrilled that the quantum of favorable views of the police among its detainees exceeds the amount we found in Baltimore and Cleveland, whose police departments operate under federal consent decrees. These differences appear stark in Figure 3, below, which also shows that detainees in Bakersfield expressed more favorable views of policing than those we interviewed in Los Angeles in 2008, eight years after that city signed a consent decree with the US Department of Justice.

Figure 3. Detainees’ Perceptions of Police Performance, Four Cities



* We have added to these results the responses of two detainees we interviewed in the county jail in March 2022, when the Sheriff proposed the visitor’s booth for these conversations, which did not ensure confidentiality, and another two that took place in December 2022, when we tested the logistics of a new method for recruiting research participants proposed by the Bakersfield Police Department. Note also that we interviewed a greater number of detainees in Cleveland (63), Baltimore (70), and Los Angeles (74)

A different way to interpret these findings is critical, investigating variation in views across racial and ethnic groups, exploring whether this diversity corresponds to or belies differences in the social ecology in different neighbourhoods, and focusing on the reasoning for detainees' judgments about policing. Comparisons with approval ratings from other cities may be less instructive for the Department than an analysis of what animates views of policing in Bakersfield, which may diverge in different places and settings. After all, the greater number of officers, larger size of the urban core, and more controversial history of the police forces in these other cities, combined with the higher incidence of violent crime and arrest and the dissimilar social and economic environments may play a large role in the explanation of different sentiment we have found. A cautious reading of the results in Bakersfield thus might start with questions about the reasons for such approval and the likely trajectory of these attitudes over time. What considerations shape detainees' views? To what extent do detainees' thoughts about policing in Bakersfield draw on local events and personal experience, and to what degree are they suffused with beliefs about policing elsewhere?

The comments of detainees who said the police were doing an excellent job can be divided into two categories. One type of favorable view emphasized their personal experience of interactions with individual police officers, which often but not exclusively derived from the present arrest. For example, one person said: "To me, they're alright. I can base myself off what went on today." Another type of favorable opinion concentrated on the broader role and image of policing in society, sometimes without regard to their personal experience. The former preoccupation tended to be the focus of people with repeat experiences of the police -- individuals who had a foundation for what to expect from the encounter as well as knowledge of what was likely to happen to them afterwards. The latter tended to be expressed by people with little or no prior experience of the police.

Officer Demeanor

For many detainees, the demeanor of the officer and the way they were treated physically in particular played a large part in their appreciation of the police. "They, they were perfectly fine to me," one person said. "They were, they were great," he added. Another person who told us the police were doing an "excellent" job emphasized the care with which handcuffs were applied:

Maybe it was because he was new, but I told the guy, you know, cause I had a wrist injury. "Hey, my wrist hurts, the cuffs are too tight." So he combined two cuffs. I'm not sure if it's because I don't know what the hell's going on now, but I've never been treated like today where it was just, I wasn't giving them no trouble. I complied and they weren't being assholes.

The judgment of another person who favorably rated police performance was related to other aspects of the demeanor of the officer(s), such as the way they spoke to detainees.

Interviewee: I mean, none of 'em was rude to me. All of them like, was respectable to me. Nice to me. Not mean like some of 'em, you know, you have mean ones.

Interviewer: So you've had experiences with mean officers?

Interviewee: Yeah. That was like a long, long, long time ago when I was younger. But now, I mean they're, they're, they're, they're just doing they job.

Not all people who told us the police were doing an excellent job said it was because of the way they were treated by the officer. Some justified their appraisals in terms of the quality of police service – the speed of response to calls, for example, or their presence in society. “Yeah, they're cool. They're seen,” one person said, referring to their visibility in his community. Another person who had been stopped multiply for drunk and dangerous driving cited, ironically, the speed of police response in his arrest: “I heard they are slow to respond these days, but they came real quick to my neighborhood [laughing], or like my girlfriend calling, like, oh yeah. Cause I live like in a nice neighborhood right now.”

For other detainees, a positive appraisal of police performance was rooted in less tangible matters. One person described his “better treatment” by the police not in physical terms but as the combination of courtesy, patience, and an ethic of “concern” for the public. That concern, he suggested, could be sensed in a reduction of tension in relations with the police, which used to be “rubbery,” and in a recognition of the complexity of “issues” that were manifest in the community.

Really, I would say it's just, um, better treatment. Um, back then they were a little bit rubbery, but back then it, well, things were kind of crazy as it was. Um, now they're pretty courteous. You know, they've always been really courteous to me. They've never been rude. I've never seen that. You know, a couple of my other homeless friends, they're jerks themselves, but the police department in Bakersfield, they've been patient and very nice. You know, always their concern is for the public, and, um, that's key for me cuz they do look out for the community and for those who are out here that have issues, you know.

Negative Appraisals

Some detainees with negative appraisals of the work of the police in Bakersfield cited conventional markers of police performance such as response times, although shortcomings in that aspect of policing alone did not explain their views. For one person, the mix of slow response times for residents and high rates of compensation for officers denigrated the police's stature; that incongruity led him to sense that police power was exercised arbitrarily.

It's not good. No, they're not up to the mark. They're getting paid pretty well and they lack their job in every area. They have a very, very lagging response time. I mean, they're not quick in the interaction. They're, uh, becoming more like third world country police. They have all the authority, and they think they're a gang out fishing with badges.

Other detainees with negative appraisals thought the problem was that the police were *not* using their authority, overly rule-bound, and in one case following instructions from a computer. For example, one person who said the police are doing a “bad” job explained his view this way:

Because, when I was riding in the back of the car, I was reading what it said on the screen about what I was being brought in for. And it, um, states on the screen do not, um, arrest solely because of, um, um, the particular, um, of my, um, arrest. So with that being said, it distinctly says, do not arrest solely on that. And the only other, um, reason they stopped me was for misdemeanor trespassing on a, on railroad property, which they were gonna, um, cite and release me for anyway. So technically I'm up here for no reason. Okay? Cause the, the reason

they brought me in, it states don't arrest solely on that. So, they were gonna cite me out for, um, the misdemeanors trespassing that shouldn't even be arrested.

Some detainees believed the police were not properly prioritizing their work and focusing on minor crimes rather than serious violence. “They gotta step up and focus on the more important cases, not just those that get a slap on the hand,” one person said. “I feel like they’re making a half-effort.” Another said: “They gotta help those who really need help or really cause problems. Don’t just take calls but get out there and stop people from damaging property. It’s not fair, I mean, what the hell?!” Another person complained: “Look at all the shootings going on, and they just out stopping cars.” One detainee who was arrested while driving a stolen car thought police attention to his crime was excessive:

I just felt that there was, there was too many patrol cars, two called engines for a simple, uh, you know, possession or assault. It was too many cops, like, uh, it was out of control, like if I was a murderer or, or I was a rapist or something like that. I don't know. Cause I was like, I'll even ask them what's going on and they're like “we'll tell you right now!” And then they were just calling, you know, talking to me really aggressively, which I understand, you know. Um, but for a stolen vehicle, I was like, come on now. Yeah, I don't think it was anything, all that balls, patrol cars were unnecessary to be honest. They could've been patrolling somewhere else, you know, something, you know, real serious.

Some of these comments may sound self-serving or even exculpatory, and yet many detainees acknowledged their responsibility for the offense, and for some of these people what stood out in their critique of the police was an apparently condescending attitude. “They should come at me like I’m a human being,” one person complained. “They not higher than me because of the badge,” said another. “Just do the job that you’re supposed to do, not the one the badge makes possible.”

For several detainees arrested on charges of domestic violence, an ethic of listening and problem-solving in policing was missing. For instance, when we asked one detainee what the police could have done better, she said:

I feel like they could sit there and ask me what happened, you know, and listen to people or try to understand what's actually going on. Not just do the same thing. Cause, I mean, ain't anything really happened, and you know, communicating better would actually help you get your job done.

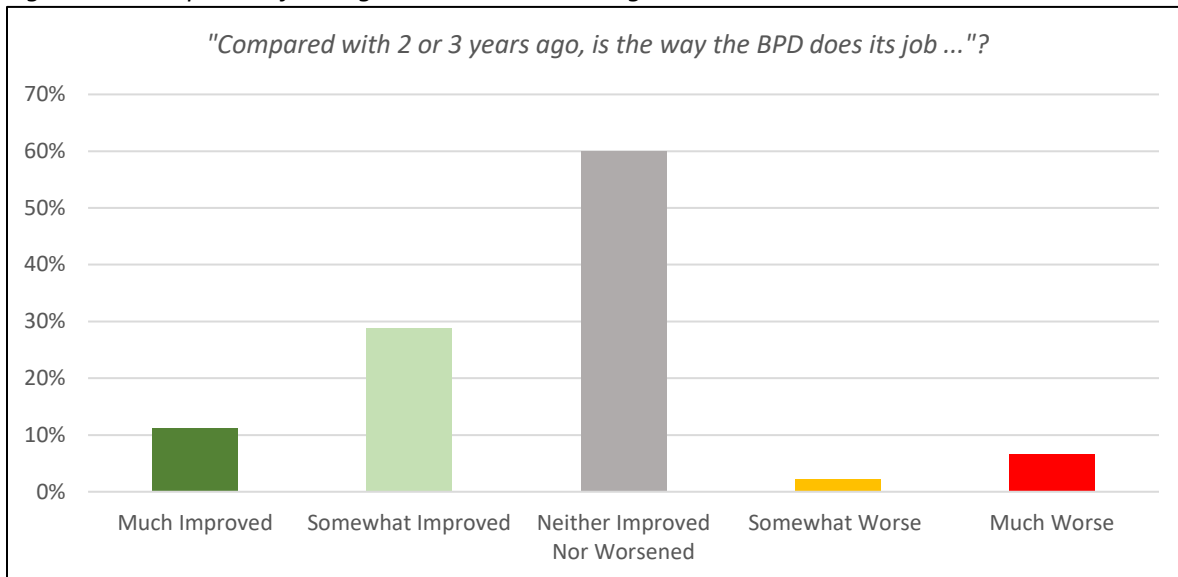
Two of the detainees we interviewed complained about use of force during arrest; one mentioned an elbow to the back of the neck, which he said was unnecessary because he “wasn’t resisting.” A few people commented on the red marks on their wrists left by handcuffs, and two said shortly after their handcuffs were removed that their arms and shoulders hurt; one massaged his “kinked” right shoulder throughout the interview, periodically wincing in pain; another repeatedly rubbed and stared at his wrists. Several people with prior arrests emphasized the absence of force in their encounters. One person said: “today it was weird that they were calm and nice to me when usually it’s always aggressive.” Another person who told us the police were doing a good job today explained why: “because they didn’t beat the shit out of me. When they arrested me [laughing]; that’s a good thing. Now they’re just arresting.” As these comments suggest, use of force by the police in the past influenced detainees’ views; they played a large role in detainees’ impressions of the credibility of arrangements for police accountability, as we describe later in this report.

Baselining and Betterment

A different way to regard the response pattern in Figures 1, 2, and 3 above is to treat it as a baseline. When the interviews with detainees are conducted again in 2024, the Department will know whether the views of detainees are more favorable or less favorable, and perhaps also whether any changes in these views are responsive to changes in the policies and practices of police officers. However, any interpretation of increases in positive sentiment, or a further polarization of sentiment, will depend on what the Department expects and hopes these views to be, and especially how much they might diverge from perceptions of other residents. In short, before treating these data as a baseline, the Department should articulate what it would like detainees' views to be and how they might change over time. Does it expect continuous improvement? Is the absence of deterioration in ratings of the police acceptable?

Eleven percent of detainees thought policing in Bakersfield today was "much improved over the last few years, and over a quarter believed it had "somewhat improved," as Figure 4 below shows. Only a small fraction thought it was somewhat worse or much worse. But note that the modal response to this question was neutral, with over half of detainees saying the BPD was doing neither a better nor worse job than in the past two or three years. None of the female detainees we interviewed thought policing had improved.

Figure 4. Perceptions of Change Over Time in Policing



It is difficult to make sense of the dominant view in Figure 4 without a prior baseline measure of detainees' perceptions of the police, or a sense of their expectations of the direction of change. Some detainees who thought policing had not changed was already excellent or good and may not have anticipated improvement. For instance, one person told us: "No, like I said, I don't think there's a change. They've always been, like, normal people, you know. I trust them, and Bakersfield PD's always, like, been fair to me or my friends." By contrast, some detainees who thought it was bad or terrible believed it had always been poor, and nothing would change. "Nope," one person said, explaining their view. "They, they're doing like the same as before, like they're on cruise control."

For many detainees who perceived improvement over time, an experience of police violence in the past influenced their assessments. For example, a female detainee contrasted her treatment on the day of our interview with an experience with the BPD ten years ago, when she was a teenager:

Interviewee: Yeah. When I was a teenager, like, one of them was rude, very rude. Yelling at me and taking me to the cemetery.

Interviewer: What?

Interviewee: Yeah, to, to, to, to beat us I guess. I don't know. One of 'em said we could take 'em to the cemetery and nobody can hear them scream.

Interviewer: So you were actually taken to the cemetery?

Interviewee: Yeah, I was like, I was, I was a teenager. That was, that was scary. I was scared.

Interviewer: You think that's not happening now?

Interviewee: No, I don't, I'm not sure cuz I, I'm, I never heard nothing like that happening.

Another detainee who said the police was doing a better job today initially confused us because he also said it was still doing a “terrible” job.

Interviewer: Wait, so you think policing is terrible today, but it's still better than it was in the past?

Interviewee: Yeah, it's better.

Interviewer: Okay. So, tell us about that.

Interviewee: Two years ago, it was dangerous. Dangerous for just a regular stop. Really. Fuck yeah. I mean, regular stop. Coulda got your ass kicked. Just being smart to 'em. Now it's a little bit different, but, if what I witnessed today, ... if everything was done as it was today, then, absolutely. Absolutely, they've changed.

When we asked for more information about his interactions with the police in the past, he said:

A few years ago, we we're sitting downtown laughing and, you know, messing off and -- this was downtown cops, you know -- and “you guys gotta move along,” they say. We say “[who the] hell are you guys?”, and oh fuck, it's like messing with some frat boys. They fucked us up.

Violent interactions with the police figured prominently in this detainee's judgment about the BPD, and differences between its practices and those of the Sheriff were part of the criteria for his appraisal.

The sheriffs are like, it's almost like a gang where you see a sheriff coming, even if you ain't doing nothing weird cuz you don't know what the hell they're gonna do. So sheriffs are different. Ballgame. Those guys are like a government paid gang. I mean, they'll threaten you all kinds of shit and they don't even, I don't like the Sheriff. I mean, you got some assholes that work for BPD. Yeah, but the sheriffs, it's like everybody there, they just hired every bad

apple that you could find. Give 'em a badge, gave a gun, and the reason to do shit. So I rather get arrested by BPD any day than the sheriff's.

For other detainees, change in the use of force was not the only thing that explained positive views. One person who said the police were “much improved” told us there was a bundle of signs:

“The department is doing a better job; I’m not gonna lie, they doin’ better. You can tell because crime is going down, and they’re out patrolling. They used to slam people against cars for no reason and shoot people, for real, and that’s not happening any more. It was much worse in the 1990s and 2000s. Back then they shot my homie. Then they shot my other homie. But that’s not happening any more.”

Other detainees summoned other criteria from past experiences with the police in their appraisal:

Um, I really don't, um, I really don't encounter the police much. So, and I don't have a bunch of people around me that encounter cops at all. And I've been in trouble before. It's been 10 years since I've been in trouble. So I would say from, from then to this today in general, the gentleman I dealt with seemed to be doing their job efficiently.

When we asked for him to specify what he meant by “efficiently,” he said:

Just, I would say just how they approach the situation and the aggression and even the respect that they show through, you know, in that process. Cuz the, assuming that you're, you're guilty or whatever the phone call or the reason they're coming out for it, they're, the way they deal with you, talk to you is could be very disrespectful and demeaning. And I didn't get that today.

He then relayed in great detail a traffic stop from 10 years ago that, in his view, escalated into a conflict that could have been avoided: “it seemed like it was personal, like as if he was just picking at me then. You know what I mean? So compared to that, to them it's, it's much different today.”

Some detainees thought policing had improved because of a return to a neutral brand of professionalism. “They just doing they job,” one person said. “They’re improving now because, I mean, cuz they're doing their job.” Other detainees who believed policing had “somewhat improved” were cynical about the reasons for the change as well as its sustainability. “I think maybe they just ran out of evil in the world,” one person told us. Another detainee attributed the changes to the “consent decree”:

Maybe it's better selection. Maybe it's better training. Maybe it's all the scrutiny that's happened over the years and just recently, you know, they just had this documentary come out that I'm pretty sure it's touched a lot of different nerves. So it's just got, it may have some of them walking in line a little better than they usually would. You know what I mean? Cuz it's a lot of eyeballs on 'em right now.

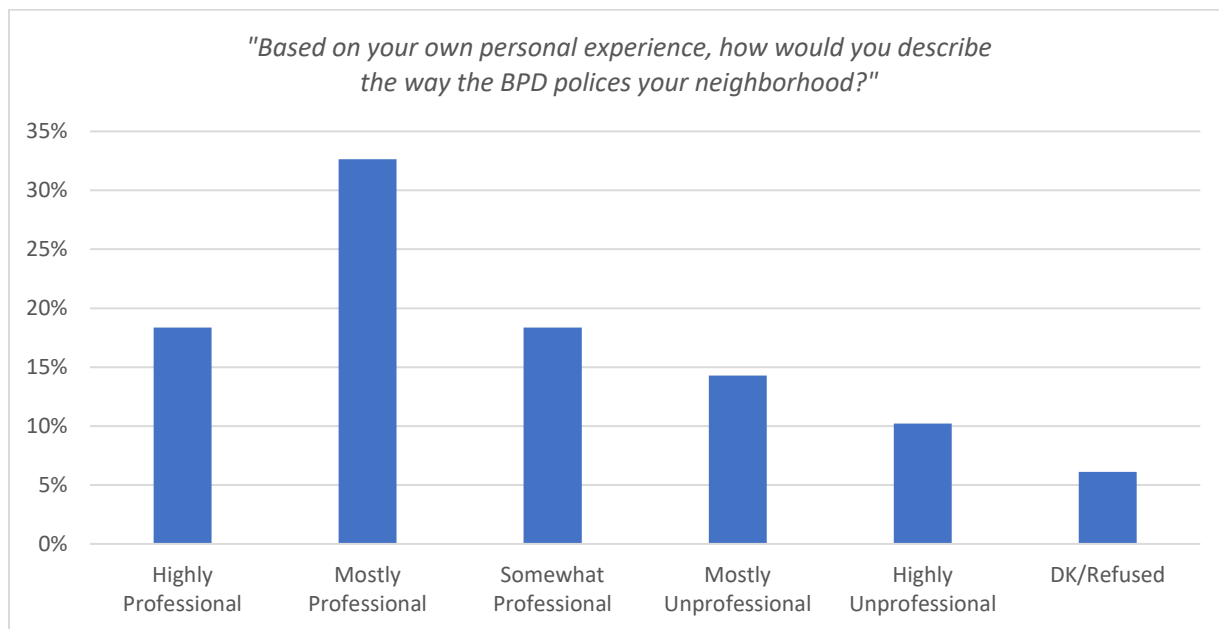
Beyond Ratings

In the next section, we move beyond appraisals of the job police are doing and focus on specific traits of policing, such as the perceived degree of professionalism and equal treatment of residents. The purpose of asking such qualitative questions was to generate insight about what people appreciate or dislike about policing in different settings, and to understand how such differences affect interactions with the police, willingness to cooperate with investigations and, inclination to solve conflicts on their own.

II. Police Professionalism

More than half of detainees we spoke to told us the way the BPD policed their neighborhood was either “highly” or “mostly professional.” A smaller fraction thought the police were “somewhat professional,” as Figure 5 shows, and nearly a quarter (24%) thought the police were mostly or highly unprofessional.

Figure 5. Perceptions of Professionalism



For one person, it was the “clean vehicles, their dress code, and mannerism” of the police officers that exemplified professionalism. “You know, they’ve always been polite, call me by my last name. Like, that’s part of the professionalism, you know, or even use my middle name.”

For others, the professionalism of the police was determined by the quality of the neighborhood that was being policed. One person told us: “It’s only in certain areas you’ve good policing and only certain areas where it’s, it’s bad. So let’s just say it wouldn’t be as good in a good neighborhood then it was in a bad neighborhood, if that makes.”

Another person who said the police were highly professional didn’t specify what conduct or action by the police exemplified professionalism; instead, he spoke about the quality of his neighborhood as if it were itself an indicator of professionalism in policing.

I think it's highly professional. I mean, well, especially the neighborhood I live now, I went from living like in a \$600 apartment to this year. I moved to \$1,800 that I came from the next neighborhood. Now I live next to the actual four year university. Nice. It's like, it's, it's nice neighborhood. And so there's a lot, there's always a cops there because like, they're over there. There's like a Hagen Daz, like a rich area. Okay. I live, I live around a bunch of, uh, rich houses. So, and before I lived downtown I, yeah. Before previously I lived downtown, but no, they, they was still like, there's a lot of cops downtown too, cuz I, a police station downtown mm-hmm, and I never any issues with them, you know.

Response times to calls for service figured in only a few appraisals of police professionalism, and ironically it came up in both positive and negative assessments. For example, one detainee who was arrested because of an unexpectedly swift police response to a call for service; he singled this out as the reason for his appraisal as mostly professional. “I think there has been a little bit of an improvement, as far as, you know, the response time, because they got to me; they got there real quick and it’s like, for real, I didn’t even know what the hell was going on.” Another person told us in response to our question about whether policing had become more or less professional over time that he believed there had been a marked deterioration in response times, although he was reluctant to blame the police for this development:

I think they respond a lot less since, since Covid, you know? I think maybe there's like less money around. I heard from people they don't, like, some don't even come. But again, I don't have any personal experience, since I'm just hearing things, from what I've heard I think maybe Covid messed up the funding. I never had to call 'em for any reason. But I think it is gotten worse as far as there's like, there's less people, like, you know, they're trying to hire a lot from there. You see like their bumper stickers, like they're hiring, and I've heard that they take a long time to come in some areas. ... But I don't wanna put something negative about them just 'cause I hear it from somebody else. So just say “the same” because I have no issues with them.

Some of the detainees appeared to give the police high marks for professionalism because they had low expectations for how they would be treated. For instance, one person who said they were “mostly professional” told us: “obviously if they come up to you and talk to you the right way, then that’s good. I mean, I haven’t had somebody come at me at a, in a bad way, you know?” Another person said: “I would say they are ‘highly professional’ ‘cuz they’ve never given me any trouble at all. Okay? They’ve always done what they were supposed to do, in my opinion.” One detainee was less positive. “I guess they’re professional, I guess. Cuz they don’t, they don’t harass me [laughing]. As long as they don’t harass me, I’m good.”

Still another person who told us the police were mostly professional was clearly disappointed by the dispassionate and impersonal character of their response to her call for help: “Um, I feel like they all, you know, I guess they did their part I would say. I don’t know. Um, I feel like maybe I could have gotten a little more help, but it, it wasn’t like a bad experience, you know?” When we asked what happened, the detainee explained that she had hoped the police would sort out the problem with her cohabitant, a former spouse. She had called the police because:

... like I had somebody knocking out my door that was being bothersome, which is, my, the man that I have been in a relationship with, um. So they, I wanted them to come remove him from the situation, but because my restraining order fell out before, I didn't have a restraining anymore, anymore. So they've always told me to go get one, but I failed to do so because when I, when something fails for me, I ha, I get, and I think I was convinced that I wasn't, and I shouldn't have ever done that to him. So I was convinced that, so then I was like, okay, well I can't do it again. Right? Even though he's making me crazy, and I can't work anymore and have a life. Like, that's how I felt, you know? Right? But, um, okay, they were able to come there, but they didn't get, they couldn't do much 'cuz they're like, we don't, you didn't do the restraining order.

The inability of the police to prevent the recurrence of problem influenced her appraisal. “They didn't do anything at all before,” she said. “Like he just, he came right back. He just kept coming back, coming back. He's been bothering me since, but, and now, like, I'm financially dependent on the person, so it's been really hard for me to walk away, you know?”

One of the detainees we spoke to who thought the police were only “somewhat professional” explained this judgment by distinguishing between officers who were always professional and others who were always un-professional. In response to our question, he said: “I would say it's, it is probably a, a good balance of both, of being highly unprofessional and highly professional.”

Interviewer: And that's individual officers who are sometimes highly professional and sometimes not professional? Or some police officers are always professional and others always unprofessional?

Interviewee: Bingo. It's some officers who are very unprofessional and some who are very professional.

Another person who said the police were “very unprofessional” focused on the tenor of his recent interaction with the police during the arrest, which disappointed him greatly. Drawing on his experience in a dental office, which he described as “my career,” he outlined a way for the police to be more professional in the future.

Okay, you come in, and I say, “Hi, how you doing? You know what you here for today? Okay, we're doing this, this, and that.” We make you feel comfortable about the procedures that we're doing today. “Oh, you're scared of the dentist? Great. So, my job is to make you feel comfortable.” You might have a small feeling [of pain] today, no big deal, but let's take care of before it gets bigger.

The detainee then likened the process of managing the process of arrest to numbing a site in the mouth before a root canal. It would not be painless, he emphasized, but it would smooth the interaction and might even have preventive effects.

I guarantee you I'm gonna disappoint you because you're already expecting the worst. But after we're done, you're like, “okay, it wasn't that bad.” Not that you want another one, but I have to educate you. Floss and brush minimize the cavities.

These potential benefits were forfeited, however, because “the police don't make you feel comfortable,” he said. He then highlighted the repercussions of the absence of such “people skills.”

If you are scared already going to the dentist, and I'm upset or I'm hostile toward you, then it's gonna be worse. You're gonna be like, “this is not the office for me.” And you [the dentist] be like, “what's wrong? Uh, just shut up, open your mouth,” and stick it in.

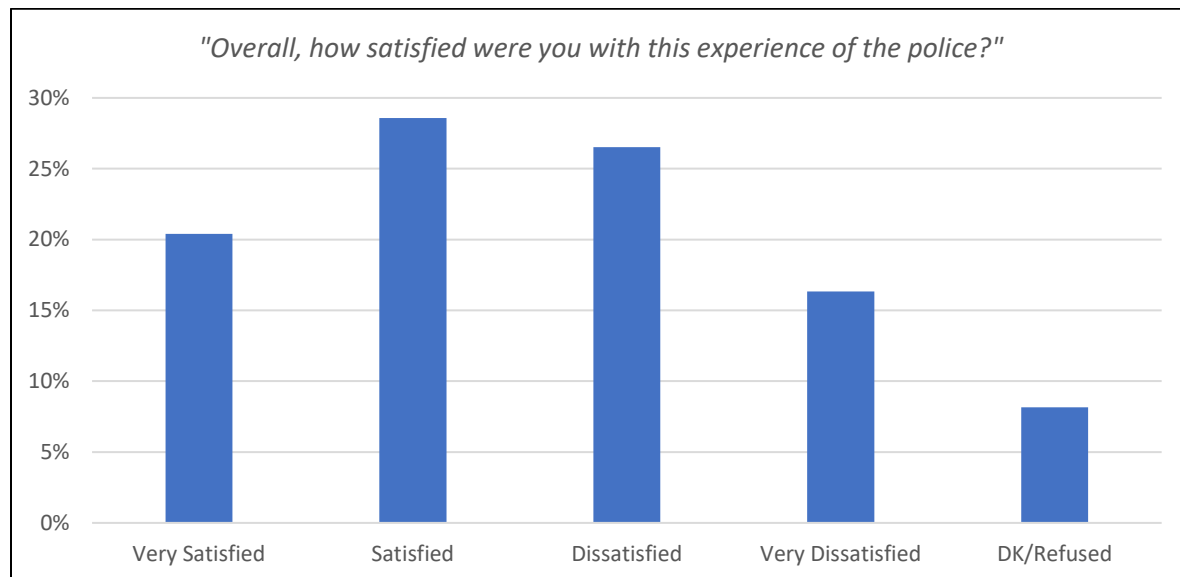
Two of the detainees who said the police were “highly unprofessional” said they believed the police were making arrests with a kind of professional indifference, or as a way to earn money. “They just take me in to add a couple of bucks to their check,” one person told us. Other detainees thought the police were using brute force to achieve their objectives. One person who described the degree of professionalism in policing in the past as “reasonably respectable” said:

Now they act like they're Gestapo. Like, before when were stopped about our camping places, where we weren't supposed to camp, they gave us an opportunity to move our stuff and stuff like that. Now they just come in and destroy our property and cut up our tents and stuff like that, which makes it harder for us 'cause we already barely got money and, um, no, no place to stay as it is. So when they damage our property or take our property or take up in for no apparent reason just to do it, like, I recycle for a living. It's like, today I, I had just got back right, right before they came and I, and I did real well. And, um, they took that and just threw it in the trash and arrested me. So, um, even though, um, this is not gonna be something I'm gonna be in here a long time, for maybe eight hours, um, I'm right back to zero and I worked all night.

III. SATISFACTION WITH THE EXPERIENCE OF ARREST

When we asked detainees whether they were “satisfied” with their experience of the police today, responses were more equally distributed across a spectrum of positive and negative sentiment. The question struck some detainees as odd: “well, I’m not satisfied, because I’m going to jail,” one person said. But many detainees disregarded that fact when answering the question. As Figure 6 shows, nearly half of all detainees were “very satisfied” or “satisfied” with their arrest; a slightly smaller fraction of detainees were dissatisfied or very dissatisfied, and 8 percent “didn’t know” how to appraise their experience.

Figure 6. Levels of Satisfaction with the Experience of Arrest



The reasons for satisfaction varied greatly: one woman who was “very satisfied” with her experience of being arrested told us she was “glad” she was arrested since she felt like she was being rescued from an abusive former partner with whom she still lives and on whom she's financially dependent. One male detainee said the same thing when explaining why he was “satisfied” with the arrest. “It sucks that I’m in here,” he said, “but it’s kinda good because I’m away from her [his girlfriend] for a while. I gotta learn to just walk away, not worry about it.” One person who said he was “satisfied” explained: “I don't feel disrespected. I know what I'm here for. Um, I'm okay with that honestly.” Another person said: “Well, getting arrested, um, that's a mixed bag. But with their, with their, with their job, I'm very satisfied.”

For many detainees with prior experiences of arrest, the answer to this question depended on the way they were treated during the arrest. “Yes, I’m very satisfied,” one person said. “They was professional today.” Some detainees were surprised that they were very satisfied with their experience of arrest. One person said he was “shocked.”

Interviewer: Oh, you were shocked that you were very satisfied? So, tell us what happened.

Interviewee: Right, I got pulled over, um, gave the guy my information. Um, I knew I had a warrant. I had a, I had a warrant. Um, I had a bar fight like three years ago, so I had a warrant for that. And uh, I seen he was pulling that up.

Interviewer: You're in the car still?

Interviewee: Yeah. Cause I got a seven year one and a three-year-old and, uh, nobody's cussing. Nobody's yanking me out of the car. He took me to the sidewalk. I said, ‘Hey, can I just wait in your doorway until my wife gets here to get my kids?’ ‘Sure.’ Never had that happen. And it takes my wife like eight, nine minutes. We waited on the doorway right there where the officer talked to my kids, right? Yeah. Interacted with my kids and everything. And it was like, holy shit. Like it was weird.

Another person was surprised by the decorum of the arresting officers:

They were just cool. Like, uh, it was like, you know, my girlfriend had called up, cause like, mean she's super drunk. We're drinking tonight. And then she likes to like, you know, threaten me and stuff with like, calling the cops. Anyway, so they came, I was with the baby and they're like, chill, like, bro, like, okay, so, ‘cause my girlfriend calls the cops like, I have to get arrested and it's stupid. But I was like, no. I was like, I, I get like this. What has to go down? You know? This is not something what happened. And, but no, they were like, they're really calm and like, yeah, they're really, really cool. Like, they let me, I took, I told em, Hey, can you grab my phone? You know, like the green one, I had like three different phones, but like, he grabbed three, my green one, and then they did, you know? And no, they, they were really nice today [laughing].

Another person was pleased the police were not abrupt or aggressive, which made him feel safe.

Because when they came in, they announced themselves as who they were and, they didn't like go around the little shack that I had right there. They didn't like, you know, go storm Trooper inside and you know, or tear down the canopy that I was in and they, you know, they called me, and I tell them where I was. They say ‘you have to step out’ and at the time I had my pants down, so I had my pants were down and he says, ‘alright, and just pull ‘em up and step outside.’ So it wasn't, you know, ‘we gotta see your hands’ and, no. Um, my roommate first went out and, you know, no “need to put your hands behind your back” and it wasn't, you know, getting her and shaking her around and myself also, you know, I felt very safe.

Another detainee said he was satisfied in part by the way “backup” was involved in his arrest, despite misgivings about the offense that precipitated the encounter with the police:

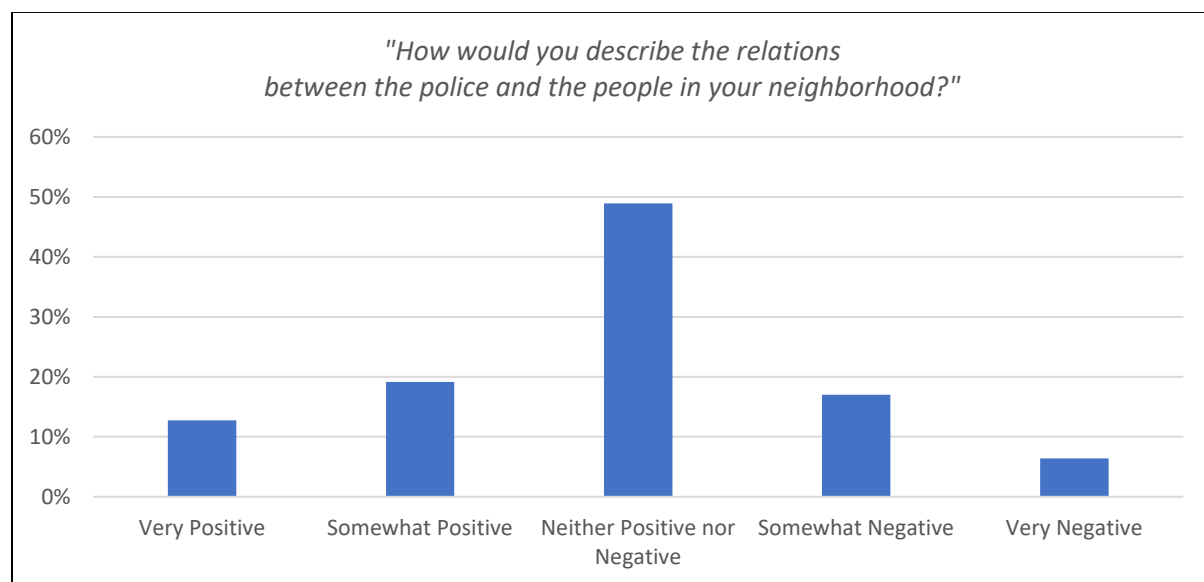
I'm not satisfied all that I got arrested, especially for, I didn't know, uh, I was in a possession of some stolen vehicle, so that's, I'm really upset about that. Um, I should have seen all the red

flags before I purchased the vehicle. But yeah, I mean, they, they did, did a good job as far as, you know, getting to me and, um, getting their backup up to, you know, to arrest me, I guess.

IV. Relations with the community

A greater proportion of the people we interviewed said that relations between the police and people in their neighborhood were positive than negative. As Figure 7 below shows, nearly a third of the detainees we spoke to said that relations with the police were very or somewhat positive. The most common response to this question was neutral, however, and few detainees who thought relations with the police were positive or improving could specify what about these relations were good.

Figure 7. Perceptions of Police-Community Relations



A couple of detainees speculated that good relations were a feature of the neighborhood rather than any specific practice or conduct by the police, and perhaps the result of limited contact with the police. For instance, one person said: “I mean, I really don't live out that way where I'm at now, uh, okay? I live in the southwest. I live in a nice neighborhood, so they don't be called over there. We just don't have a lot of crime over there.” Another person who told us relations with the police in his neighborhood were bad believed this depended on the area.

Only in certain areas it's bad. So let's just say there wouldn't be as much police in a good neighborhood as there is in a bad neighborhood, if that makes sense.... If you go towards like Martin Luther King Park, towards that way, then there's more maybe, maybe see a little bit more police over there. Um, let's see. Um, Rosedale or, what's another good neighborhood? Um, a lot of those other streets that are like way out there where, you know, police officers probably live. Then, you know, they probably wouldn't, you probably wouldn't see as much police unless they're probably going home. But that's my opinion.

Many detainees insisted there was no relationship with the police in their neighborhood. One person told us: “They don't work *with* the community, I don't think. But they're just like, like *in* the community.

It's more that they have a job, and they do that job." Another person who said there was effectively no relationship with the police appeared to say this was a feature of the landscape:

Basically there's not really a relationship between the cops and, and the civilians. It is just, you know, uh, it's just, it's, it's tough out here around, it's tough for sure. So it's like, I don't know. I mean, it, I wish they, it will get better in that area, but, you know, it's like, uh, it's just hard.

Two detainees said the distance between the public and the police was in part the result of the rarity of interactions unrelated to law enforcement, which meant that their only observations were of police officers patrolling and making arrests. For example, one person said:

Well, in the neighborhood that I live in, it's not very, it's not very common. You see 'em, you know what I mean? But it's not, it's not an everyday thing. You see people getting arrested or police patrolling the neighborhood. Just in, in, in the parts of town that I live in.

Another detainee said the infrequency of positive encounters with police might complicate efforts to improve relations with the community since vicarious experience and rumour would fill the void:

It's hard to change the perception without interaction, you know what I mean? So most people are going off of what they see and what they hear others go through. You know what I mean? So it, it's not necessarily personal interaction they're [negative views] being based off of.

Other detainees said relationships with the police in their community were adversarial and filled with reciprocal distrust. One person told us: "They're just not positive. We're like, hey, I'm gonna have to call the police. Right? But there's no, no trust." One person said relations were implacably hostile: "I hate them, really. And they hate us," referring to friends in his neighborhood. Another person told us that the community perceived the police as an enemy. "People look at the police different. They take them as, as a threat instead of safety." One person likened the mood in his neighborhood to war. "It's like martial law," he said.

Several detainees said they were wary of encounters with the police, but few thought violence was likely to ensue from an interaction. "No, that would just be straight out, uh, back in the whole day, you know, cowboy day," one woman said. Another person who told us he always kept his distance from the police, but said he didn't think this meant a dangerous experience was inevitable.

It's Bakersfield. It's crazy, but you know, you should stay out the way, stay out the way. But if, you know, like I said, there's some nice police and there's some bad ones too. So I think if you be respectable, or whatever, if you get hemmed up or pulled over and you're not being rude, I think you'll be all right.

Several people who said relationships with the police were negative told us that they had no personal animus against the police, but that such encounters entailed risk. Asked whether he felt comfortable talking with police officers, one person replied: "That's a different story. I can say hi and bye and all that shit, but I ain't gonna snitch. I just shut up around them." Another said:

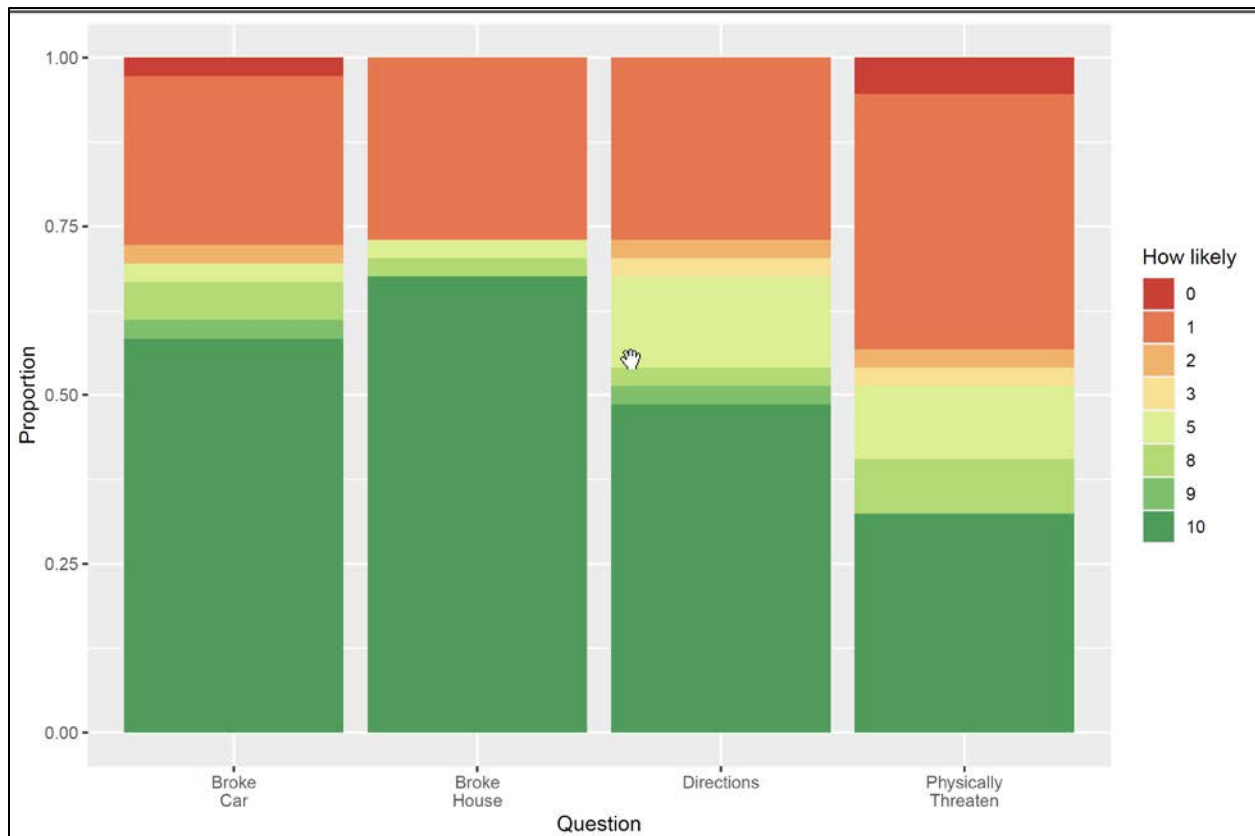
I can, I could probably communicate with a cop, um, like talk to 'em. Yeah. I mean I was on the way here talking to 'em. And other than that, um, nothing really personal. I'm pretty sure they,

uh, or you know, nothing personal they can ask me cuz they're cops. They're not detectives. So they could, I mean, they could communicate. We can have a good talk on the way back this way or whatever, but nothing really personal. I would not want them to ask me no type of personal question. Like who? Or like, say like for instance, I've been in a gang, um, like most of my life I, I know people from the neighborhood, so I don't like them to tell me where I'm from or nothing. What, what's on the record is on the record. Like, you don't need to know, uh, this person, this person or you know, I mean, I know when to stop, you know, uh, answering their questions after I was like, I don't know, I don't know. Or they want to talk to me about some good cake they ate or something. The way over here like yeah, we can communicate, you can know me, I'm cool. We can talk about anything you want. But other than something really personal, I want like, I feel, um, discomfort.

V. Inclination to Call the Police for Help

We asked detainees to tell us how likely they would be to ask the police for help in the following four possible situations: (1) if their car was stolen or vandalized; (2) if their house was burgled; (3) if they were lost in an unfamiliar neighborhood, (4) if they were threatened with violence. We used a scale of 1 to 10, with one being “not likely” and ten being “very likely,” to gauge the intensity of their inclinations. As Figure 8 below shows, two-thirds of detainees said they were very likely to call the police if their house was broken into, whereas less than one-third said so if they were threatened with violence.

Figure 8. Willingness to Call the Police or Cooperate in Different Situations



A few people said it was a matter of principle when asked to explain why they would “definitely” call the police for help. “Because I’m supposed to, right? It’s, It’s the right thing to do,” one person said. Another said: “because stress for society teaches us to do this call the police.” Then he added another reason:

Cuz you can't win against them [the suspected perpetrators]. So they would bring a lot of power. So things will get outta hand to where, like, yeah. There's no way out of this. like it's cause me against 10 people. Right. We ain't gonna win that. Right. But people want to try like, yeah. That's pretty dumb, you're not gonna win that.

Some detainees who said they would not call the police for help also articulated principles for their views. One person cited the bible. “The good book says, you know, don't let it get too far out. Don't take your brother to court, you know, try to settle out with him before he goes to court. He should be judged and, and, and, and harshly punished, you know, so make amends. You know? I believe that. I believe in that.” Another referenced the right to self-defence. “Yes, I’d ask a cop if I was lost,” he acknowledged, “but no, I ain’t gonna call them for nothing. I protect myself, I ain’t gonna call the cops.”

All other detainees said their inclination to ask for help involved a calculation of risk. For example, two detainees said they’d be reluctant to call the police for help in most situations. One woman said, “yeah, I’d ask for directions, but I’d be scared.” Another man said: “Um, during this point in time? I mean, yeah, I would, but I'd be scared because I see the, I see what's happening on tv.” Other detainees believed that any contact with the police would expose them to danger. One said: “You either lose a limb here or lose a limb there. It’s like a double-edged sword,” when you interact with the police. Another person was adamant that he’d never call the police, not in any situation. “Hell for no,” he said. “Hell no.” When we asked, “what is that,” he replied:

Their first question will be, “why are you in this neighborhood? What are you doing?” Right? And then if they ask somebody around you, “has this guy been doing anything suspicious?” It only takes one Karen to be like, ‘yeah, I seen him be a problem.’ Now I'm going to jail. So I'm not asking, I'm not gonna set myself up for that failure.

One person who had called the police for help before said that calling the police was likely to get them in further trouble.

It's so easy for somebody to incriminate themselves, any little words, you know, could mean the whole other things. And, and they, they could just definitely twist everything like a sickle and just write down what they think, what they feel, how, you know, depending on your, how you said certain things or certain words. And that could get you a lot of trouble, of course. And, um, and that's, uh, that's the way, you know, I see, know, sometimes I will call and they will think I'm the, I'm the, the guy that I was, you know, being called out. Cause I had people try to break into my home before. And when I called the man, they tried to hit me with it, thinking it was me, the one that was breaking in my own home.

But some of the reluctance and ambivalence about calling the police for help was unrelated to any observed or imagined conduct of policing. In one case it was tied to a fear of strangers and a suspicion that some people might be impersonating the police:

I think I would, but you know what, these days I've been very scared of everybody because I don't know if they're really a police officer or not, because like, I don't know, I just feel like these days I, and I don't know if it's true or not, like there's a whole 'nother world out there that's not actually the law enforcement. Like, you know, I don't really know like who or what. But that's what I feel, you know, because I just feel like there's people, like maybe they steal the cop cars and act like cops. I don't really know that for a fact. That could be imagination. Understand. I don't know. But it signs around me or something is telling me that people are doing that. You know? I feel like there's people doing a lot of stuff. And so I, I'm a little nervous about those situations now, you know? Um, I just didn't realize that that was out there.

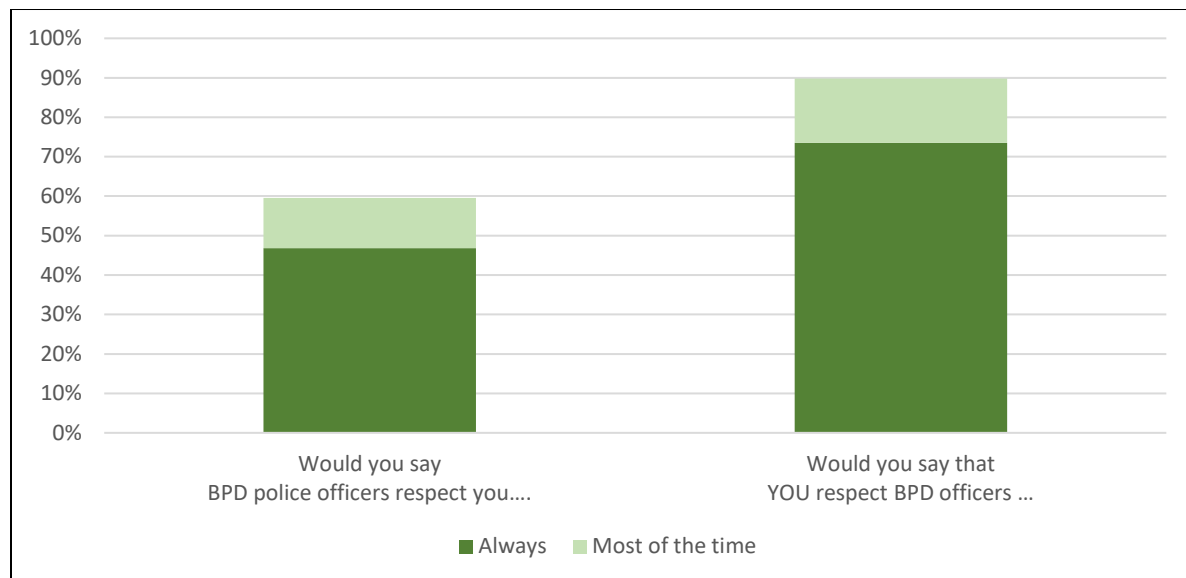
Interviewer: Well, what if someone threatened you with physical violence, would you call the police to report a crime?

Interviewee: Um, I thought I always would've, but I have not done that because I've lived in fear because of it. So I don't, no, I never do. Hmm. Like something tells me I can't, I don't know.

VI. RESPECT

We asked detainees how often they felt respected by police officers and how often they respect the officers they encounter. Nearly half of the detainees said that BPD officers respect them “always,” as Figure 9 shows, and an additional 13 percent said “most of the time.” By contrast, nearly three quarters of the detainees said they always respected police officers in Bakersfield, and another 16 percent said “most of the time.” Figure 9 below depicts this asymmetry in the perceived reciprocity of respect.

Figure 9. Beliefs About Respect



We twinned the questions about respect in order to understand whether respect for police was believed to be conditional on receiving it from the police (as the stingy trope suggests -- you only give what you get), or whether detainees believed the offering of respect was rooted in other considerations, such as the character of their treatment, the demeanor of the officer, the reputation of the Department or the

public image of the police in general, or something intrinsic. The response pattern captured in Figure 9 belies the notion of respect as a *quid pro quo*. Only a few detainees referenced this trope directly, and those that did began with the position of the resident, not the officer, as if to suggest the origins of respect lie in society or is incumbent on residents. For instance, one person said: “Like, I talked to them and if you give 'em respect, they give you respect.” Another said: “It's kind of, I mean, if the people don't respect them then, you know, the police don't respect the people as well, so, it kind of goes hand in hand, I guess.” A third person portrayed the transaction in negative terms, saying: “It depends; if we treat them like shit, that's what we'll get in return, and vice versa.” A fourth invoked the idea of conditionality and reciprocity in the trope but emphasized the collective benefits of giving respect, rather than the private value of the return of recognition to the individual resident:

Well, I mean, respect goes a long way. Um, if they show respect to someone, I think that honestly maybe that person wouldn't act out so much towards them or, you know what I mean, or be so violent maybe. So maybe it even could reduce crime or something. It could, I think, you know? Um, I think this world needs a lot more niceness [laughing].

Because of the asymmetry in the response pattern, we asked for an explanation when people said they respected the police despite believing they received it less often from the police. For a few detainees the sense that they had been respected by the police depended on the way they were treated during the arrest. For instance, one detainee emphasized a positive personal experience with the police officer; he also speculated that the relationship might not be the same for everyone.

Honestly, since this is my first experience, I have not felt disrespected. Honestly, um, I think I've seen this police officer that actually brought me here like three or four times before, 'cuz I had a situation. But honestly, he has never made me feel disrespected or less or anything like that. Now I can't speak for everyone, but the ones I do know, then, yeah, most definitely I feel I have been respected.

For most detainees, whether they felt respected by the police depended on other factors, such as the professional comportment of the arresting officer and the recognition of social differences between detainees and police officers. For instance, one detainee who said police officers in Bakersfield always treated him with respect rephrased the issue, converting into a question about “us and them” and emphasizing the social reputations of detainees and officers as well as the way the police do their “job.”

Respect us? Oh, they always, always, yeah, always. I treated them with respect, too, today. Yeah. They're super like, cool. It's doing their job. Like they guys are cool.”

It was common for detainees to explain the asymmetry in perceived respect in terms of the “job” performed by the police. For example, one detainee said that respect for the police was conditional on police officers doing what was expected of them, not how she was treated as an individual.

Interviewee: I mean, they treated me with respect today, but I respect 'em 'cause they do they job.

Interviewer: And you think they're doing a good job?

Interviewee: I think they're doing okay.

One person insisted it was “professional” to display unconditional respect, and that he was the one being professional in the encounter by not insisting on reciprocity.

It's like my job, I'm a professional, so I always believe you get respect. You get respect. Doesn't always happen the return, the receptiveness, but I can't, like you, you looking at me, I'm like, well I'm being respectful. If you're not respectful of me, well I can't help that, but for sure, for sure. I can only speak for myself. I'm like, well, sorry to tell you, hey, I was being respectful. I didn't do anything.

A couple of detainees portrayed respect as the ability of police and residents alike not to allow a fraught situation to escalate into a conflict between individuals. “Actually, I do respect them,” one detainee said: “I mean, I might say a few cuss words here and there, but not towards you personally. It's, you know, it's me. But besides that, yeah, I do, I respect them.” Another explained the virtue of respect as restraint:

I was raised that it starts and ends with respect. Everything does, no matter who it is. And I do understand everyone has a job to do. So you doing your job is not gonna cause me to be disrespectful or an asshole just based on -- even if I feel like I'm wrongly being dealt with or, or messed with it or pulled over whatever it may be. Like before where I told you about how they pulled me over and profiled me. I didn't get disrespectful and, and, and outlandish. I stayed calm and just 'cause I knew it was bullshit. You know what I mean? So I just let them do what they was doing and let them mess with me and do whatever they was gonna do and send me on my way. But it was never me just getting, like, oh my goodness or disrespectful, outrageous type shit because I knew it was bush. Right? In today's, in today's instance, I know that I was wrong and it's still the same, you know what I mean? Still the same respect, you know what I mean? Like if you asked the officer, I didn't give them any issues. I wasn't, you know what I mean, trying to fight or be resistant or anything. Just letting them do their job.

A greater number of detainees emphasized the potentially adverse consequences of not showing respect to the police when asked to explain why they respected officers without officers respecting them. One person raised the specter of “fearing the consequences” of not showing respect for the police:

I just do. They've, I mean, I don't know why... [laughing], that's a funny question. I just do, I mean, they've treated me, they've never done anything wrong. If, if I did something wrong, I deserved to get in trouble, you know, like when I drank and drove and got pulled over back in the day, like I deserved it. Right. You know? So, I mean, yes, I've always been afraid of like, getting in trouble. You know, but not fearing the consequences of an encounter with the police.

Several detainees made it clear that it was prudent to display respect. One emphasized that disrespected officers could lay on “extra charges” and otherwise make life worse.

Well, yeah, I do respect them to me because I don't want, like, extra charges or anything like that, you know, or, or something that that's gonna, you know, incriminate me even worse, you know? So, of course I do. And you know, I just, you know, I would like for them to also treat us, you know, the same, you know, with respect. Sometimes, uh, I see a lot of, uh, people get pulled over on the streets and it's like, uh, how can I say? Um, yeah, they're pretty, they're pretty tough on, on, on the people, but like I said, it depends on wherever it is they're stopping, you know, what the background is and so forth. So I, I understand that I have to come as them a different approach, you know?

Fear played a large role in several people’s calculations. After insisting that respect was a principle of good government, one detainee admitted: “But, to be completely honest, I’m always fearful of dealing, dealing with the cops. ‘Cause I never know what I’m gonna get.” Another depicted dread as the reason for respecting the police, with respect taking the shape of submission:

Even today when I, when I hear them knock and I, I still feel ‘cause I know what they’re coming for. So I don’t know what their intentions is when they show up cuz all police don’t have the intentions of just doing their job. Like I say something get power and abuse.

Another person who told us he “rarely, rarely,” felt respected by the police said that he nevertheless respects the police “everywhere I go.” When we asked, “and why is that?”, he explained there was a danger to both parties, and that only by sticking to their respective “jobs” could it be managed.

Because I don’t know if they’re a good guy or bad guy there doing his job. They don’t know if I’m a good guy or bad guy. But they’re still both doing the jobs. There’s a job on both parts.

Two detainees made it clear that the expectation of reciprocity in respect was precarious, like a truce that might easily collapse.

Well, initially I don’t want nobody disrespecting me. If you’re not disrespecting me, I kind of just, give out the same respect. Even though they are police officers, but they are still human. And I feel like if you want somebody to respect you, you should definitely respect them. So I want them to respect me. I’m not gonna disrespect them when they haven’t did anything to me. Now, if they were being a bitch and you know, just doing all that, then I probably would be disrespectful back. But if you’re not being disrespectful to me, then I’m not gonna be disrespectful to you. Right. So that’s it. Not an annoying reason, just treat everybody how you want to be treated. And I think that’s just in general no matter who you are.

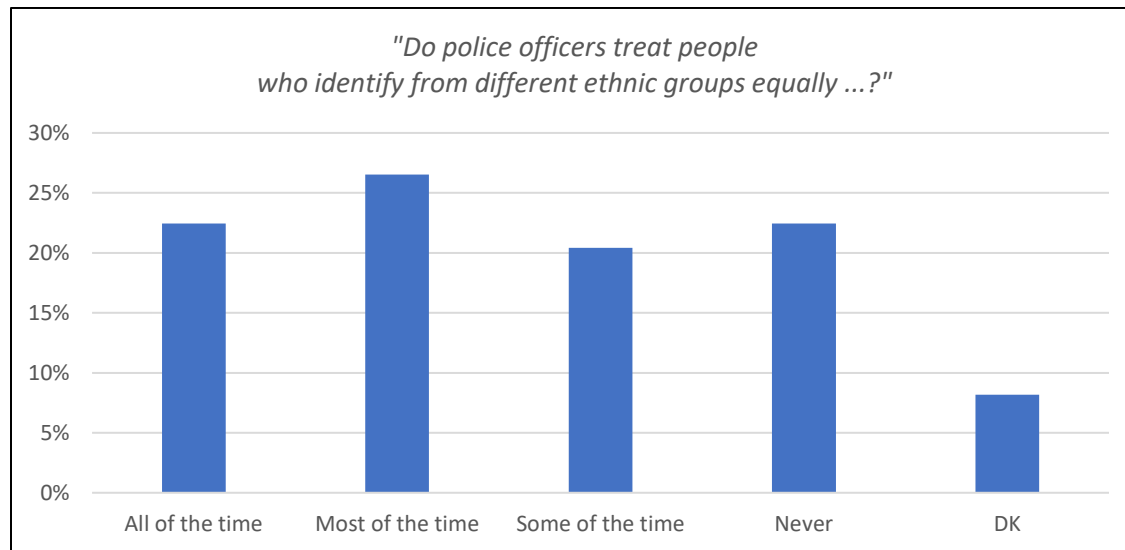
Another person who told us he “always” respected the police insisted his respect was principled and unconditional, but then explained that civic peace could easily be upset.

“Always. I mean, you can’t look at a person different. But if I see your true colors, man.... What you give me I’ll give back. If you disrespect me, I’ll disrespect you; that’s freedom of speech.”

VII. Equal Treatment

Nearly half of the detainees we spoke to said they believed officers treated people from different ethnic groups equally either all the time or most of the time. One fifth though this happened some of the time, but nearly a quarter believed it “never” happened, as Figure 10 shows.

Figure 10. Beliefs about Equal Treatment by Police Officers



Several detainees who said the police treat people equally only “some of the time” believe that police officers treat some people more favorably than others, rather than treating some people worse. For instance, two people with military backgrounds said that the police were indulgent of their criminal behavior on account of their past professional identity. One said he once avoided an arrest while driving drunk because of his status as a person with prior service:

I don't normally get arrested or something like that, you know, but, um, I remember like, uh, like four years ago, they, they, uh, they pulled me over and um, I had a really nice jeep, like a brand-new kind of Jeep. And, uh, so I didn't even know why they pulled me over, but they, they pulled me over and are like, 'oh, are you in this neighborhood? Like, you hear like, there's like a drug dealer neighborhood.' I was like, 'well, I live down the street! [laughing].' And then I had, I don't have a license, so, and they're like, 'oh, like wait, what do you do?' I was like, 'oh, I'm in the military' and this and that. And, um, I think that, I think they like military veterans a lot.

Another detainee who identified as White told us he was once sent home rather than arrested for driving under the influence of alcohol. He believed such favorable treatment was offered to others who had prior experience in the armed forces, regardless of their race.

One of my black friends at work, uh, he's got, he does not have no license, no insurance. No nothing. He's like being pulled over and like, they just let him go, too. That's what he told me, you know. Uh, but he was also a, a veteran, a ex navy, so, so I bought, that was cool that they did, like, they don't give him no ticket? No, no, he not, no insurance or nothing. They let him go. That's what he told me. So I thought that was cool.

One detainee believed such favorable treatment by the police was only available to people of certain races. “If you're white,” he said, “they more lenient, as opposed to your minorities.” Several other detainees perceived unequal treatment in racial stereotyping. For instance, one person who claimed the police “never” treated people equally said:

You're profiled. Look at your skin color compared to mine. Now, look at me. So I am Mexican American, but I'm born here. We descend from Mexico. But when you look at 'em, they're like, there's a word called bk. BK means bik. Countryman. So, but in my culture, Mexican, they're like, BAA means I'm a bi. Um, another word, uh, wet back. Because of my skin color. Right. But if I was white, blonde hair and blue eyes, I probably wouldn't be seen here.

Some detainees believed all officers were involved in such profiling, though other detainees thought it was limited to certain officers.

Interviewer: You think that depends on the officer or you?

Interviewee: Probably just depends on the officer. Like, it's probably a few officers that I know that work for BPD that I definitely wanna stay far away from [laughing] because either they're gonna have an attitude or they're gonna be a bitch.

One person was adamant that the police “Never. Never. Absolutely Never,” treat people from different racial and ethnic groups equally. He thought unequal treatment was rooted in a bias that was acquired during an “upbringing” rather than something inherent in policing or the Department.

I'm not sure if it's just a jury after where we, at the upbringing, I couldn't tell you why a person chooses to see color instead of people. If you got a guy that's dark as night and a guy is white as snow and this guy's being belligerent and this guy is being calms crazy, but you're still up in arms against this guy and just nervous while this guy is, oh, calm down sir. I mean that's a, that's a, upbringing thing. That's something that's been instilled to him since they've been little. They didn't learn that from nobody. So I don't know. I don't know to answer that. But it's sad.

One person who identified as Black said “they don't treat us equally at all. Not, not even close,” believed that unequal treatment by the police was a result of officers’ fears:

Um, I'm, my true belief is a fear. It's a fear factor and I don't get it, it makes zero sense. Like I, I was just telling the officer on the way over here as I asked about the documentary, what's your feelings on it? And, he gave me his opinion and then he asked me what I thought. And I said, I truly believe that fear shouldn't be the number one response, especially not for a cop, as a civilian. When we talk about people with guns; the worst person with a gun is a scared individual, in fear. And I think it works whether you're a civilian or a cop. Once you resort to fear, once fear is the first thought or response, it's a scary situation. That's who I fear the most, someone with a gun that's scared. I feel the same way with a cop. His training should take over and it shouldn't be fear. That's the first response. That shouldn't be the first thing. That can't be the, every time that they wrongfully kill or shoot or too much force, it shouldn't be okay. That first thing that comes out their mouth was, 'I was fearful for my life.' You were trained to be put in these situations to where you shouldn't, the first thing that clicks in your mind shouldn't be fear. Right. That's just my, my thoughts on it.

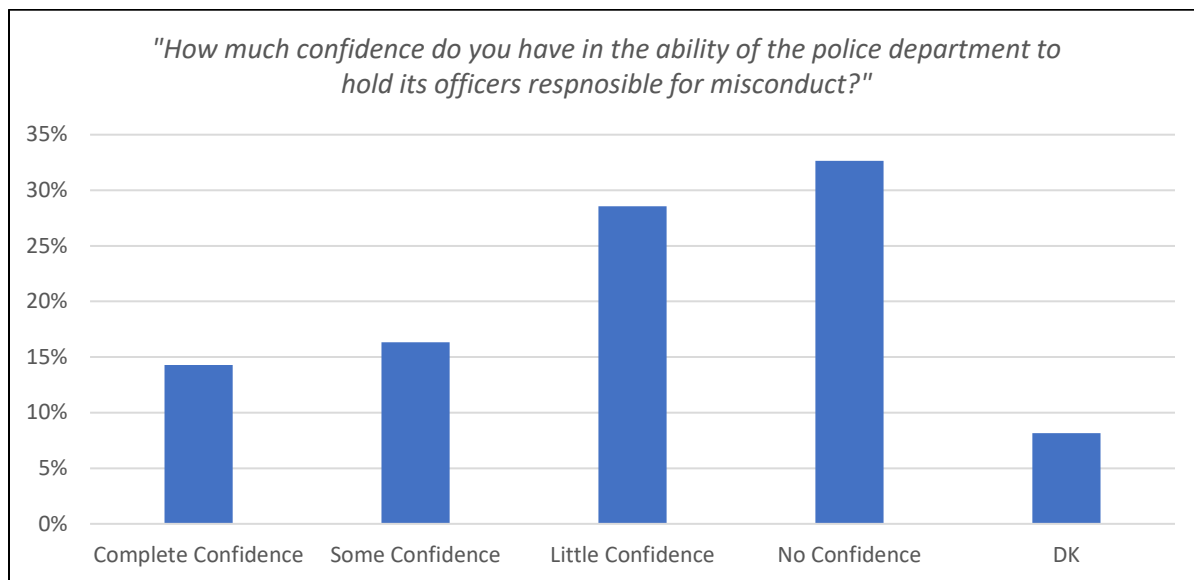
Interviewer: “So what'd the officer say to all that?”

Interviewee: “He said he agrees. And like I said, I, see both sides of it. Like, I can get how you can go into a situation and be cautious or be weary or on edge, but fear? Shit, you get horrible reactions with fear.

XIII. Misconduct and Accountability

Nearly two thirds of detainees had little or no confidence in the Department’s ability to hold officers accountable for misconduct. A smaller proportion said they had “complete” or “some” confidence, as Figure 11 below shows. Four detainees (8 percent) were unsure and said: “I don’t know.”

Figure 11. Confidence in the Department’s Commitment to Accountability



None of the detainees who said they had “complete confidence” in the Department’s commitment to accountability explained the sources of their belief. One detainee who said he had “some confidence” in the response to police misconduct believed the Department had a self-interest in such accountability, though it sounded like a wish rather than confidence. “I would hope so,” he said, answering this question. “They busting cops left and right now. I mean, you gonna let someone off just ‘cause you got the badge? C’mon. Would you want that person in your system?”

There was a lot of uncertainty in the thinking of other people who said they had “some confidence.” Two people hesitated a long time before responding and vacillated between “some” and “little” when considering the options in our response scale. One person asked:

Is there something between complete confidence and some confidence, like you just said? Because, you know, because, I mean there's always gonna be, um, like if, if you're sitting in the military, like there's always be some kind of protection, like someone looking down for somebody cuz you're part of it. But if I said for the most part, but I, I, I think it's the same in every city, I would say any police department say in the world. ... Except in Mexico where we have, like, no confidence. But some confidence is not little confidence. Okay?

Another person who was unsure believed that officers might protect each other rather than safeguard the integrity of the Department:

Maybe it just seems like, I don't know. You, they would just back each other up. I mean, of course they're gonna back up their officers. Yeah. But I don't know, it just kind of goes, I guess like the customary responses that a lot of the times they don't really fully get like the full punishment that they should, you know?

One person who said he had “no confidence” believed “a higher power will take care of this problem” and sabotage accountability. Another person who told us they had “a little bit of confidence,” suspected that unknown forces might corrupt the response to misconduct:

I just feel like there's people and I, like I said, I don't know any of these. I did not see any of this stuff, but I feel that there's, um, people that use their power for not for good. Like they're helping people out that don't deserve it.

Several detainees thought professional solidarity among officers would thwart any efforts to hold officers accountable for misconduct. “I know they believe in the blue code, man. They, they, they protect each other. So they, there's no way they're gonna arrest officers,” one person said. Another person who said he had “zero” confidence told us:

Um, proofs in the pudding for me. Like, it's, it's very clear that they're never gonna be held accountable. They have the, the mentality or the brotherhood that they claim to have and protect. It's very real. And I have people that I know in life and that's something, it's not people that necessarily deal with on a regular basis. They can give you tons of dirty, corrupt, messed up cops that just pick on you, you know, just mess with you for no reason and never be held accountable. They, uh, when I got pulled over that time, and once I told you that I felt like he made it personal, they even took my ID that night. I ended up having to call him back and meet up with him and everything else. I made a report on him. I'm pretty sure nothing came of that.

Interviewer: Would you file a complaint today? If you thought or felt something was wrong?

Interviewee: Yes, I would.

Interviewer: You would? So you have a bit of confidence then that someone would take action? Or not?

No, I mean, I'd do it just so it's on record. That's right. Like I, my parents are in law enforcement work and that's the route my mom always told me, like, you gotta report them when they do shit like that. You know what I mean? Get badge numbers, names, and you report 'em. Whether they do anything with it, it's another story. Okay. But I truly don't have any faith that they're gonna reprimand their own.

Several other detainees were more skeptical about the Department’s commitment to accountability, believing in the power of a fraternal order of officers:

They're all buddies. They all work together. You, they're all, you know same softball team, you know, they're bowl teams, you know, they gotta back each other up, you know, Bible says fellowship with those of like mind, you know, and they're all like mind. So they watch each other's back no matter what.

One person said police misconduct would be covered up: “A lot of people want to put it under the rug. It’s kind of like there’s a lot of stuff behind their curtains that nobody sees, nobody cares. Your voices are not heard.” When we asked, “What kind of things are happening ‘behind the curtains,?’” he replied at length:

Well, a lot of, definitely a lot of injustice. But if you speak up, now you’re a target. It’s like everything else, right? Sure, sure. You make noise. Um, I think about, um, a movie called, uh, the Messenger. About a reporter. Look what happened here. He came up, he was a good journalist, wanted to speak the truth. Nothing wrong with that. Bu it cost him his life cuz at the end he ended up killing himself, cuz after what they discredited him, they found a way to, they didn’t even know. Right. They told him before, Hey, he published this, you’re going to ruin a whole lot of lives. They weren’t worrying about his life. Mo’ power is what they called it. Ours. You know, then he gonna get a job no more. And then he just committed suicide. Horrible. So if you speak too much, um, you one. Accidents, accidents happen all the time.

In this case, the cinematic portrayal of the treatment of people who report official misconduct seemed to influence skepticism about the possibility of accountability. The views of other detainees’ views also seemed to be influenced by developments outside of Bakersfield. For instance, one person who said “I’m not sure” the Department would hold officers accountable explained referred to recent events in other states:

I don’t know cuz I don’t know. It’s like, like, I don’t know, just like the four guys that killed that one guy and they were, and they all was the same color and they still killed him. I don’t know why they killed him or nothing like that, but I mean, what are they gonna get? Are they, are people gonna get justice for him? His family for them cops? Did they get justice for the um, little boy that got killed? Trayvon Martin. Or for that guy George? I’m not sure. I’m not, I mean what did the, what did that officer get? It’s like a lot of officers going around just beating on black people for nothing. What do they do? So I’m getting cell phones out they pocket. They thinking they guns, they’re not giving them a chance. They just see that and they wanna fire out, fire their arms. I mean, what, what, what the, what’s good is the body, um, cam for, I’m not sure.

Other detainees expressed considerable uncertainty alongside strong concerns about racism in Bakersfield. One detainee mentioned recent shootings of minority suspects in the city, and said:

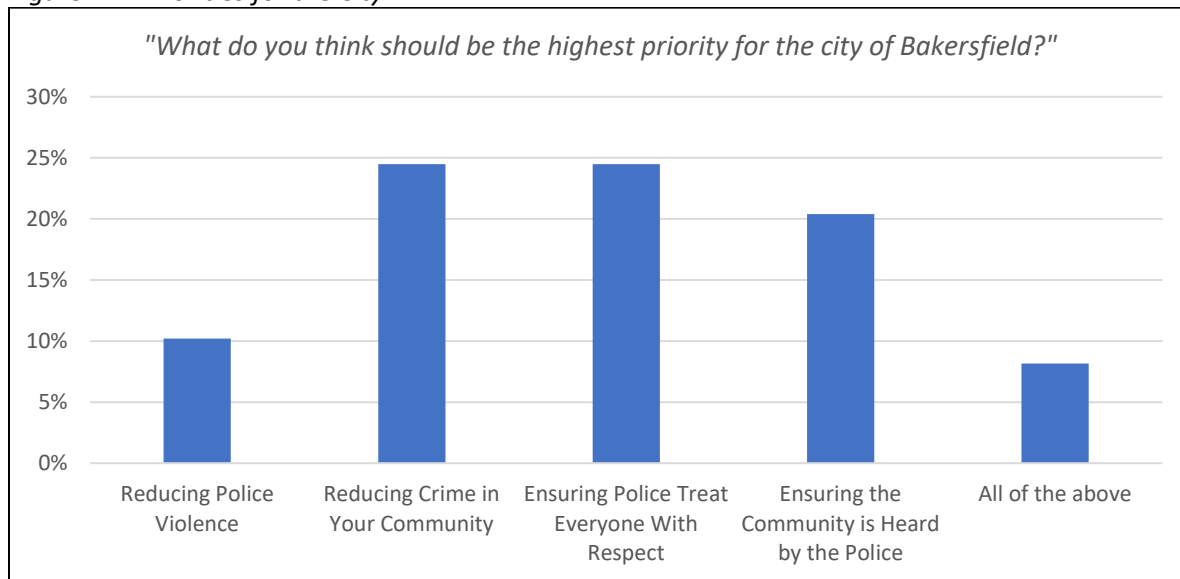
I would like to know why they’re doing that. Why they going around just killing people? I mean they not giving them much chance. They’re not like, like fighting, or trying to fight them or nothing like that. They just see black people and they just shoot ‘em. I’m a black, another black guy dead. I don’t know. Like black lives do matter.

IX. Priorities and Hopes

We asked detainees to select a single priority for the city of Bakersfield, choosing from one of four options: (1) reducing police violence; (2) reducing crime in their community; (3) ensuring the police treat everyone with respect, and (4) ensuring the community is heard by the police. The most common response was “treating everyone with respect,” followed by “ensuring the community is

heard by the police.” As Figure 12 below shows, a smaller percentage selected reducing police violence. A quarter said that “reducing crime” was the top priority. A quarter said “ensuring police treat everyone with respect.” Another 20 percent said they would prioritize “ensuring the community is heard by the police.” Many people struggled to identify a single priority for the future of the city: four detainees insisted that “all of the above” were equally important, and six detainees ended up saying “I don’t know” despite repeated encouragement from the interviewer to choose one and talk out loud about the various options.

Figure 12. Priorities for the City



A similar pattern of preferences was recorded in the survey of all residents last summer, when a small fraction said that “reducing crime” was the most important objective. Among detainees, the concern with crime seemed to be rooted in a worry about violence, especially shootings and homicide. “There’s a lotta shootings and shit,” one person said. “They gotta step up,” he implored, referring to the police, “people dying left and right. C’mon! You’re just letting them go.” Another detainee who recounted several negative encounters with the police in the past, including being yelled at by the police in his driveway and being stopped by the police with their guns drawn while he was driving his mother and children in a car, nevertheless told us, “I’d probably say ‘reducing crime.’” We were surprised and asked “Why is reducing crime more important than the others?” He replied, “um, a lot of pointless crimes.”

A lot of pointless crimes. Very pointless. People die, they get shot, they get stabbed and sometimes it's just for no reason. Like, like, I don't know about that one encounter with that Mexican guy. He was running around with the knife. I don't know if you guys heard about that one. We, we got some stories out here. Yeah, he was shot and, ... many crimes that's random. You're walking around just stabbing people and these people are citizens. So yeah. That, that should be a priority. Yeah, stop the crime.

When we asked him: “Why do you think the police aren't stopping more crime?” He replied: “Just, there's a lot of killing going on, but hey, they got me. I committed a crime, now I gotta pay the cops.”

One woman who said reducing crime was the top priority had a different concern about crime:

We need to stop all crimes. Stop the police from, you know, beating on people. I mean, that's not cool just to beat on just another, just beating on people like that. That's not cool. They're not resisting arrest, so why beat 'em? I mean, just because the words hurt? Just because they talking words shouldn't hurt you. You should be just like, I mean, look over that, be the better person and do your job.

For another detainee, the imperative of reducing crime was rooted in a concern about the erosion of social norms of honesty and responsibility.

I just think people get away with too much. I know you can't arrest 'em necessarily, but it's like people are getting away with way too much. They pretty much can do anything besides like, murder somebody or be a major drug dealer and they are able to just walk away.

The dominant concern, however, was with respect for residents. One person said: “Respect, definitely. Because respect is everything. It's a universal language. It's like money [laughing]. Everybody understands that.” Another person who thought treating everyone with respect was paramount thought it would help overcome social inequality rather than racial difference:

Well, the community is scared, you know, of talking to the police, you know, but for way other reasons. But I say treat people with respect, man, you know, not everybody's a bad person. We just, you know, make wrong choices -- this was my decision. So that's what put us in position that we are now. So, yeah. But yeah, that'd be great. You know, come and treat you better. That's opposed to just ramming you up and just, you know, putting your patrol car in and say that's it.

One person thought that treating everyone with respect might compensate for the gap between the morality of the justice system and the public it punishes.

Now, whether, whether they abide it by it [the rule of equal treatment], that's different. But the same one that's gonna judge me at some point in that courtroom, he has done the same thing too. There's no difference between me and him. Other than he's a judge and, um, [I'm] the criminal. Cause that's what I am now. Just he hasn't got caught. I did. And that's the reality. Cause anybody drinks [laughing]. Like, he had a wine, too, and you're, but you're not impaired because you're still coherent. So, sucks.

Other detainees wished for the resolution of persistent social problems. “Get rid of the bums,” one person said, though not through law enforcement. “Solve the homelessness problem by building better housing instead of new gas stations and shit. Crime will go down for sure. Everyone deserves a fair shot in life.” Another person wanted better treatment and less discrimination for the homeless.

It's been a lot of kick down. A lot of people have been kicked out, stepped on a lot. And it's not just police doing it to me. It's, it's the people out here on the streets. It's the people, the homeowners and businesspeople that just look down on at us, because they, they judge you. Right? You know, I look like a criminal. I know I do. I look like a criminal and I'm walking the street. They looking at me all speechless, you know, and they just start labeling, labeling you and putting these jackets on you.

One person worried the police might not be able to do this on their own.

Well, you know what, they're, they're trying to mediate. They're trying to make things right for both. But sometimes you just can't please both sides. The cops are on that other side, right? The haves and have-nots. Yeah. Dirt bags. And not everybody's like that though. Not everybody's a dirt bag, you know? It's a lot of people out on the street who take care of themselves and are carrying themselves properly.

X. ADVICE FOR THE CHIEF

The final question we asked detainees was: “what’s the first thing you would do if you were the chief of police”? Several detainees were daunted by the prospect of taking on such responsibility and balked at giving an answer. “I could not do that job,” one person said. “Yeah, It it's crazy job. Huge responsibility. Sure is.” Another person added: “That's, that's a, um, that's going to be, you'd have to have definitely some people on your team to help you.” Still another replied in awe. “Honestly, I'm really not sure on that one. That's something that they would have to come up with. Cause honestly, I don't, I don't know what it would take. So I feel bad for the higher authority; they have to figure that out.” One person believed the task was so tall that only biblical wisdom could help, adding that even a wise chief would have withstand counter pressure from elected officials.

That's the big question to put on one person. A lot of pressure. Man. Well, I think I want to be a spiritual, like, and I want to be wise. I want to have wisdom. I don't want riches. So I pray for my higher power to gimme the wisdom if I was to be in that position. Gimme the wisdom that I need to be able to govern your people. So I can praise and elevate. But all these politicians, they always have their own agenda.

Several detainees thought the forces arrayed against a wise chief were inside the department and had to be exorcised by changing personnel. “I’d retrain and fire half the staff,” one person said.

Interviewer: Half?

Interviewee: Oh yeah. You know, half of 'em are command or Street. That's gonna be command. Command. All the higher ups are gone. Those are the ones allowing it. If you know this new worker, he just did this. It's not like, oh work on the next guy, now your ass gone. This is the type of job where you fuck up, you're done. In the military, you fuck up, you're done. So why not here?

Another person said: “I’d fire the whole department, and stop suspecting everybody based on what they wear. They don’t know me; I’m wearing sweats today because I feel like it; they should start explaining things better.”

Two detainees emphasized the need for new personnel without firing current officers. “I would start with the process, the whole process of picking and training,” one person said. “I will start with that first. That process has to be more strenuous in my opinion, and more thorough.” Another person echoed that idea. “I believe it starts with the screening and the training. Better screening, better training of police officers. We asked what that would lead to: “It would lead to less police violence. Especially on the fear question. Oh yes, most definitely. You have, you have violent police officers, too.”

Other detainees recommended changes in policy, not personnel, and the prioritization of what they considered the greater problems in Bakersfield.

If I was chief of police? I would, I would try to stop the policing of all the highways and all the attention to the speeding stuff and, you know, have more people respond to crimes, you know, rather than just like, trying to get money out of somebody for like, going over a speed limit which everybody does.

Two detainees said they would focus on persistent crime problems and residents' sense of personal safety. One said: "I'd make the community think they're safe. You gotta be able to walk down the street with your child without a fear of nothing happening." Another said:

I'd have a lot of gang units go around the neighborhoods where there's more crime activity. Just wipe 'em out, you know, get around there, you know, I know there's lot of people that have, that I have, uh, warrants and then, and you know, they are not, you know, they're on parole and everything that's, you know, still doing some kind of activity. So just do, you know, have gang and just, you know, started going neighborhoods. Yeah.

Solving problems associated with homelessness was a greater priority for one detainee:

I mean, right now you see a lot of abandoned houses getting burnt down. I mean, basically, we need to be taking care of all these people that are homeless, doing all these things, you know what I mean? And recently we started getting homeless people from out of LA and stuff like that sent over here. So it's all a big issue here in town, right? So maybe I'd work on something like that. Okay? That'd be a great start, you know.

For other detainees, the priority was to improve mutual understanding between police officers and residents. Some thought that could be achieved by retail means, by changing interactions with residents one at a time. "I'd focus on treating people with more dignity and respect," one person said. "That would definitely, uh, help out. Uh, just know that we're human bro. That we're not out there, you know, dogs and, you know, be treated like one sometimes." Another person said:

Nobody really likes any, any kind of involvement with the cops. Um, so, I guess that just being nice or, you know, showing more respect and kindness would spread the word and maybe start changing the views of some people on how they view the police overall.

Other detainees recommended wholesale actions and community engagement. "I'd do community outreach, said one person. "I mean, I don't know if people actually do that anymore." Another said, "I'd probably organize a parade." A third recommended a peace walk:

The first thing I would do is probably have like a community pep rally, peace walk, some sort of thing like that. Um, probably, that's it, honestly. I'm not sure, but things like that, you know, like you should be going over with your community of how you want it to be. Probably something like that. Like pep rally or a walk or a top or a prep or whatever you want to call it.

Still another recommended the chief “get to know the people” and demonstrate pastoral care.

That's what the police supposed to do. Right? Aren't they supposed to get to know the people beat? And they get to know them and know their hearts. You know, it's like the Lord. He judges you from your heart. Right? And he knows the heart. He knows your intentions. Now if you are running a beat and you know these people and, and you got a good rapport with them, well then that's where that discerning comes in. You know, help them out. Don't pretend like you know why he did it and, and you understand or whatever. Um, an argument with her loved one or something that, and he came to blows or something like that. But they, they know each other for years they've always done that. And they always love each other and they never break up. You know, you know that. So back, take a break. Take a break, you know, they said them, you know, and then if you arrest 'em and, and you know, this about them. Put a good word in for them. The judge, that amount.

Another person lacked a specific plan but made a plea for an end to “martial law” and the alienation of people from the police.

I'd get the actual cops in tune with the actual community. Become part of the community, not a standout force. Right? So right now it's like martial law. If you go outside, you're not gonna talk to one of those soldiers that's standing out there with a gun telling you, you gotta be in a house by five. Right? Now it's stay the fuck away from them, but if it was somebody that you've known that's in the community, then you're gonna have a conversation with 'em. But we don't know these guys. Even if we knew 'em, we don't know 'em. Cuz when you get here, as soon as you put that badge on, it changes you. So I'm not gonna have a conversation with, y'all know you, I don't know what you're gonna do to me now. I don't know what your agenda is.

Appendix 1. Methodology and Sample

We interviewed a total of 49 detainees, with 36 interviews taking place over 8 days between Thursday February 24 and Saturday March 4, 2023. We conducted two interviews in December 2022 while testing our method for recruiting and interviewing detainees and another two in the jail in March 2022 before we decided to interview detainees in the headquarters of the BPD. We interviewed another 9 in early September 2023. Our hope was to interview 100 to support our analysis of patterns in the responses to our interview questions across demographic characteristics.

The remainder of this appendix describes the method for recruiting and interviewing detainees; it also explains the reasons for the unexpectedly low number of interviews as well as some sources of attrition in the recruitment process.

Recruitment

According to our agreement with the BPD and the operational plan devised by Lt. Holcombe, patrol officers working during the period of our interview process were expected to bring every arrested detainee into the parking lot behind police Headquarters on Truxton Ave. At the same time, officers were instructed to use their discretion to screen out any detainee they deemed too violent, dangerous, intoxicated, or mentally and psychologically disturbed to participate in the research.

Upon arrival in the parking lot, officers exited the vehicle; one of the members of our research team (the “recruiter”) then approached the window nearest the detainee, who remained seated and handcuffed, and asked whether they would like to participate in the research. When a detainee indicated an interest in participating (60 percent in the first part of 2023, and 33 percent in September 2023), the arresting officer and another officer recruited by Lt. Holcombe to supervise our research would escort the detainee to an interview room on the second floor, using the central elevator. Our recruiter followed. A second member of our team who had been waiting in the Department’s coffee room/lounge, adjacent to the interview rooms, then joined this group.

Upon arrival in the interview room, detainees were again searched by the officers and then uncuffed. The door was closed to preserve quiet and confidentiality. Outside the room, the arresting and supervising officers were seated at a large table where they wrote reports, reviewed the CAD, or discussed other business.

Before proceeding to interview the detainee, we read the consent form, reminding the detainee that no benefit would accrue to their participation in the research, that the conversation was both anonymous and confidential, and that we would only analyze responses to questions in aggregated form. We then asked permission to record the interview (one person declined). We offered the detainee a glass of water; no other inducements or rewards were made available.

The interview room had three chairs and a plastic table. The unblinded windows and spacious rooms created a calm atmosphere. Most interviews took between 20 and 40 minutes. Some interviews lasted longer; we permitted this extension to capture responses to open-ended questions on the interview protocol, which appears in full in Appendix 2. Most detainees were eager to talk; many became more talkative during the conversation; only two grew more reticent as the interview proceeded.

Immediately after ending the interview, detainees were re-handcuffed and escorted back down to the parking lot, placed in patrol vehicles, and taken to the county jail for booking. Our research team immediately uploaded the recording of the interview to a secure and password protected server; these recordings were later transcribed. The text of those transcriptions, as well as the coded responses to closed-ended questions, form the basis of this report.

Attrition During Screening and Recruitment

Despite advance notification and planning, not all officers who made custodial arrests during our stay contributed to the pool of detainees from which we recruited participants. Some patrol officers failed to notify their supervisor of an arrest and instead took detainees straight to jail. Some shift supervisors forgot to remind officers to deliver detainees to the police department rather than the jail. We do not know whether the Special Enforcement Unit or other specialized units made custodial arrests during our stay: the register developed by the BPD for tracking arrest notification and the recruitment process recorded only the name of the arresting officer(s) and initial charges and whether we or the BPD screened them out. We might add this information to the register in subsequent research.

Lt. Holcombe used two strategies to increase the size of this pool throughout our stay: he reminded patrol sergeants to bring us arrests throughout their shifts and directed one of the senior officers who accompanied detainees to the interview rooms to monitor the CAD and notify officers who had just made a stop of the need to bring detainees to the BPD rather than take them to jail. In fact, one of the persons we interviewed on Thursday was initially taken to jail and, to his surprise, brought back to the BPD before he was booked after the intervention of a senior officer (the detainee told us later that he thought he was caught in a reality TV show). Despite these special efforts, some gaps persisted. For example, on Thursday afternoon we learned that 3 people arrested for organized retail theft (ORT) were taken to jail rather than brought to the parking lot at HQ; the arresting officers, we were told, transferred the suspects to detectives, who then transferred them to other officers for transport to jail.

Another reason for the smaller than expected number of interviews is that four detainees were screened out on grounds of safety when officers determined that the arrestee was or might be violent and combative. We believe the BPD exercised reasonable discretion on this matter and did not seek to exclude potential participants on the grounds of their charges alone. For example, the last person we invited to participate in the research was arrested for assault with a deadly weapon, kidnapping, and possession of a firearm.

Finally, several detainees were screened out because of their state of mind and health. Several were so intoxicated that the arresting officer ruled them out. We do not have reason to believe that BPD officers were applying overly strict standards when gauging whether detainees were fit to participate. Indeed, our team members themselves had to screen out several potential participants after determining them to be too high, drunk, angry, or otherwise upset to give informed consent.¹ We do not know whether the incidence of such circumstances at the time of arrest is common in other cities in California.

¹ The short time elapsed between arrest and our recruitment in the parking lot may have increased the number of detainees unable to participate for these reasons. For instance, two detainees were screened out by our team when they were found sleeping in the back of the patrol car and did not respond to our voices.

Participation Rates

Participation rates were initially high. Thirty-six of the 58 arrested detainees we greeted in the parking lot in February and March (i.e. 62 percent) agreed to participate in the research. None withdrew from the interview, none ended their interview early, and none asked to have their interview responses deleted. This participation rate seems high to us based on our prior research with detainees, and because of the unusual nature of the recruitment process we needed to follow in Bakersfield: detainees were greeted while they were in the back of patrol cars, which may have seemed odd to detainees with prior experiences of arrest in Bakersfield. Moreover, in our initial contact we emphasized that we are not lawyers and cannot help with their current situation or offer rewards for participation.

Participation rates were lower in the first week of September 2023. Only a third of detained arrestees agree to participate in the research. This may simply reflect random differences in participation rates. One possibility is that the identity of the researcher recruiting participants played a role. In September, just two researchers, both male, did the recruiting in the parking lot; in February and March, our research team rotated this role between men and women. Another possibility is that arrested individuals during the weekend reflect a different population of arrested individuals, and this may have had an effect on their willingness to participate. As we elaborate below, we intend to address these possibilities during a next round of interviews by having different rotations of interviewers available across days and times.

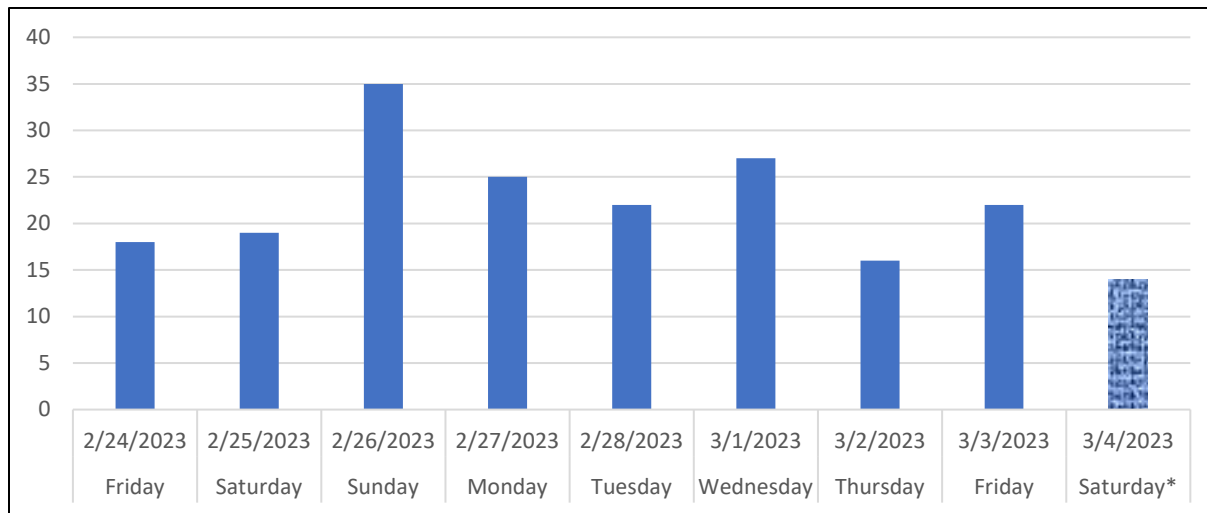
Custodial and Non-Custodial Arrests in Bakersfield

We did not interview everyone that was arrested by the BPD during our research; nor did we have an opportunity to invite all people detained by the police during our research to participate. This is because we agreed the BPD should exercise discretion about whether detainees were in some way unfit to participate, either by being combative, potentially violent, or in an altered mental state. We also are not able to interview anyone subject to a non-custodial arrest.

To ascertain the total number of custodial arrests during the period of our research and thus gauge the size of the universe of potential research participants, we had to consult the Arrest Record Information system by accessing the CAD and then manually count the number of individuals booked into custody each day during our visit. This is because the data on arrests we were given last year indicated that the BPD made, on average, 35 arrests every day in January and February 2022. But this source did not distinguish between custodial and non-custodial arrests, and we could not use the proportion of arrests involving misdemeanor charges as a proxy for custodial arrests because officers use considerable discretion when deciding whether to cite and release a suspect.

We learned that BPD made 198 custodial arrests during our stay, an average of 23 per day. This number varied substantially throughout our stay. As Figure 1.1 shows, the BPD made just 18 custodial arrests on the first day we began interviews, and 35 on Sunday (the only day during our stay that we were not scheduled to interview). The BPD also made 14 custodial arrests between 12:01 am and 2pm on Saturday, at which point we ended the research and ceased recruiting participants.

Figure 1.1. Number of Custodial Arrests in Bakersfield, 2/24/2023 to 3/4/2023



Source: ARIESTES, Bakersfield Police Department. * arrests from 12:01 am to 2pm.

All police officers we spoke to were surprised by the low number of custodial arrests during our stay. Some speculated that the rainy weather suppressed the amount of criminal activity and arrests, including through what was called proactive policing measures. An initial analysis of meteorological information combined with data on all arrests, including non-custodial arrests, lends some support for the view that days with low numbers of arrests are more likely to be rain days, though we cannot specify whether this is due to changes in the pattern of criminal activity or changes in the patterns of policing. A more robust analysis is needed to parcel out whether arrests decline when there is *any precipitation* on a given day, and whether arrests decline due to *the amount of precipitation* on rainy days.

The timing of custodial arrests varied. Half of the custodial arrests made during our stay took place between midnight and 8 am, when our research team was not scheduled to conduct interviews. In response to this discovery, two of our researchers stayed until 3 am on Saturday morning. That tack netted only 2 additional interviews, which suggests that the volume and timing of arrests may be stochastic.

To identify the days and times at which the greatest number of potential research participants might be recruited in the future, we will need access to a data set that distinguishes custodial and non-custodial arrests by hour of the day over the last 12 months. Such data will also help us ascertain whether the pattern of arrests depicted in Figure 1.1 above is abnormal.²

² We have not yet been able to reconcile conflicting information on the total number of custodial arrests contained in two data sets shared by the BPD. One data set on all arrests between 2019 and 2022 has 58,970 unique entries; this data set distinguishes between arrests that involved a person being “cited,” “charged,” or placed in “detention” but has no demographic information about arrestees. It indicates that approximately 60 percent of all arrests between 2019 and 2022 were custodial, with the detainee “charged” or “taken into custody.” The detention or custodial booking rate for the entire month of February for all four years was 58 percent. This rate was slightly lower than average in the last week of February 2022 (54%). It also appears to vary considerably by day of the week: for example, it was 32 percent on Friday 25, 2022 and 74 percent on Sunday, February 27, 2022.

APPENDIX 2. Interview Protocol for Arrested Detainees

Section I. General Impressions of Policing

1. Overall, how well do you think the Bakersfield Police Department is **doing its job** today?

- Excellent
- Good
- Neither good nor bad
- Bad
- Terrible

2. Compared with two years ago, is the way the BPD **does its job** today...

- Much improved
- Somewhat improved
- Neither improved nor worsened
- Somewhat worse
- Much worse

Can you give me an example of this change?

3. Based on your own personal experience, how would describe the way that the Bakersfield Police Department **polices your neighborhood**. Is it:

- Highly professional
- Mostly professional
- Somewhat professional
- Mostly unprofessional
- Highly unprofessional

4. Compared with two years ago, would you say the way the BPD **polices your neighborhood** today is:

- Much more professional
- Somewhat more professional
- About the same as two to three years ago

According to this data set, the BPD made 106 custodial arrests in the last five days of February 2022. This number is slightly lower than the 119 custodial arrests made in the last five days of February 2023, when we did the majority of our interviews. This suggests that the universe from which we recruited potential research participants this year was slightly larger than usual. But we are uncertain of this inference because we received another data on all arrests for the same years containing 45,476 unique entries; this data set includes demographic information about detainees, but it does not indicate whether the arrestee taken into custody.

- Somewhat less professional
- Much less professional

Can you give me an example of the change in professionalism?

5. Based on your own personal experience, how would you describe the **relations** between the BPD and the people in the neighborhood where you live? Are these relations....

- Very positive
- Somewhat positive
- Neither positive nor negative
- Somewhat negative
- Very negative

6. Compared with *two or three years ago*, would you say the **relations** between the BPD and the people in your neighborhood where you live today are ...

- Much better
- Somewhat better
- About the same
- Somewhat worse
- Much worse

Can you give me an example of the change in these relations?

Section II. Personal Experiences of Policing

7. In your experience, would you say that Bakersfield police officers treat **you** with respect ...

- Always
- Most of the time
- Sometime
- Rarely
- Never

8. What about **you**, would you say that **you** respect the BPD officers that you encounter ...

- Always
- Most of the time
- Sometime
- Rarely
- Never

Why is that?

Now I want to ask about specific experiences of the police you might have had over the last year.

9. How many times in the last 12 months have you called the police for help? _____

9A. What kind of help did you ask for the last time you called for help?

9B. How did that interaction with the police go?

10. How many times *in the last 12 months* have you been **stopped** by the police on the street?

What was the police reason for the most recent stop?

11. How many times in the last 12 months have you been stopped by the police in a car?

What was the police reason for the most recent stop?

12. Now I want to ask about your most recent experience of the police -- **today, with this arrest**.

Overall, how satisfied were you with this experience of the police?

- Very Satisfied
- Satisfied
- Dissatisfied
- Very Dissatisfied

Why is that? _____

13. Can you describe the **best experience** you've had with a BPD officer?

14. What did the officer do to make that experience go so well?

15. Can you describe the **worst experience** you've had with a BPD officer?

16. Was there anything the officer could have done to make **that** experience better?

Section 3. Feelings and Attitudes About Policing

17. Do you feel comfortable communicating with Bakersfield city police officers? Yes No

17a. *If yes, why is that?*

17b. *If no, why not?*

18. What could the Bakersfield city police department do to make it easier for people to communicate with them?

Now, on a scale of 1 to 10, with 1 being NOT likely and 10 being the MOST likely, please tell me whether you would do any of the following things:

19. Ask a Bakersfield city police officer for directions if you were lost in an unfamiliar neighborhood. _____ (1-10)

20. Call the police to report a crime if someone threatened you with physical violence. _____ (1-10)

21. Call the police to report a crime if someone broke into your home. _____ (1-10)

22. Call the police to report a crime if someone broke into your car or vandalized your car. _____ (1-10)

Section IV. Rating the Performance of Policing

23. How effective is the BPD at stopping crime in your neighborhood? Would you say ...

- Very Effective
- Fairly Effective
- Not Very Effective
- Not at all Effective

24. How good are the police at working together with residents in your neighborhood to solve local problems? Are they doing a ...

- Very good job
- Good job
- Fair job
- Poor job
- Uncertain

25. How much confidence do you have in the ability of the Police Department to hold its officers responsible for misconduct? Do you have:

- Complete confidence
- Some confidence
- Little confidence
- No confidence

26. Do police officers treat people who identify from different ethnic groups equally ...

- Almost all the time
- Most of the time
- Some of the time
- Almost never

Section V. Recommendations and Advice for the Police Department

30. What do you think should be the highest priority for the city of Bakersfield?

- a) Reducing police violence
- b) Reducing crime in your community
- c) Ensuring that the police treat all people with respect
- d) Ensuring the community is heard by the police

(If interviewee struggles, ask: could you tell me which one is most important to you)?

31. What one thing could the police do to improve life *in your neighborhood*?

32. Why is that so important to you?

33. What else could the Bakersfield police do to improve life in the city as a whole?

34. Why do you think the police aren't doing these things already?

35. If you were the chief of police, what's the first thing you would do?

Section VI. DEMOGRAPHICS

36. In what neighborhood do you live? _____

37. Do you know which Police District serves your community? Yes ___ No ___

Which district is that? _____

38. In what year were you born? _____

39. Do you consider yourself

White Black/African American Asian Hispanic Other

(you can name more than 1)

40. Is there anything else you'd like to tell us about policing in Bakersfield?



Appendix G

Bakersfield Report – Use of Force Analysis

Judgment Paragraphs 59-62 and 176(a) require BPD to regularly implement strategies to monitor and report issues related to the use of force. This requires BPD to conduct a two-step process: first, it must examine and review the data reported through the departmental reporting processes for quality and accuracy; second, the department must analyze and report on the data to various constituencies. Our review and assessment of BPD use of force data follow this same process because the quality and accuracy of the data reported are directly related to the quality of the data collected by BPD. In addition to this assessment, we examine the data for additional trends that will assist BPD in better managing these use of force incidents.

Use of Force Data Quality

BPD collects information on incidents when officers use force through a multistep process. The first step requires that the officer who used force notify a supervisor. The responding supervisor responds to the scene and conducts an investigation as required by policy, including reviewing any video and digital evidence, interviewing all officers and witnesses, and completing a supervisor's use of force report. The supervisor's report is reviewed by the Lieutenant and Captain for chain of command review. The involved officers write their accounts of the use of force incident in the official crime report for the underlying incident that precipitated the use of force.

After the report is reviewed and approved by the second-level supervisor, or third-level supervisor, if required, the report is routed to the Quality Assurance Unit (QAU). This unit is responsible for reviewing the reports for internal consistency and ensuring that all necessary data elements are captured in the report. If QAU finds problems with the report, it is routed back down through the chain of command to address the issues. During 2022, QAU indicated that approximately 20% of all 2022 reports were returned for revisions. The vast majority of the reports were returned because they needed changes to meet BPD's internal reporting quality standards for reporting and analysis. Only 24 reports (4.7% of all incidents) from use of force incidents were returned because information on the use of force was missing. Further, QAU reported it uses those instances where cases are returned to the chain of command as opportunities to teach and mentor those involved in the process to prevent the errors from occurring again. In essence, QAU consistently works to reduce the number of reports that will need to be returned in the future, and the unit reports success in this area. Additionally, the QAU analyst reviews all information in the case and collects additional information from the report that is entered into a separate report file used for statistical reporting purposes.

Given the number of steps and the focused data review, the quality of BPD's use of force data is generally strong. In six of the seven incidents where officer information is missing, we have directly linked it to reporting on force used by someone not employed by BPD (i.e., Kern County Probation, Kern County Sheriff, Delano Police Department and Code Enforcement). There is one incident (AD2022-T2QK7A)¹ where an unknown officer is observed using force on a person but does not then report that force to the

¹ The Monitor has anonymized the internal BPD tracking numbers to ensure nondisclosure of personnel records.

department. After watching the video, the supervisor who conducted this report could not identify the officer, and the case was subsequently referred to IA for further investigation. The data is consistently available in the other reports.

Use of Force Reporting by BPD

We also examined how the department records the use of force data and identified two issues that should be addressed. Both issues revolve around the time from when an event occurred until the supervisor receives notice of the event. In 2022, 99.2% of incidents were reported to the supervisor the same day they occurred. However, we identified three reports where there were data entry errors for the date on which an incident occurred or the date on which the incident was received (AD2022-M5VI0C, AD2022-R1OG5I and AD2022-C2ED9G). Correcting these minor errors will ensure the consistency and accuracy of the data and reflect the quality assurance process that BPD employs. Furthermore, this data can be used to ensure that BPD personnel continue reporting use-of-force incidents to supervisors in a timely manner.

The second issue is the number of days between an incident occurring and a record being generated in the reporting system. Unlike the date fields above, which are entered manually by the user, there is a field that automatically populates the time and date that a report was generated. Again, we use the difference in the dates between the event and the date the event was reported as a proxy for both the quality of the information on the use of force and the thoroughness of the investigation. Optimally, the reports would be created on the same day the event occurred and be promptly completed. Figure 1 shows reported use of force incidents and the number of days before a case is created.

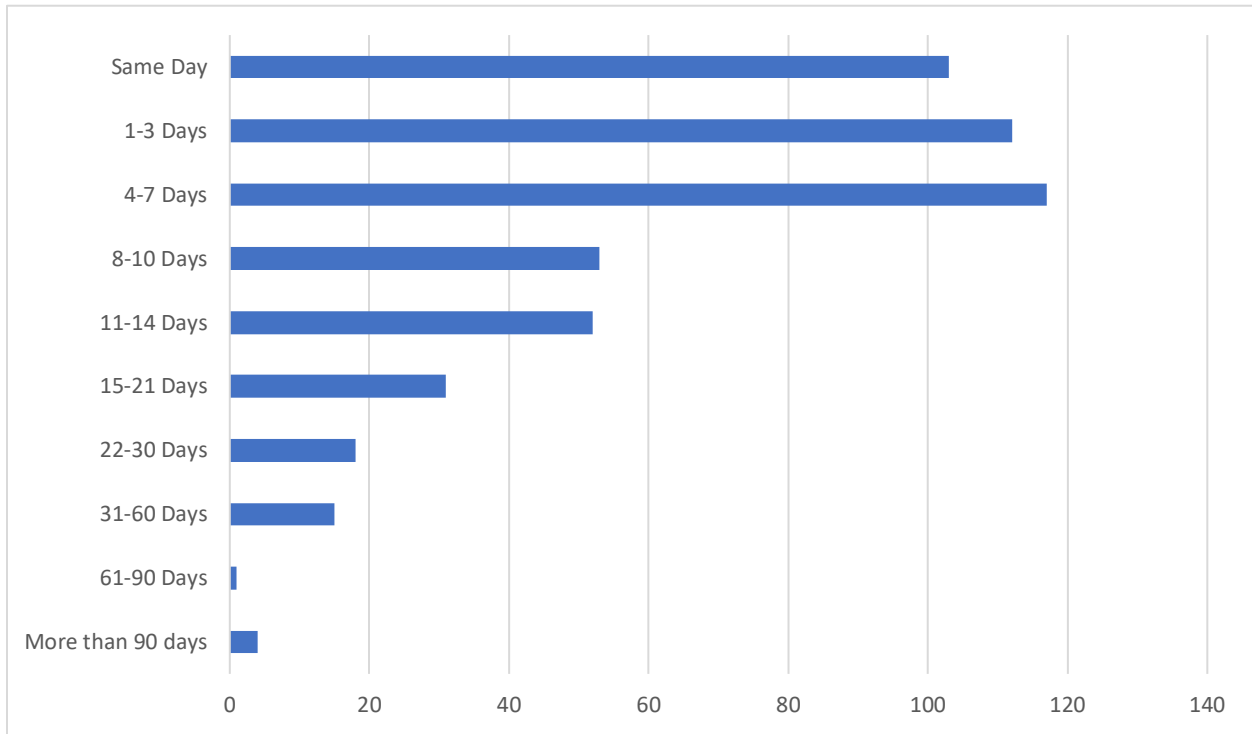


Figure 1. Number of Use of Force Cases Created within Specified Time Periods of Event.

In 2022, BPD reported 506 unique use of force incidents. The average number of days from a use of force incident occurring until the report was created was 8.60, although there was a great deal of variation in this time (SD = 18.94). The median number of days from occurrence to investigation was five (i.e., 50% of all cases were created within five days). The data suggests 20.4% of cases (n = 103) were created on the same day the use of force incident occurred, 45.2% (n = 229) were created within a week of occurrence, and 20.8% (n = 105) were created within two weeks. This means that almost one in every seven use of force cases (n = 69; 13.6%) is not entered into the system for two or more weeks after the event. Further, 20 cases were entered more than one month after the use of force incident occurred. We could not find any commonalities in the events surrounding these use of force incidents that would explain this delay. However, we reiterate the need to reduce the time between when a use of force incident occurs and when it is officially reported to ensure the accuracy of the reporting and to demonstrate BPD’s commitment to thorough investigation and review of use of force incidents.

Use of Force Trends

We independently pulled, cleaned and examined the use of force data entered into the BPD system to look at the state of and trends in the data. We looked at four specific issues in the data:

- The use of force incidents;

- The applications of force;
- The officers using force; and,
- The people against whom force was used.

Use of Force Incidents

Figure 2 shows a monthly plot of the 506 use of force incidents reported by BPD in 2022. There were an average of 42.17 use of force incidents per month in 2022, ranging from a low of 30 incidents (February 2022) to a high of 52 incidents (December 2022). To explain the variation in the use of force per month, we plot reported use of force incidents with the number of calls for service (Figure 3) and the number of custodial arrests (Figure 4) in each month, the intent being to show whether additional contacts are occurring that may result in increased use of force incidents. Visually and statistically, we can see no significant relationship between calls for service ($\rho = 0.014$, $p > .05$) and the number of use of force incidents. Similarly, there is no significant relationship between custodial arrests and use of force incidents ($\rho = 0.259$, $p > .05$). We did not identify a statistical relationship between BPD's workload (i.e., calls for service and arrests) and the number of use of force incidents. If use of force incidents were related to workload, we would expect to see a positive relationship between the two values. In other words, if, for instance, BPD officers used force in 1:1,000 calls for service or 1:100 arrests, there would be an assumption that additional work would result in increased use of force incidents. Instead, the data suggests BPD's uses of force are statistically independent of the volume of work, as measured in calls for service or custodial arrests.

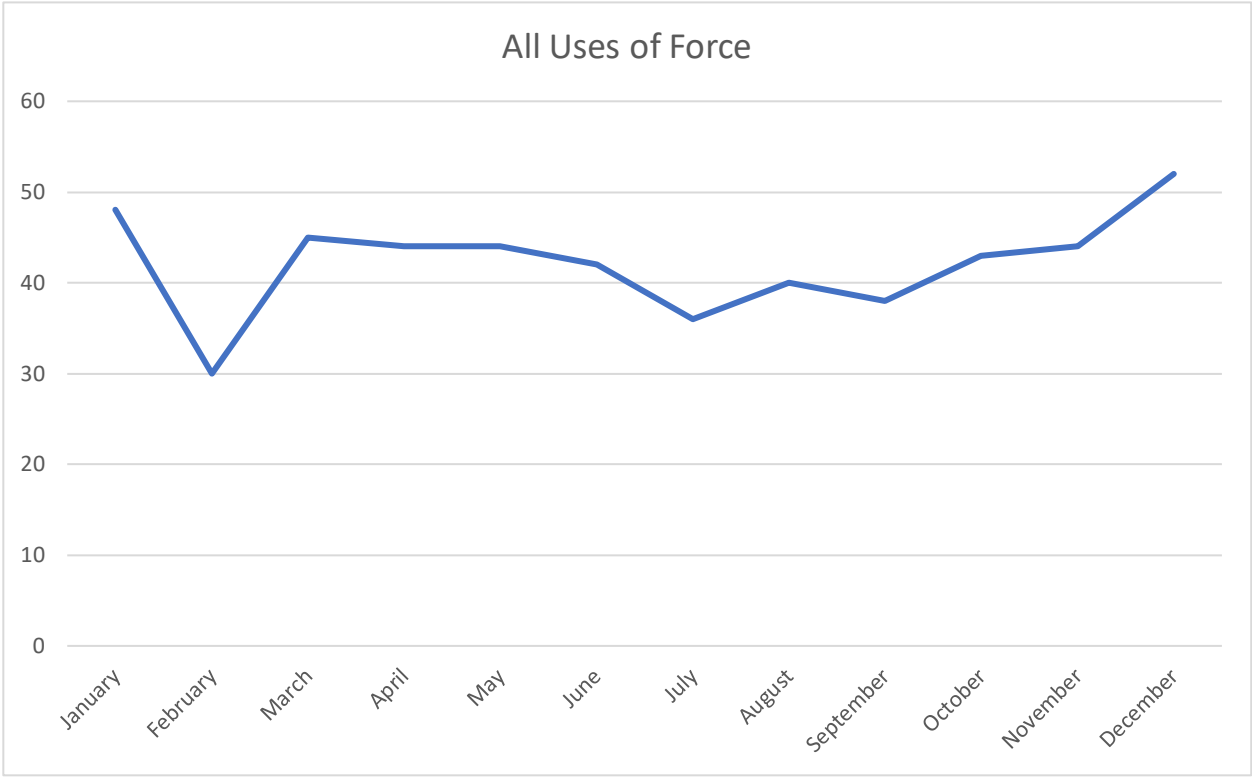


Figure 2. Count of Use of Force Incidents by Month.

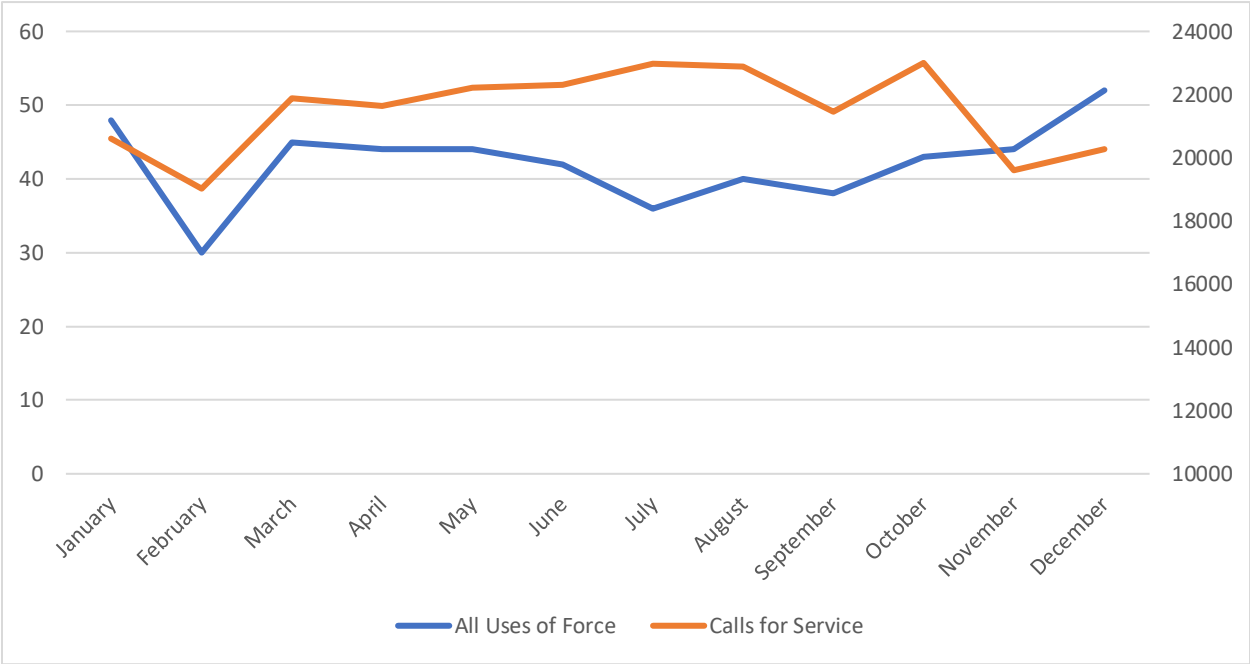


Figure 3. Use of Force Incidents and CFS by Month.

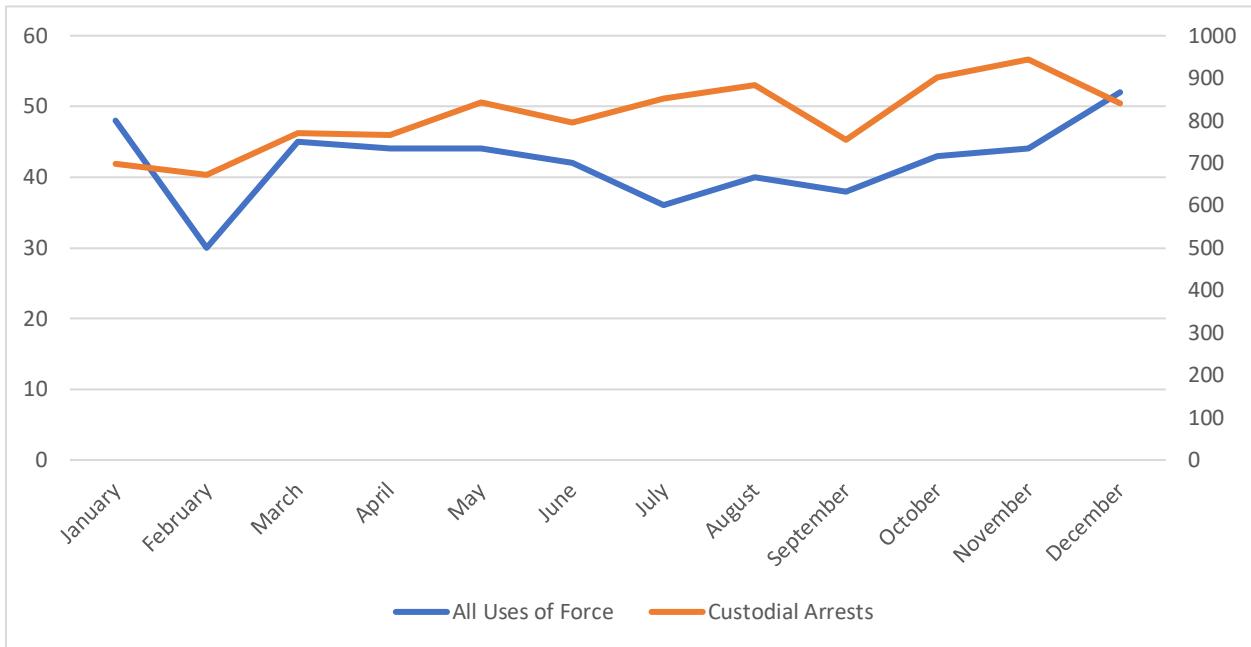


Figure 4. Count of Use of Force Incidents and Custodial Arrests by Month.

We next examined the maximum level of force used by BPD personnel during these incidents. The department characterizes force into three categories: controlling, intermediate and deadly. In 2022, 43.1% (n = 218) of use of force incidents employed only controlling force. Another 55.7% of incidents (n = 282) used intermediate force; however, given how use of force incidents are reported, controlling force may also have been used during the incident. Finally, six incidents resulted in a BPD officer using deadly force against a member of the public. We find no evidence to suggest that the use of force incidents by type correlate to the number of other types of use of force incidents in a particular month ($\rho_{\text{Controlling} - \text{Intermediate}} = 0.035, p > .05$; $\rho_{\text{Controlling} - \text{Deadly}} = -0.345, p > .05$; $\rho_{\text{Deadly} - \text{Intermediate}} = -0.401, p > .05$).²

We also examined what activity or call for service the officer was assigned when the use of force occurred. Initially, there were 10 types of activities listed in BPD’s data. We condensed these categories to five general categories that include: none; call for service; self-initiated activity (combined self-initiated activity and traffic stop from BPD’s initial categorization); felony stop; and other (combined arrest warrant, assist other agency, detective follow up investigation, probation search and search warrant from BPD’s initial categorization). Nearly two in every three uses of force (61.9%) occurred when BPD officers were responding to a call for service, with the next highest activity associated with force being a self-initiated activity (23.3%) and, finally, conducting a felony stop (11.3%). These results are shown in Figure 5.

² The numbers reported by maximum force type are slightly different than those reported by BPD. The difference is due to internal checks on BPD’s part that determined three incidents were erroneously coded with a maximum force type that was later changed. The data used for this report was pulled prior to that change. The substantive conclusions drawn remain the same.

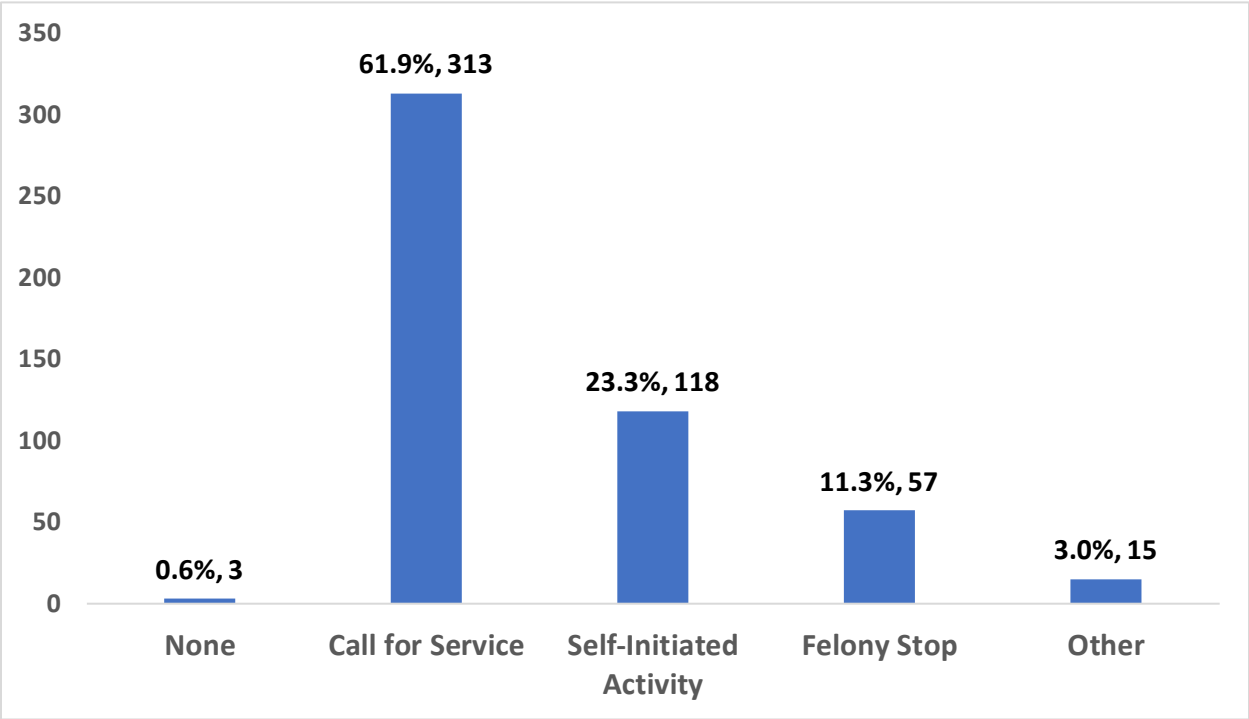


Figure 5. Type of Activity At Time of Use of Force Incident.

We also sought to determine whether the maximum level of force used is related to the type of activity engaged at the time of force. There is a statistical relationship between the type of service being provided and the level of force used ($\chi^2 (8) = 26.54$, Cramer’s $V = 0.1619$, $p < .01$). However, these results may be particularly sensitive to the small number of incidents. For instance, deadly force incidents ($n = 6$) were disproportionately the result of a call for service ($n = 5$). Further, the top three activities that officers were engaged in - calls for service, self-initiated activity and felony stops – accounted for 96.45% of all use of force incidents.

We then reassessed the relationship between the maximum level of force (i.e., controlling and intermediate) and activity type (i.e., call for service, self-initiated activity, felony stop) for this reduced set of observations ($N = 482$). The data for these two figures are shown in Figure 6. Even after only considering that combinations of service rendered and maximum level of force with a reasonable number of observations, we see that the statistical relationship between the two variables persists ($\chi^2 (2) = 23.66$, Cramer’s $V = 0.2216$, $p < .001$). Engaging in a felony stop suggests a higher level of potential danger to the officer. Therefore, we again estimate this relationship with a further reduced set of non-deadly use of force incidents arising out of only calls for service and self-initiated activity, and the relationship persists ($\chi^2 (1) = 9.03$, Cramer’s $V = 0.1456$, $p < .01$). The data suggest that even when we account for the type of activity that is occurring, in felony stops, officers are using a higher level of force than would be expected by chance.

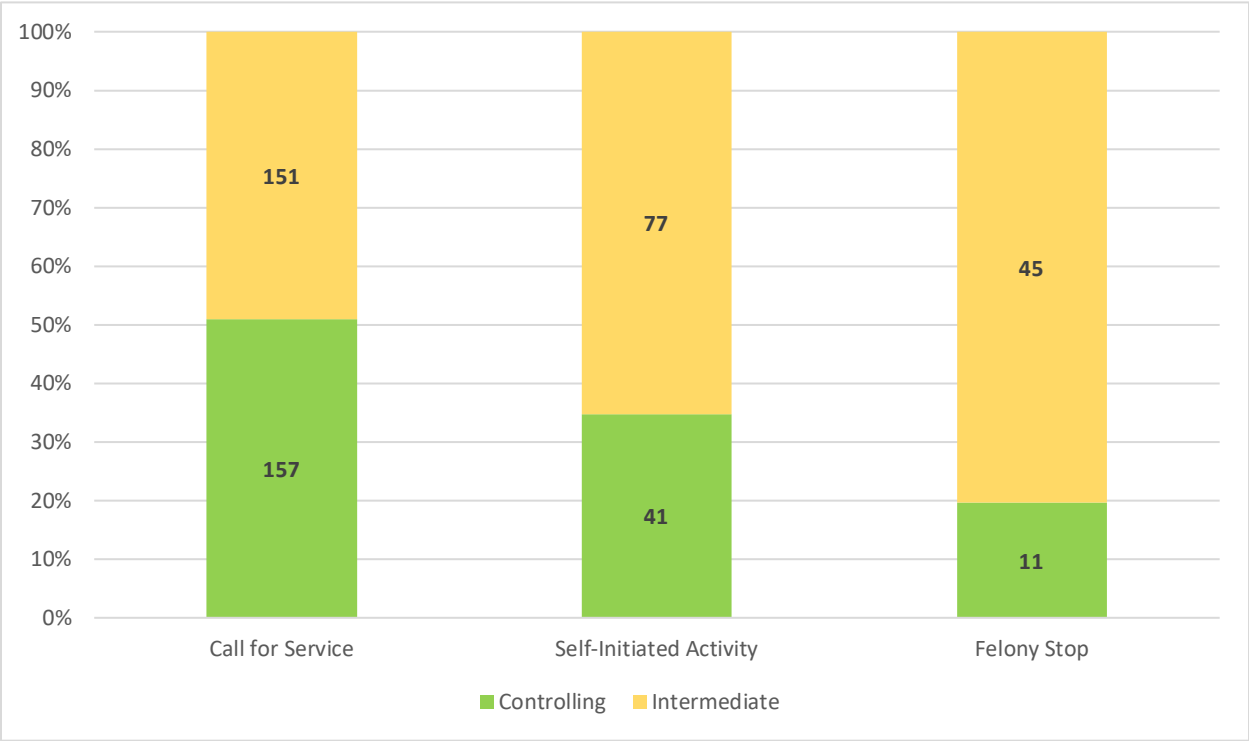


Figure 6. Maximum Level of Force Used During Specific Activity Types.

While we cannot identify the exact reason for this relationship, we posit two explanations. First, engaging in certain activities may affect how officers or members of the public behave during those encounters. Second, when officers choose to engage in certain activities (i.e., self-initiated activities), there is a higher likelihood that the decision is based on a perceived situational predicate that necessitates their need to engage in a use of force. In theory, these situational predicates arise from legally relevant factors. We further explore this relationship when examining the demographics of the people against whom force was used.

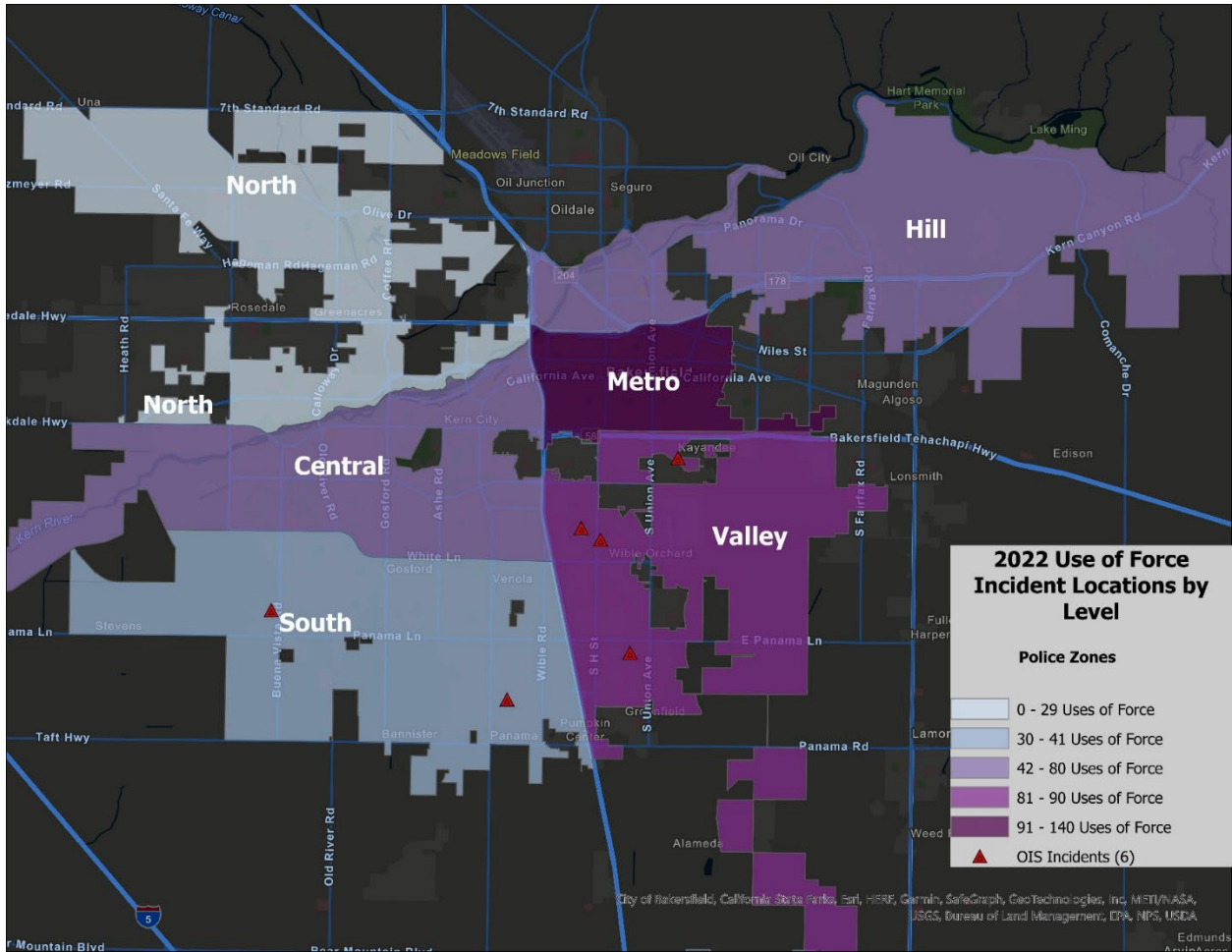


Figure 7. Number of Use of Force Incidents Per Zone.

Finally, we examined the locations where these UOF incidents occur. We began by looking at the number of use of force incidents in each zone in 2022. The City of Bakersfield has six patrol zones: Central, Hill, Metro, North, South and Valley. Figure 7 represents a choropleth map that summarizes the number of use of force incidents per zone in 2022 and plots the locations of the officers involved in the shooting (i.e., deadly force) incidents on the map. Metro (n = 140) is the zone with the most use of force incidents, followed by Valley (n = 90), Hill (n = 80), Central (n = 73), South (n = 41) and North (n = 29). A total of 53 incidents (10.5%) occurred outside of one of the designated patrol zones. Many of these occurred near the community of Oildale, a census-designated place in unincorporated Kern County directly to the north of Bakersfield. ³

³ Again, the numbers of incidents reported here may differ slightly from those reported by BPD, because the geolocations of data for some incidents were updated after the data were pulled. The conclusions from the marginally different reports remain substantively unchanged.

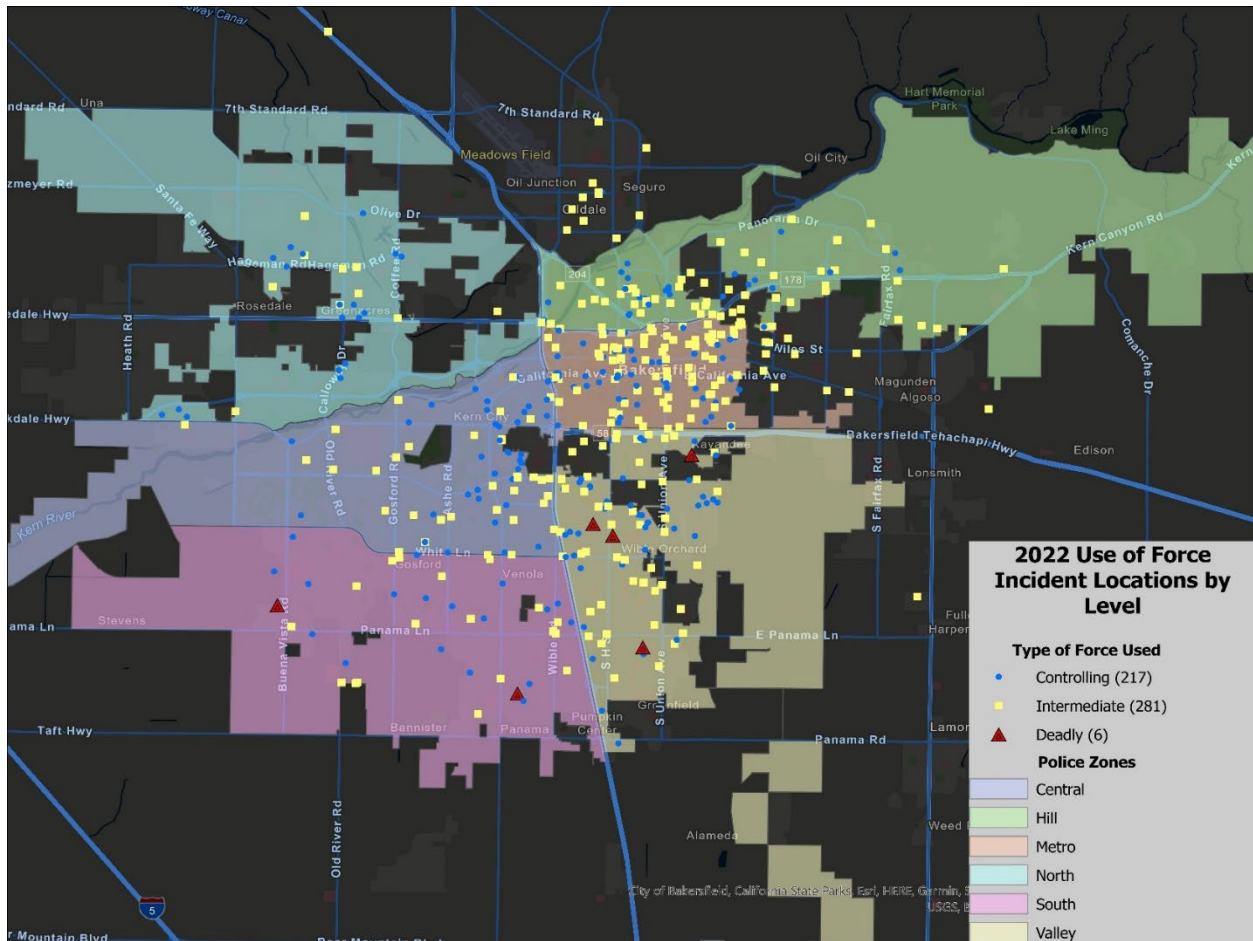


Figure 8. Location of Use of Force Incidents by Maximum Force Used.

In Figure 84, we show the location of each use of force incident on the map, differentiating the maximum amount of force used. The force incidents using controlling force are represented by a blue circle, those using intermediate force are a yellow square, and those using deadly force incidents are red triangles. The figure shows that most controlling and intermediate force is used in areas of Bakersfield east of California State Route 99, which essentially bisects Bakersfield. Additionally, it appears as though there is spatial clustering of use of force incidents in the Metro, Valley and Hill zones.

4 Note, the number of use of force incidents depicted in the map is 504, not 506. There are two incidents that were outside the view of the map shown, and thus were not included in the courts. This map view was intentionally selected to give the best view of all use of force incidents.

To identify potential hot spots, we conducted a kernel density analysis to look for places where there is a high concentration of use of force incidents within relatively small areas. We identified two independent hot spots within Bakersfield using this technique, as shown in Figure 9.

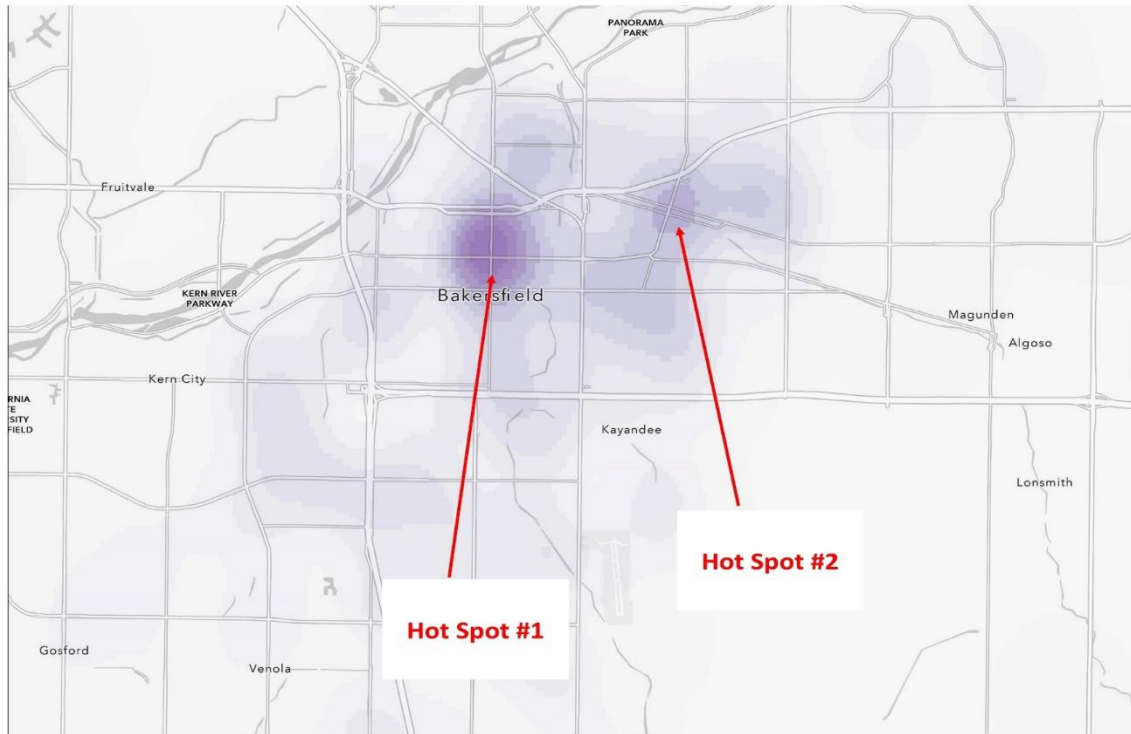


Figure 9. Kernel Density Map Identifying Use of Force Hot Spots in Bakersfield.

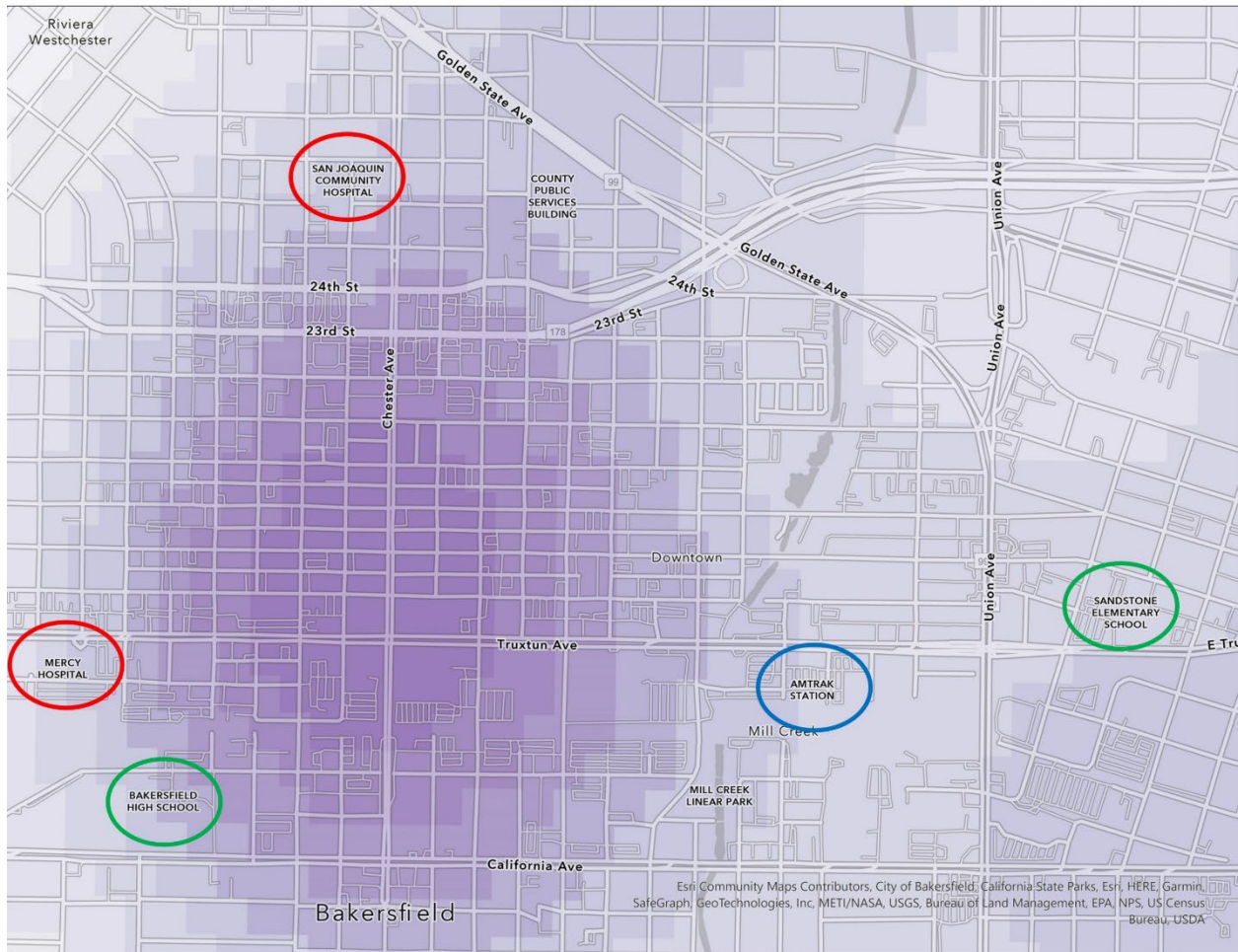


Figure 10. Contextual Analysis of Use of Force Hot Spot #1.

A closer examination of the hot spots reveals interesting characteristics about the areas that may explain the concentration of use of force incidents. The area that we call Hot Spot #1 is centered near the intersection of Truxton Avenue and Chester Avenue, extending for several blocks in each direction. A map of the hot spot is shown in Figure 10. Hot Spot #1 is bordered by five important features that may influence the reported use of force. The officers' reports reported indicators of mental health issues when reporting the encounters in this area. To the west and north, Hot Spot #1 is bordered by two medical facilities, circled in red in the figure. These locations cover areas where people experiencing a mental health crisis may be taken and then released, such as the hospitals. On the east side, Hot Spot #1 is bordered by the Bakersfield Amtrak station, circled in blue in the figure. Transit locations are often frequented by the unhoused, who sometimes also have chronic mental health issues. Finally, two schools near Hot Spot #1 are circled in green. Bakersfield High School is immediately adjacent to Hot Spot #1, while Sandstone Elementary School is approximately one mile from the center. There are certainly other geographic features that could explain the use of force concentration in this area (e.g., the GET Bus

Transit Hub; homeless shelters). Subsequent work will look at a broader range of potential spatial features that are associated with the concentration of use of force.

Similarly, for Hot Spot #2, shown in Figure 11, we see many of the same features. Notably, Kern Medical Center (circled in red) and East Bakersfield High School (circled in green) are just to the east of the center of Hot Spot #2. Additionally, four other schools are adjacent to Hot Spot #2. Recall that Sandstone Elementary School is just east of Hot Spot #1 and is still closer to the center of Hot Spot #2. We point this out not because we believe there is an inherent effect of this school but rather to highlight the proximity of Hot Spot #1 and #2. In fact, the edges of these two hot spots are only about 6,200 feet from one another (Euclidean distance) or 8,200 feet on the road network.



Figure 11. Contextual Analysis of Use of Force Hot Spot #2.

Applications of Force

Beyond describing the number of incidents in which a BPD officer used force, it is also informative to describe how many types of force were used and how many times each type of force was reported to be used. Application refers to each force action taken by an officer. For example, an officer might report a fist strike and then a takedown to effect the arrest, which would be two applications. During the 506 use of force incidents in 2022, BPD officers used an average of 5.79 applications of force (SD = 4.33), with the applications of force per incident ranging from one to 30. The distribution of applications of force per incident is shown in Figure 12.

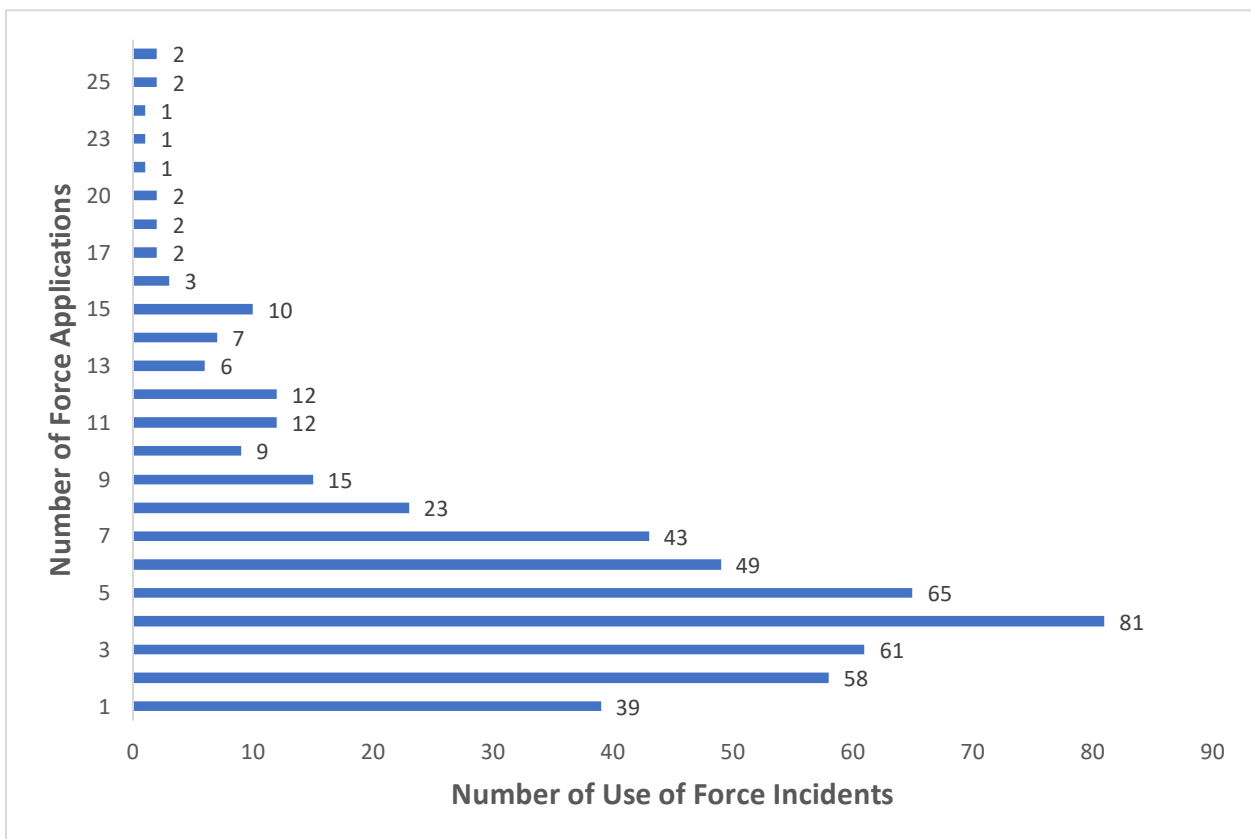


Figure 12. Distribution of Force Applications per Incident for 2022 BPD Use of Force Incidents.

The results show that 60.08% of use of force incidents had five or fewer applications, although there is a great deal of skew in the data (Skew = 2.05). The skewed nature of the distribution indicates some use of force incidents involved a substantially higher number of applications than average. Given the skewed nature of the data, we sought to determine if certain incidents could be identified as statistical outliers for the number of applications of force employed. We identified 39 cases that exceeded the upper fence value (i.e., 13+ applications of force) for assessing outliers using the Tukey Method. Overall, 92.29% of all incidents involved cases using 12 or fewer incidents of force. Additionally, during the 506 use of force

incidents in 2022, there were an average of 2.96 (SD = 1.35) distinct types of force used per incident, with the distinct types of force ranging from one to nine per incident. This data was slightly skewed (Skew = 0.74), and only two incidents - each having nine distinct types of force used - were identified as outliers (AD2022-P5WD2O and AD2022-I1ZT7H). There is a strong and significant relationship between the number of applications of force used and the number of distinct types of force used ($p = 0.7881$, $p < .001$). This indicates that as the distinct types of force used during an incident increase, so do the applications of force, although the relationship is not perfect.

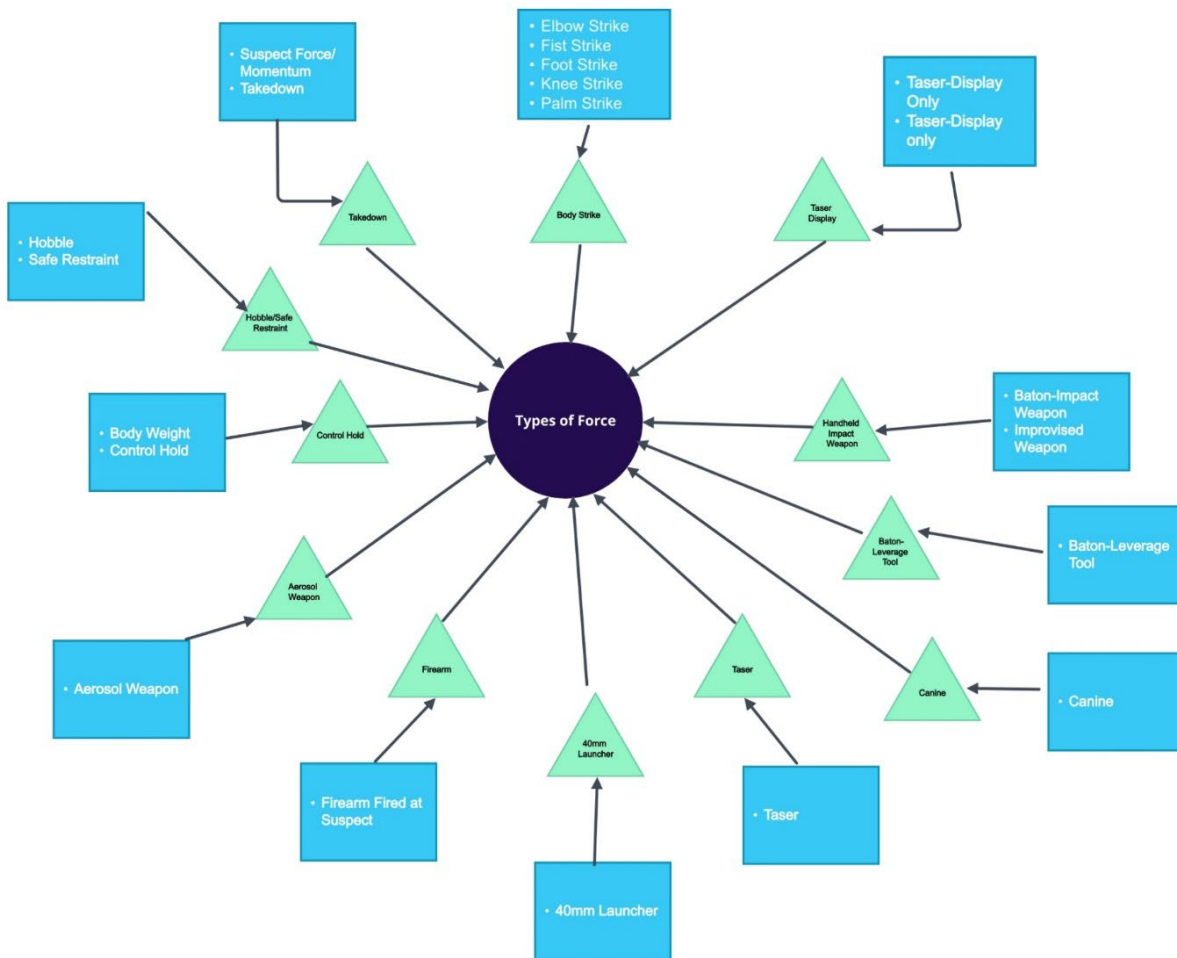


Figure 13. Reduced Types of Force Creation Scheme.

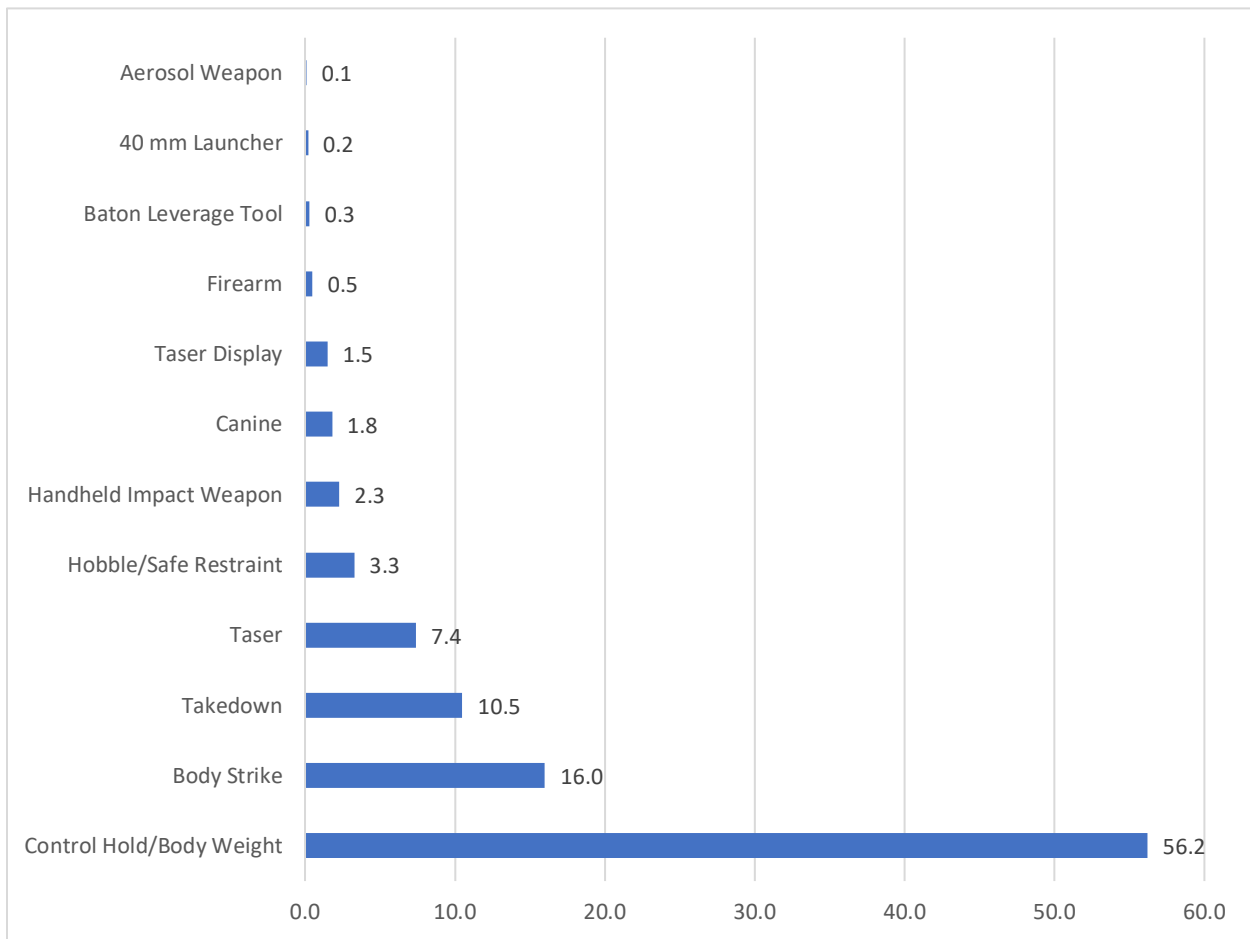


Figure 14. Percent of All Force Applications by Force Type.

During 2022, there were 2,930 total applications of force, originally identified as one of 21 distinct reporting categories.⁵ We reduced the original categories into 12 types by combining those categories shown in Figure 13 and by linking substantively similar types of force together. In Figure 14, we show the distribution percentage of all types of force used during each application by BPD in 2022. The data show the most common types of force application used by BPD were control holds and body weight (56.2%), followed by body strikes (16%), takedowns (10.5%) and electronic control weapons (ECWs) (i.e., Tasers; 7.4%). These four types of forces accounted for 90.07% of all force applications by BPD in 2022.

Figure 15 presents the same distribution for the 39 use of force incidents identified as outliers. Note that these 39 incidents (7.71% of all use of force incidents) identified as outliers for the number of applications of force accounted for 22.63% of the force applications in 2022. The average number of applications of

⁵ Two of these reporting categories are substantively similar, although they are spelled differently (i.e., Taser – Display Only and Taser – Display only) which were both used during 2022. The use of both categories reflects internal changes made to reporting processes.

force is 3.50 times greater in the outlier incidents (M = 17.0) compared to the non-outlier incidents (M = 4.85). The data in Figure 15 indicates differences in the types of force applied in the outlier incidents compared to the non-outlier incidents. Specifically, outlier incidents see a greater proportion of body strikes (1.70 times the proportion) compared to non-outlier incidents. Similarly, impact weapons (2.30 times) and safe restraints/hobbles (2.0 times) are greater in outlier incidents than in non-outlier ones. This would suggest that not only are officers applying more force during these outlier incidents, but the qualitative level of force tends to be greater on average than during non-outlier incidents.

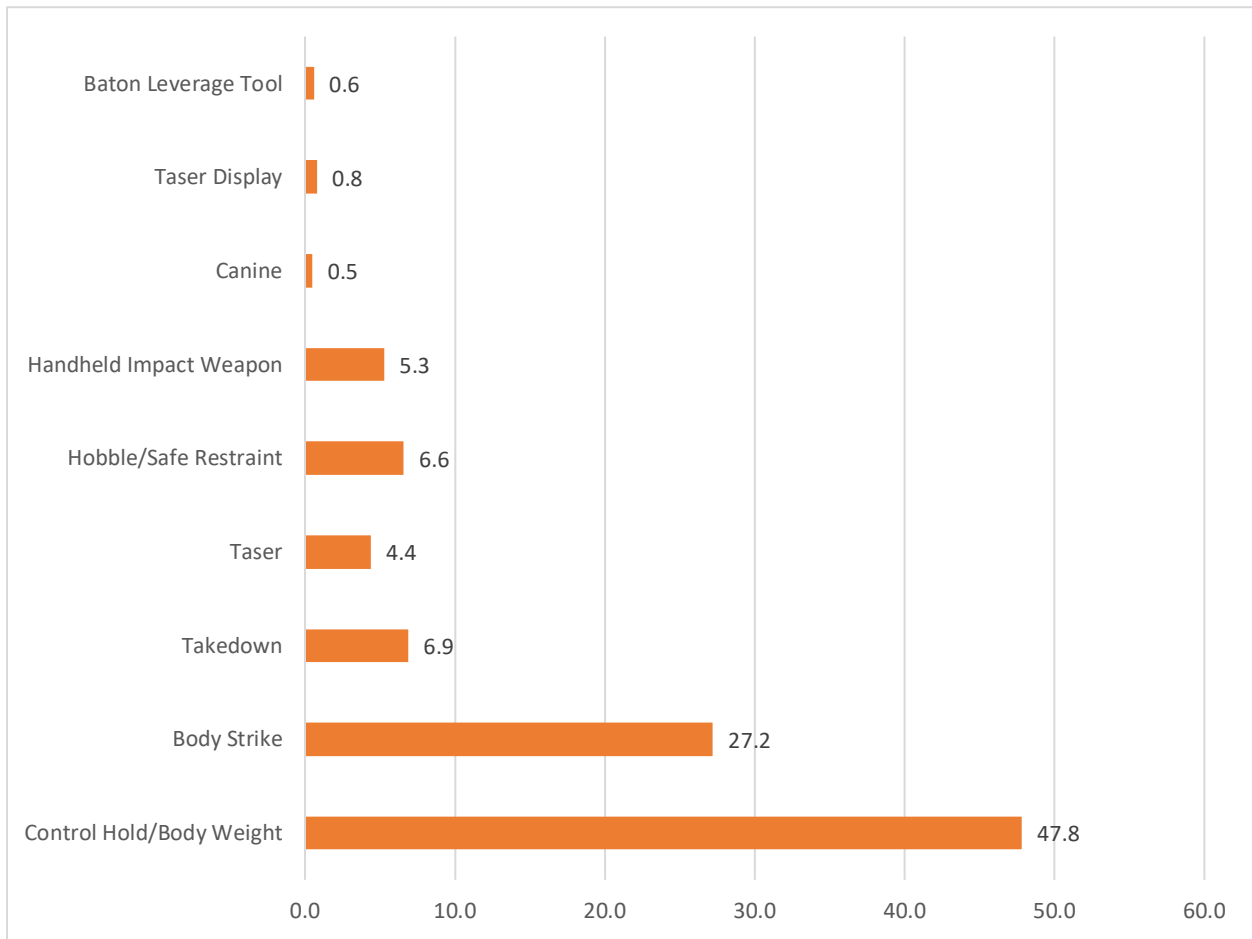


Figure 15. Percent of All Force Applications by Force Type for Incidents with 13+ Applications of Force.

To more closely review the motivations behind using force, we examined two factors reported in the use of force report. First, we examined the stated reason that the officer used force. For each of the 506 incidents that occurred in 2022, eight reasons are listed as to why an officer used force. The reasons and the distribution of occurrence are presented in Figure 16. Interestingly, there is only one master reason (i.e., one reason for all applications of force) that is able to be recorded for each incident. This is a limitation of the software and not a decision of BPD. The most common reason for using force was to

effect an arrest (65.8%), followed by to detain someone (16.4%), to defend oneself (6.3%) and to prevent escape (4.9%).

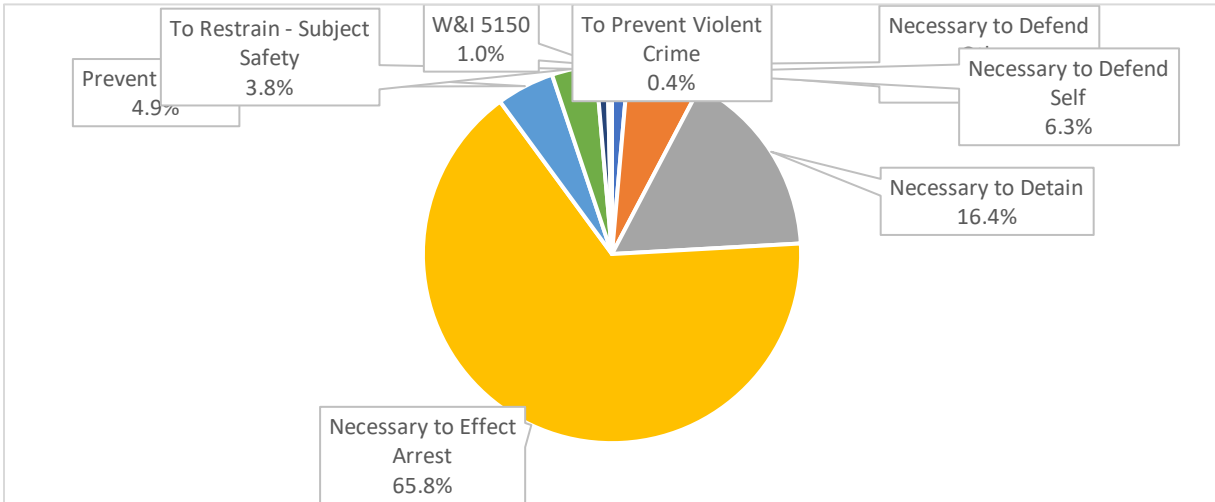


Figure 16. Reason Listed for Using Force for Each Force Incident.

Additionally, the distribution of the reasons for force by the type of force used in each application is presented in Figure 17. We combined categories within the types of force and the reason for using force to make the presentation of the results easier to interpret. Some of the results are quite intuitive. For instance, 100% of firearm uses were in situations where the officer reported they defended themselves or others. However, the results for other force options are less intuitive. For instance, there is no clear indication as to why the use of ECWs (i.e., Tasers) would represent a greater proportion of applications for incidents where the reason for using force was listed as attempting to detain or prevent escape.

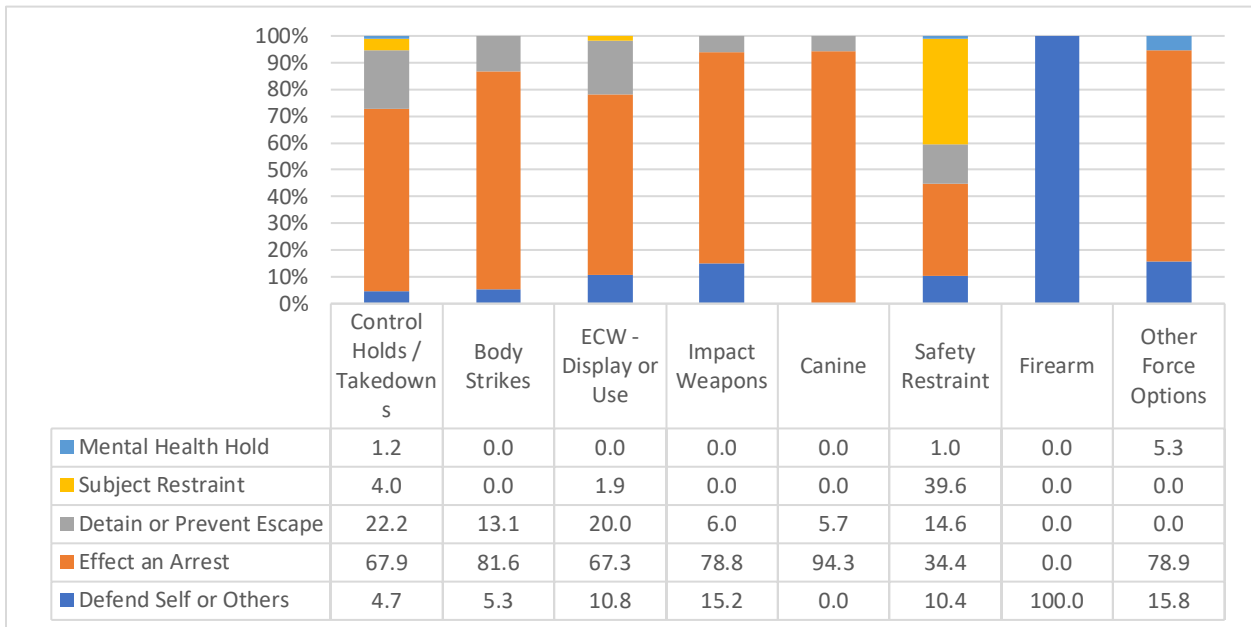


Figure 17. Reason Listed for Using Force by Type of Force Used.

A subsequent examination of the data is needed to determine the applications in these situations more closely.

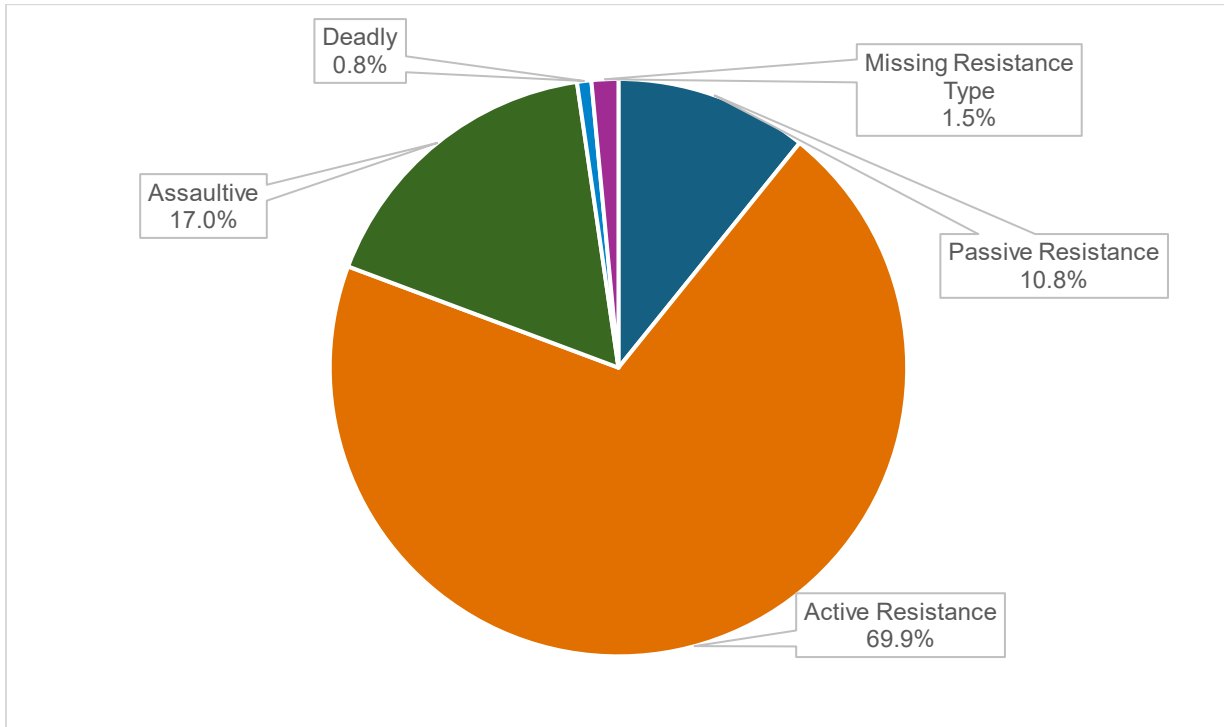


Figure 18. Type of Resistance Reportedly Offered by Those Against Whom Force Was Used.

In Figure 18, we look at the specific type of resistance officers reported they encountered from the person against whom force was used. Most applications of force involved people who were described as offering active resistance (70.3%), followed by assaultive resistance (21.0%) and passive resistance (8.3%). The fewest involved people showing deadly resistance (0.4%). Note, the levels of resistance here depict all selected levels of resistance during an incident.

Of additional concern from the data shown are the types of force used against people reportedly offering passive resistance. We identified 53 incidents and 240 applications of force in which passive resistance was the sole type of resistance reported by the officer. The data on these incidents establishes two additional potential concerns and indicates actions in these incidents may not align with BPD policy.

- The number of ECW applications against a person reported as providing only passive resistance (2.4% of all ECW applications, seven applications in five distinct incidents).
- The applications of force involving canines for those offering passive resistance (10.7% of all canine applications of force, involving six applications of force in five distinct incidents).

Additionally, we note two instances in which a firearm was used, but the data do not indicate the subject was not offering deadly resistance. The number of incidents is small but represents one-third of all incidents in which a firearm was used.

In these types of incidents, it is incumbent upon BPD to do two things. First, they must ensure that the data entered in the force report accurately reflects what occurred. Second, they must determine if there were extenuating circumstances in these cases that warranted the level of force that was applied.

The Officers Using Force

In total, 282 BPD officers used force during 2022. On average, those BPD officers who used force were involved in 4.56 incidents (SD = 4.32), ranging from one to 27 incidents. These reported incidents accounted for 2,930 applications of force, of which 2,914 were by BPD personnel. Of those applications that were not by BPD personnel, five were by members of the Bakersfield Fire Department working as investigators, and the remaining were by officers from outside agencies.

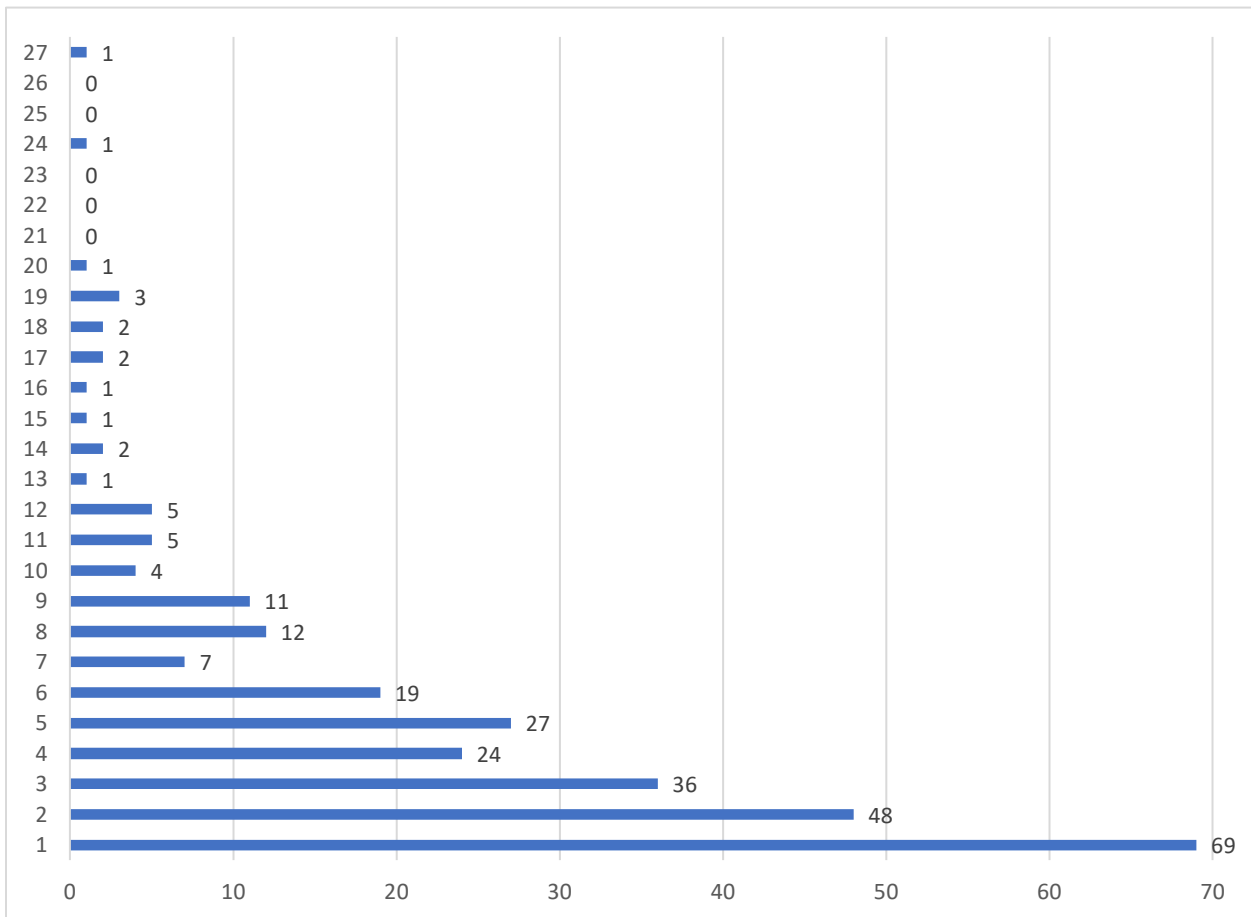


Figure 19. Number of Officers Involved in Specific Number of Use of Force Incidents.

In Figure 19, we show the distribution of officers who were involved in UOF incidents in 2022. Overall, 72.34% (n = 204) of BPD officers were involved in five or fewer uses of force in 2022. We also identify officers who were considered statistical outliers for UOF incidents. For 2022, an officer was identified as an outlier if they were involved in 12 or more UOF incidents. In total, 7.09% of the officers (n = 20) were identified as outliers. On average, the 20 officers identified as statistical outliers were involved in 16.5 (SD = 4.17) UOF incidents in 2022, ranging from 12 to 27. This is in comparison to the average of 4.56 incidents (SD = 4.32) for all officers involved in the use of force.

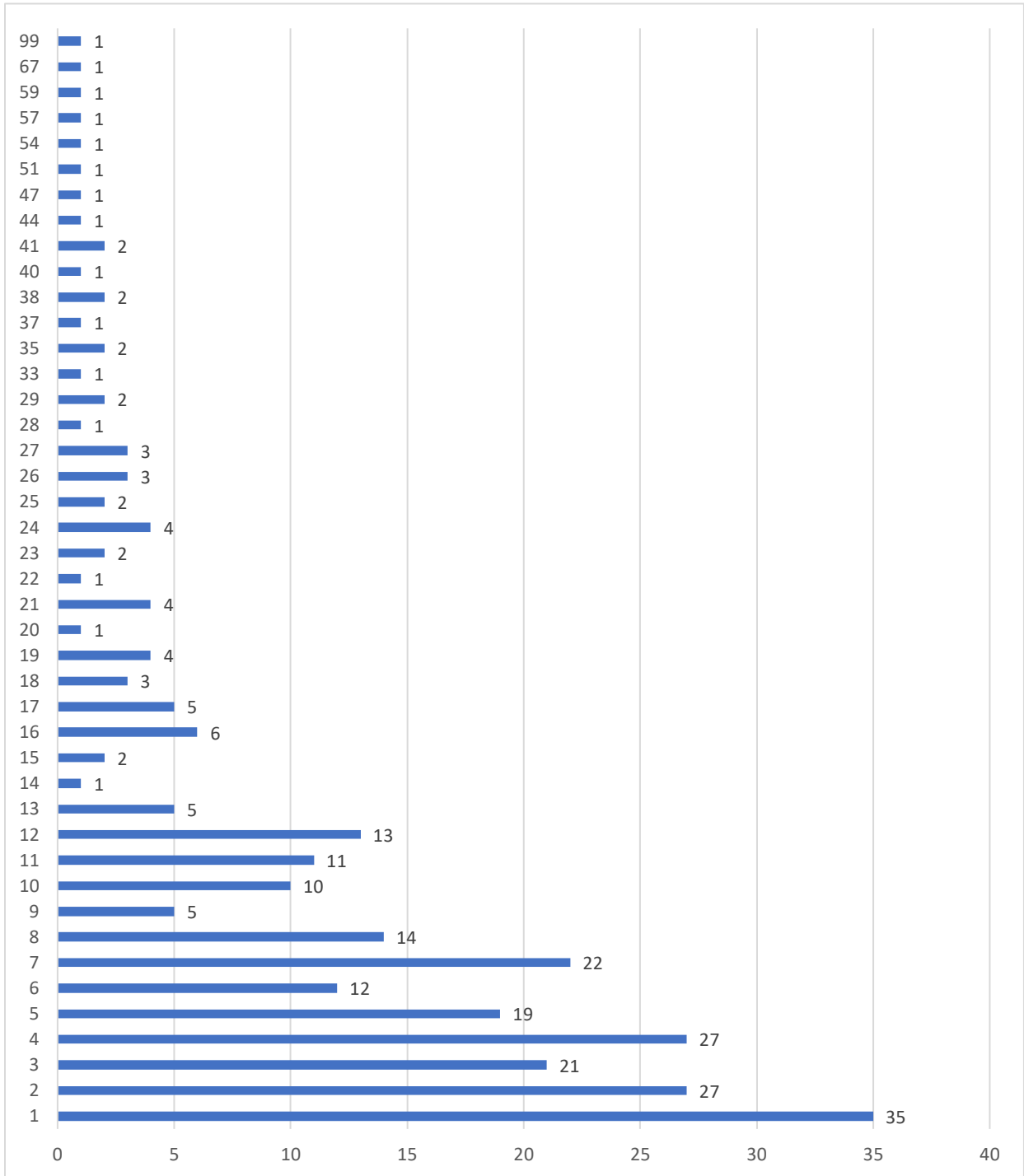


Figure 20. Number of Officers with a Specific Number of Applications of Force in 2022.

Additionally, the average BPD officer who used force during 2022 had 10.33 (SD = 12.29) applications of force, ranging from one to 99 applications of force. Of all BPD officers who used force, 68.09% used 10 or fewer applications of force. We show the distribution of BPD officers' applications of force in Figure 20. Given the skewed nature of the data (Skew = 2.95), we sought to determine if there were officers who could be identified as statistical outliers. In 2022, an officer with 25.5 or more applications of force was a statistical outlier. In total, 9.15% (n = 26) of officers were identified as statistical outliers for the number of force applications during 2022. The 26 officers who were identified as outliers for their force applications accounted for 1,061 (36.21%) of all UOF applications in 2022.

Interestingly, 17 officers were identified as outliers for both the number of incidents and the number of force applications in which they were involved. These 17 officers accounted for 27.17% of all force applications (n = 796).

	Non-Outliers	Outlier Applications Only	Outlier Incidents Only	Outliers Both
Distinct Officers	253	9	3	17
Average Years of Experience	5.57	3.65	3.29	3.77
Minimum Years Experience	0.36	1.47	1.99	1.47
Maximum Years Experience	28.57	5.89	5.89	9.03
% of Officers with Less 1 Year Experience	7.94%	0.00%	0.00%	0.00%
% of Officers with 1-2 Years of Experience	34.13%	44.44%	66.67%	64.71%
% of Officers with 3-5 Years of Experience	11.90%	55.56%	33.33%	5.88%
% of Officers with 6-7 Years of Experience	14.29%	0.00%	0.00%	17.65%
% of Officers with 8-10 Years of Experience	13.10%	0.00%	0.00%	11.76%
% of Officers with 11-15 Years of Experience	5.95%	0.00%	0.00%	0.00%
% of Officers with 16-20 Years of Experience	5.95%	0.00%	0.00%	0.00%
% of Officers with 20+ Years of Experience	6.75%	0.00%	0.00%	0.00%
Percent of Force Users	89.72%	3.19%	1.06%	6.03%
Force Applications	1,784	265	69	796
% of All Force Applications	61.22%	9.09%	2.37%	27.32%
Proportional Representation	0.68	2.85	2.23	4.53
Control Hold/ Body Weight & Takedowns	0.74	2.55	2.12	3.92
Body Strike	0.48	4.02	2.01	6.91
ECW - Display	0.80	0.73	--	4.23
ECW - Use	0.72	3.90	1.30	3.67
Impact Weapon	0.19	6.17	1.43	10.30
Canine	0.42	1.77	14.18	6.89
Safety Restraint Tool	0.92	0.33	2.94	2.25
Firearm	1.04	0.00	0.00	1.18
Other Force Option	0.88	1.65	0.00	2.62

Table 1. Proportional Representation for Officers Using Force in 2022.

Table 1 shows the years of experience among officers from each of the four potential groups of officers (i.e., non-outliers, outliers for applications of force only, outliers for UOF incidents only, and outliers for both applications and UOF incidents). The table shows that officers in the non-outlier group are consistently distributed across the experience categories. However, since this information is only related to those who used force, we do not compare this information to all BPD officers and therefore do not assess if this is reflective of the department. The remaining three groups, outliers for UOF incidents only, outliers for applications of force, and outliers for both applications and UOF incidents are exclusively comprised of officers with between one and 10 years of experience. Those officers who are outliers for both the number of applications and the UOF incidents are exclusively officers with between one and five years of experience.

Table 1 also shows the percentage of all force applications that are associated with the officers within each group. In theory, if there is no relationship between the outlier group and the use of force, we should see that the proportion of all officers using force should be approximately equivalent (i.e., a value around 1) for the proportional representation of force applications. However, we see that officers in the non-outlier group are underrepresented in the force applications relative to their proportion of all officers' UOF applications. Similarly, we see that officers in the remaining three groups are overrepresented by anywhere between 2.23 and 4.53 times. This suggests there is something unique about the officers in the identified outlier groups that makes them more likely to have more UOF applications than non-outlier officers.

We cannot assess the impact on incidents, as officers from all groups mix together during UOF incidents. However, we also see that officers from the outlier groups are similarly overrepresented in the proportion of specific types of force applications (e.g., body strikes, control holds and impact weapons) relative to the proportion we would expect if officers from all groups were equally likely to use force options. In fact, we see that the type of outlier that an officer is categorized as is significantly related to the frequency of specific types of force applications ($\chi^2(21) = 225.55, p < .001$). Furthermore, the relationship between the type of outlier an officer is and the number of applications of the type of force in the data is moderate to strong (Cramer's $V = 0.1602$).

If we compare officers who are identified as any type of outlier to those who are never identified as outliers, the significant relationship remains ($\chi^2(7) = 177.39, p < .001$), and the strength of the relationship borders on very strong (Cramer's $V = 0.2461$). In other words, officers who are involved in more UOF incidents and have more force applications tend to use different types of force than officers who are not classified as outliers. One of the few places where the effect is not present is in the use of deadly force. In short, while those officers who are outliers tend to use different types of force than non-outlier officers, this effect is not observed in the use of deadly force.

The People Against Whom Force Was Used

In 2022, BPD officers used force in 506 incidents and against 492 distinct individuals. An initial review of the data suggested there were 21 people against whom BPD officers used force more than once (i.e., multiple incidents) during 2022. A subsequent review of the reports revealed there were incidents with

three people that occurred in multiple places on the same day. In these three incidents, there was a use of force and then a break in the action because the person evaded capture by BPD officers, or another use of force occurred while the person was in the custody of BPD. One of these individuals (incidents AD2022-P9JL1X, AD2022-V4CC8Z and AD2022-Y6HJ9Z) appears in three distinct reported UOF incidents, of which two were temporally proximate to one another (i.e., within one hour). However, all three incidents occurred on the same date (i.e., October 8, 2022). Even after removing these three potentially related cases, there were still 18 people against whom BPD used force in more than one incident in 2022. Descriptive information on the people against whom BPD used force multiple times is shown below in Table 2.

IA Number	Occurred Date	Citizen ID	Gender	Race	Age at Time of Incident	Arrested	Injured
AD2022-A0LN2B	7/30/2022	4966	M	H	32	Y	Y
AD2022-I7YY2K	9/23/2022	4966	M	H	33	Y	Y
AD2022-Q4FS9N	2/15/2022	5253	M	H	36	Y	Y
AD2022-X1WR3B	4/25/2022	5253	M	H	36	N	Y
AD2022-S2HP2E	4/13/2022	8326	M	W	33	N	N
AD2022-I5MC5G	5/21/2022	8326	M	W	33	Y	Y
AD2022-D8QS0Q	6/15/2022	10247	M	H	29	N	Y
AD2022-C3DJ0R	7/17/2022	10247	M	H	29	Y	Y
AD2022-F6FN31	7/23/2022	10247	M	H	29	Y	Y
AD2022-E6PE4T	9/2/2022	10677	M	B	25	Y	N
AD2022-Q7KJ1E	3/23/2022	10677	M	B	25	Y	Y
AD2022-L7CI0Z	1/25/2022	10787	M	B	42	Y	Y
AD2022-P0DW7W	9/11/2022	10787	M	B	43	Y	Y
AD2022-V2IS7I	8/25/2022	11370	M	W	25	Y	Y
AD2022-F6OL9E	11/17/2022	11370	M	W	25	Y	N
AD2022-V1YT9K	2/28/2022	11676	M	H	29	Y	Y
AD2022-Q3ED6Y	3/16/2022	11676	M	H	29	Y	Y
AD2022-I2UB7D	12/26/2022	11676	M	H	30	Y	Y



AD2022-C9OB8V	2/6/2022	12693	M	B	20	Y	N
AD2022-P1CP4Y	9/13/2022	12693	M	B	20	Y	Y
AD2022-J8DM5K	3/13/2022	12762	M	B	26	Y	Y
AD2022-L1LZ6P	7/23/2022	12762	M	B	27	Y	Y
AD2022-D4QJ2W	3/26/2022	12808	M	H	44	Y	Y
AD2022-A7RN4R	4/1/2022	12808	M	H	44	Y	N
AD2022-A5NZ5H	6/30/2022	12808	M	H	44	Y	Y
AD2022-L6XX8C	4/22/2022	12873	M	B	27	Y	N
AD2022-T1JZ4N	10/17/2022	12873	M	B	28	Y	N
AD2022-Z4UC5D	4/28/2022	12938	M	H	22	Y	Y
AD2022-G5LI7Y	5/25/2022	12938	M	H	22	Y	Y
AD2022-U1SL8E	12/13/2022	12938	M	H	23	Y	Y
AD2022-S4SE0E	5/6/2022	12952	M	B	65	Y	Y
AD2022-T0VA7Y	10/13/2022	12952	M	B	65	N	Y
AD2022-K6GK9X	5/12/2022	12985	M	W	30	Y	Y
AD2022-T2VQ8I	12/4/2022	12985	M	W	30	Y	Y
AD2022-E6EP1J	5/5/2022	12994	M	B	27	Y	Y
AD2022-H4VQ9X	11/23/2022	12994	M	B	28	Y	Y
AD2022-F6BE4L	5/29/2022	13088	M	H	27	Y	Y
AD2022-F5UA9Y	7/1/2022	13088	M	H	28	Y	Y
AD2022-M0ZS4N	8/1/2022	13404	M	H	39	Y	Y
AD2022-E7UR7S	11/26/2022	13404	M	H	39	N	Y

Table 2. Information on Persons Against Whom BPD Used Force Multiple Times in 2022.

The average age of all people against whom BPD used force in 2022 was 31.17 years (SD = 10.16), with their ages ranging from 12 to 72. During 2022, BPD officers used force against 30 people younger than 18 and six people who were 65 or older, one of whom had force used against them twice (Individual = 12,952). The vast majority of the people against whom force was used were identified as male (90.15%) by BPD. When comparing BPD’s UOF numbers against the composition of the City of Bakersfield based on the American Census Bureau for July 2022, most racial and ethnic groups are underrepresented in the UOF data relative to the racial/ethnic groups’ presence in the Bakersfield community. Two notable exceptions include Hispanics/Latinos, who are about equally represented (1.06) as people against whom BPD used force relative to their proportion of the City’s population, and Black or African American people, who are substantially overrepresented in the UOF data (3.23) relative to their proportional composition in the City. In other words, while 7% of the population of Bakersfield is estimated to be Black or African American, 22.63% of the people against whom BPD used force in 2022 identified as Black or African American. The racial/ethnic identities and reported gender of the people against whom BPD used force are presented in Figure 21.

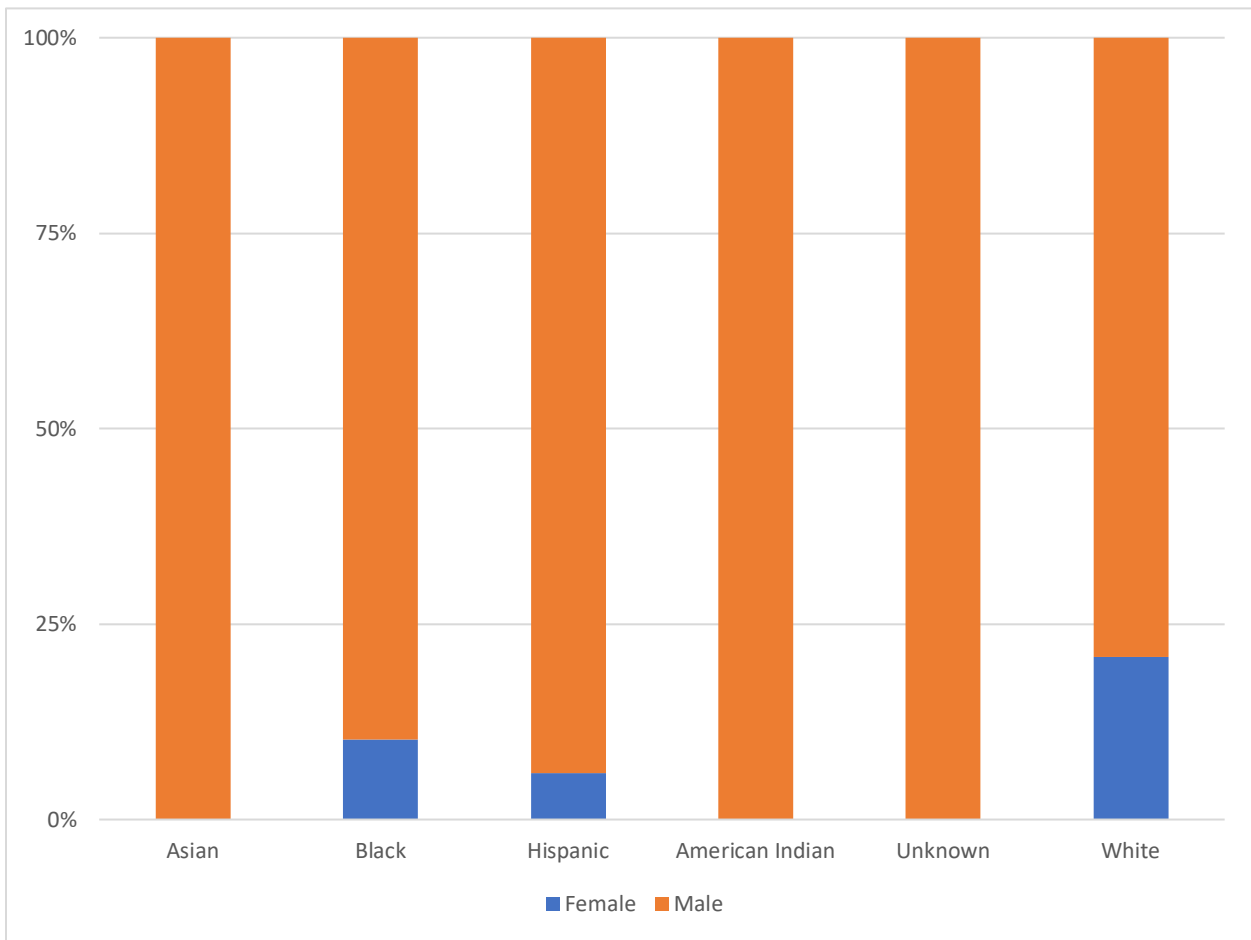


Figure 21. Race/Ethnicity by Gender of Persons Against Whom BPD Used Force in 2022.

Overall, 41.9% (n = 212) of incidents included an added charge of resisting arrest. When we look at pursuits and reported use of force, 22.8% (n = 115) involved a reported foot pursuit, and 16.8% (n = 85) involved a reported vehicle pursuit.

Additionally, the data indicate 71.21% of the people against whom force was used were injured as a result. The racial/ethnic identity of the person against whom force was used was statistically related to whether the person was injured because of the force ($\chi^2 (5) = 11.42, p < .05, \text{Cramer's } V = 0.1486$). Looking into the data, we see that Hispanic/Latino people are more likely to be injured from the use of force than would be expected given the distribution of the data. No other racial/ethnic group is significantly related to a reported injury. Similarly, those identified as male in the BPD data are more likely to be injured than females ($\chi^2 (1) = 7.78, p < .01, \text{Cramer's } V = 0.1226$). There were no significant differences in the likelihood of arrest or injury noted for people against whom BPD used force multiple times in 2022.

Year Three Expectations

Moving into Y3, we anticipate using the data to help identify and explore areas of focus within the Judgment. These include the following.

- **Policy Adherence:** Ensuring policy aligns with data capture and reporting.
- **Community Engagement and Perception:** Understanding the specific concerns of community members in relation to BPD's use of force.
- **Data Fidelity:** Measuring the accuracy and sufficiency of BPD's data collection and reporting.
- **Training Confirmation:** Assisting in the identification of training issues related to reporting and UOF incidents.
- **Linking charging information** for those who had force used against them from the RMS system.



Appendix H

Data Analysis of Personnel Complaints Against Bakersfield Police Department Employees

The Stipulated Judgment requires BPD to implement strategies to routinely monitor and report citizen complaint data and is most fully defined in Paragraphs 163—166. The Paragraphs require annual random audits by BPD of intake, classification, investigations and adjudication of complaints; quarterly submission by BPD to the Monitor of all cases in which an employee has been found to have engaged in misconduct; regular assessment of the effectiveness of the complaint process; and publication of an annual report of the personnel complaint data. Under Paragraph 164, the Monitor must report on its opinion as to whether the steps taken in the investigations that involved a finding of misconduct were sufficient and provide improvement recommendations to the process for holding personnel accountable. The Monitor, as an independent party, is responsible for providing an overall evaluation of the BPD's progress towards the Stipulated Judgment's goals. This report is an outcome of the Paragraph 166 requirement that "BPD will publish an annual report of personnel complaint data that reflects the categories of complaints received and the final disposition of those complaint investigations that have been completed as well as the status of any complaint investigations still pending. The report will be made available to the public on BPD's public website, once approved by the Chief and the Monitor. This report will reflect data for the preceding calendar year and will be released by April 1 of each year."

Paragraph 166 Progress

The Monitor identifies BPD progress on this Paragraph as "in progress." BPD has not fully complied with Paragraph 166, which requires an annual report on personnel complaints. Substantive work has occurred over the last year as BPD has tasked an analyst with work specific to personnel complaints and has shared the complaint database with the Monitor. BPD has worked collaboratively with the Monitor in identifying data challenges and in ensuring there is data transparency for the Monitor. Meaningful work has been conducted throughout 2022 to identify data, address data discrepancies and refine the data reporting for personnel complaints. This work was important as personnel complaint data has not been analyzed in a consistent manner and, therefore, has had some challenges in establishing baseline measurements for review.

Personnel complaint data is informed by the policies and practices of the agency around public and internal complaints. Intake, classification, investigation and adjudication are often unique to the agency, giving certain local and state legal standards. BPD's personnel complaint policy is under revision as part of the work on the Stipulated Judgment, which affects the reporting in 2022, as the report reflects both past and emerging practices. Policy-driven data issues must be addressed to develop a consistent, measurable outcome year-to-year. As the policy is finalized in the coming year, the annual personnel complaint report should provide year-to-year consistency in measurement, reporting and transparency.

BPD has not initiated the delivery of the quarterly reports on sustained misconduct findings. The Monitor's responsibility in reporting on opportunities for improvement, along with ongoing technical assistance on the policy development, will help further refine the data captured and reported. The Monitor anticipates

the 2023 report will reflect new policy requirements that define how complaint data is captured, classified and reported.

BPD has future goals for improving reporting on complaint data, including publishing a complaint dashboard that will exceed the reporting requirements of the Stipulated Judgment. BPD also plans to provide disclosures required under Senate Bill 1421 on its transparency page. Both actions will be welcome to improve transparency in the way BPD manages its personnel and addresses public complaints.

The Monitor identifies that the initial annual report is accurate as far as the data are concerned. However, how data is captured, categorized and analyzed will continue to be a focus of the monitoring program in this report and going forward.

Bakersfield Police Department Complaint Analysis

Our data analysis starts by first identifying the process through which BPD handles complaints. Within BPD, the unit largely responsible for taking, investigating and documenting misconduct allegations is Internal Affairs (IA).¹ Currently, BPD categorizes complaints based on the source of the complaint. “Internal investigations” are allegations generated by a member of the BPD or the City of Bakersfield. “Citizen complaints” are complaints generated by a member of the public.²

Information on complaints against BPD officers and professional staff is retained in a commercially available software system that is commonly used by many police agencies in California. The system collects information (data) on the person making the complaint (if known), the person against whom the complaint was made and the nature of the complaint. The system allows supporting documentation and files (e.g., pictures, videos and audio files) to be securely attached to the complaint for ease of review. The system also provides for the case management tasks associated with the investigation (e.g., tasks, status and deadlines). It captures meta-data on the complaint (e.g., when it was made, who accessed the complaint and what changes have been made), thereby serving as the mechanism to securely provide and record each action (i.e., what was done and when) during the intake, classification and command review. Finally, the system serves as a mechanism to record the disposition of complaints and the nature of the discipline imposed.

¹ There are two scenarios where IA is not responsible for investigating the allegations of misconduct by BPD personnel. First, when allegations against sworn personnel (i.e., those with general arrest powers) are made by another member of the BPD—most often someone in that person’s chain of command. In these situations, the allegation(s) are investigated and disposed of by the supervisor of the person against whom the complaint was made. If an allegation is sustained, a formal record of the complaint is forwarded to the IA for inclusion in the database that tracks complaints. Second, for allegations made against professional staff members (i.e., those without general arrest powers), which are always investigated and disposed of by the Human Resources Department for the City of Bakersfield. Again, if the complaint is sustained, a record of the complaint and the discipline imposed are forwarded to IA for inclusion in the complaint tracking database.

² If during the investigation of a citizen complaint, IA personnel or others within the organization, additional issues that violate BPD policies and procedures are identified, these allegations are included with the initial citizen complaint, although the categorization of the complaint remains unchanged. In other words, the categorization of the complaint type is determined based on how the initial allegations were brought to the attention of BPD.

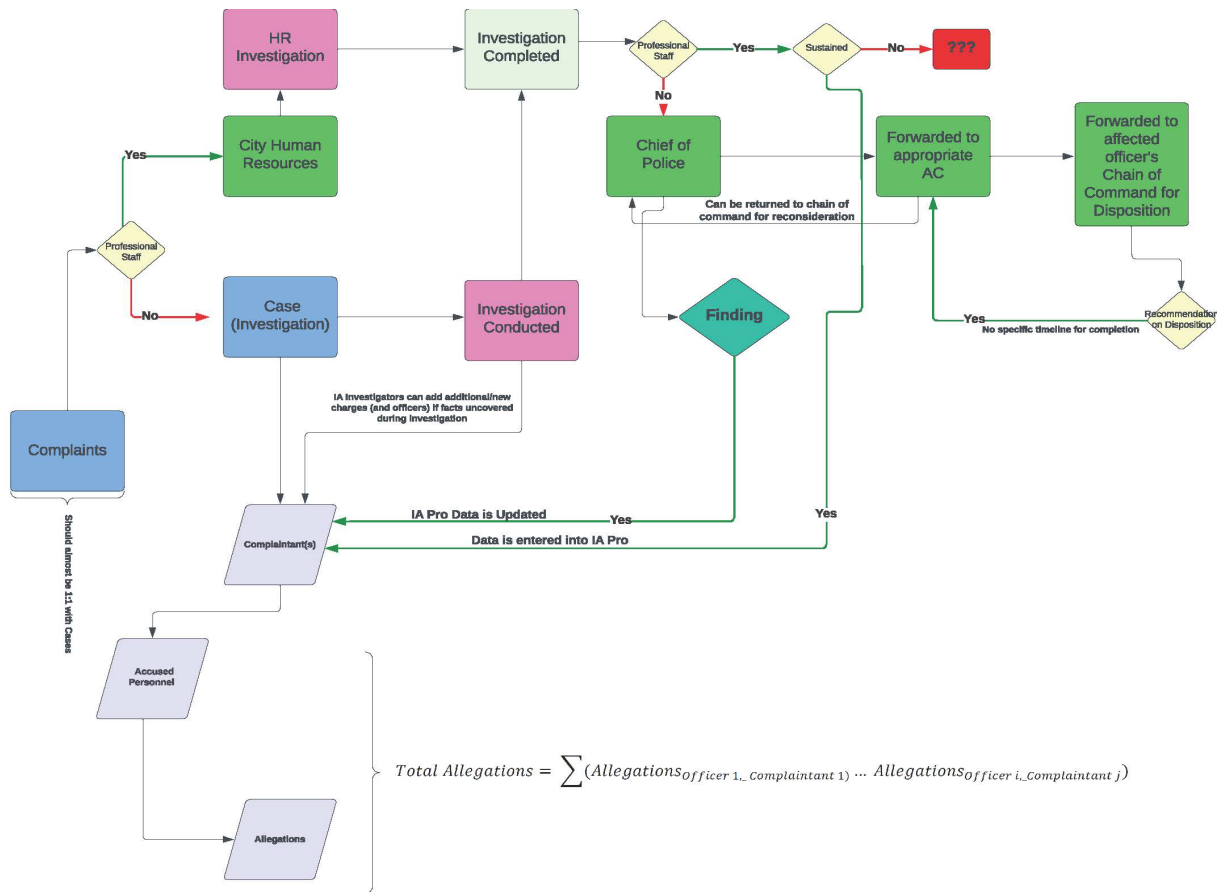


Figure 1. Process Map of Internal Affairs Investigations with BPD.

Figure 1 depicts a process map of how complaints are investigated within BPD. After receipt, IA investigates the complaint but makes no determination of finding or discipline. After the investigation is complete, the investigation and supporting evidence are forwarded to the Chief of Police (Chief). The Chief then routes the complaint investigation through the employee’s chain of command, for decisions whether the investigation revealed misconduct and if so, appropriate discipline. For example, take a hypothetical case where a member of the public alleges discourtesy by a patrol officer. At the conclusion of the IA investigation, the investigative report and documentation are provided to the Chief, would then forward the investigation to the Assistant Chief who oversees the patrol bureau. He forwards the complaint investigation to the appropriate Captain, who then forwards it to the appropriate manager (i.e., Lieutenant), who forwards it to the officer’s direct supervisor (i.e., Sergeant). The Sergeant then reviews the investigation and independently assesses whether the facts support a finding of misconduct. The sergeant’s recommendation and—if applicable—a recommendation for discipline would then move through the chain of command for similar action. Each member of the chain of command – the Lieutenant, the Captain and the Assistant Chief - independently reviews the investigation and assesses

whether and what type of discipline should follow. If the Lieutenant concurs with the sergeant, the case would be passed to the Captain, then back to the Assistant Chief. At any point in the review process, the case can be returned to a previous level of review for reconsideration. Once it clears the chain of command, it is sent to the Chief for final disposition. The Chief can accept, modify or reject the findings and discipline recommendations of the chain of command review.

If the complaint involves a civilian employee of the department (professional staff), it is routed to the City’s Department of Human Resources Department for investigation (DHR). DHR investigates the complaint, renders findings and, when appropriate, issues the appropriate discipline to the employee. BPD then retains a copy of this information in their internal systems as a record keeper. BPD does not get involved in professional staff investigations unless there is an appeal regarding the discipline recommendation.

Personnel Complaints Against BPD Personnel

In 2022, BPD reported receiving a total of 145 complaints. Of these, 112 (77.24%) were citizen complaints and 33 (22.76%) were internal investigations – meaning a member of BPD, normally a supervisor, initiated the complaint. The distribution of complaints by type and month is shown in Figure 2. On average, BPD received 12 complaints per month during 2022 (SD = 2.29) and the number of complaints received in a month ranged from a low of eight (November 2022) to a high of 16 (June 2022). The monthly average for citizen complaints was slightly over 9 (SD = 3.12). The monthly average for internal investigations was almost 3 (SD = 1.69).

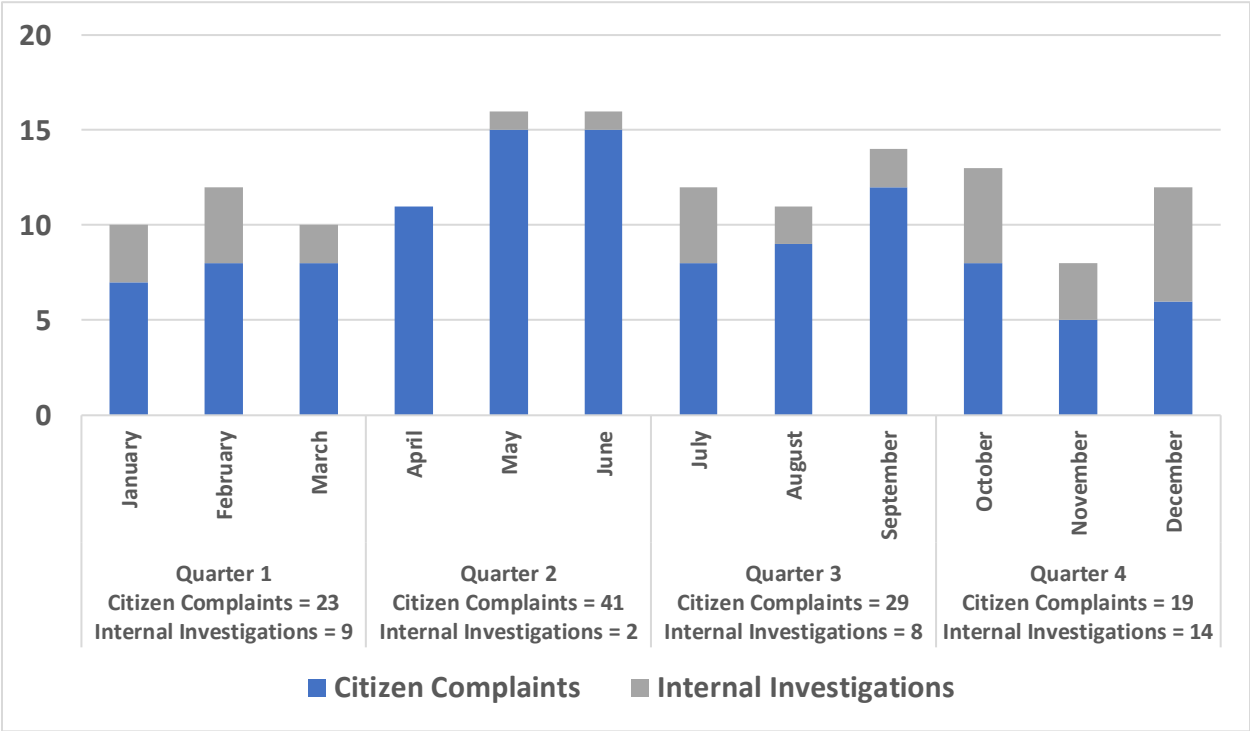


Figure 2: Breakdown of Complaints by Type by Month 2022.

In 2022, BPD received more citizen complaints than internal investigations. BPD received approximately 3.39 citizen complaints for every one internal investigation. This number varied across the year from a minimum of one citizen complaint to one internal investigation in December of 2022 to a high of 15 citizen complaints to one internal investigation in May and June of 2022. The Monitor identified a statistical relationship between the number of complaints that are generated in a month, the number of internally generated complaints and the number of citizen complaints received in the same month in 2022 ($\rho = -0.70, p < .05$). In other words, typically the greater the number of internal investigations received in a given month by BPD, the fewer citizen complaints received during the same period.

In addition to the complaints received in 2022, IA had a carryover of 76 open investigations. These are complaint investigations that BPD did not complete from a prior year, for whatever reason. Meaning that while 145 complaints were received in 2022, IA investigated a total of 221 complaints during 2022. This count becomes important as we further analyze the BPD's work on personnel complaints.

Status of Complaint Investigations Completed in 2022

Another measure of the effectiveness of how a law enforcement agency manages complaint investigations is how many are completed, or "closed." Closed investigations do not match the intake of investigations on an annual basis. Unlike intake, where all complaints are received in a calendar year, closed investigations will cover additional calendar years. For example, a complaint received in December 2021 and closed in March 2022 counts as a complaint received in 2021 and a closed complaint within the 2022 calendar year.

IA closed a total of 117 (52.9% of all complaints investigated during 2022) in 2022. Of these, 46 (39.3%) closed investigations were from complaints received in 2022, including 30 citizen complaints (26.8% of all citizen complaints received in 2022) and 16 internal investigations (51.6% of all internal investigations received in 2022). Two complaints were suspended, meaning IA investigators were no longer actively working on those cases. For this reason, these cases are removed from these calculations and from further analyses.³

However, not all of these closed investigations were completed in 2022. While 117 investigations were placed in command review in 2022, 82 of the 117 (70.1%) were completed, meaning addressed by command review in 2022. Of the cases completed through command review during 2022, 71 were citizen complaints, 11 were internal investigations (37.9% of internal investigations completed in 2022) and none of the citizen inquiries⁴ were forwarded for supervisory review.

³ The two cases were both internal investigations and the reason for suspension for one complaint (AD2022-L3YT9Q) was listed as "tolled" due to one of the officers being out of work due to an injury and the other complaint (AD2022-X9FW9O) was suspended due to an ongoing criminal investigation into the officer's action.

⁴ Citizen inquiries were a form of complaint that BPD took until the end of 2021. The means and the process through which something was classified as a citizen inquiry remain unclear. These complaints were included here because they affect the workload of BPD's IA personnel during 2022.

Investigative Milestones

Examining how long it takes investigations to reach certain investigative milestones is helpful in understanding the pace of investigative work by IA.

Complaints Filed in 2022

BPD’s summary data for complaints received in 2022 are presented in Table 1, which indicates that it took approximately six months for a complaint received in 2022 to be closed and a finding rendered (average of 178.87 days). The average amount of time that it took to close a citizen complaint received ($M = 218.67$) was significantly more ($t_{(44)} = 4.72, p < .001$) than the number of days to close an internal investigation ($M = 98.50$). The average times to reach various investigative milestones for complaints received in 2022 by complaint type are presented in Figure 3.

	Days of Investigation			
	Mean	SD	Median	Min.—Max.
All Complaints Received in 2022				
Complaints received and closed in 2022 (n = 46)	178.87	99.76	196	8—328
Complaint investigations forwarded to command review but not closed in 2022 (n =33)	218.00	80.68	225	88—354
Complaints from 2022 that remained open at year-end (n = 64) ^a	123.55	83.17	112.5	2—327
Citizen Complaints Received in 2022				
Complaints received and closed in 2022 (n = 30)	218.67	67.33	222	88—328
Complaint investigations forwarded to command review but not closed in 2022 (n =30)	210.10	79.90	216	88—354
Complaints from 2022 that remained open at year-end (n = 52)	134.64	78.79	126	2—306
Internal Investigations Received in 2022				
Complaints received and closed in 2022 (n = 16)	98.50	105.09	53.50	8—300
Complaint investigations forwarded to command review but not closed in 2022 (n =3)	286.00	61.00	286.00	225—347
Complaints from 2022 that remained open at year-end (n = 12) ^a	75.50	87.96	49.50	11—327

Table 1. Number of Days for Complaints Received in 2022 to Progress to Various Investigative Milestones.

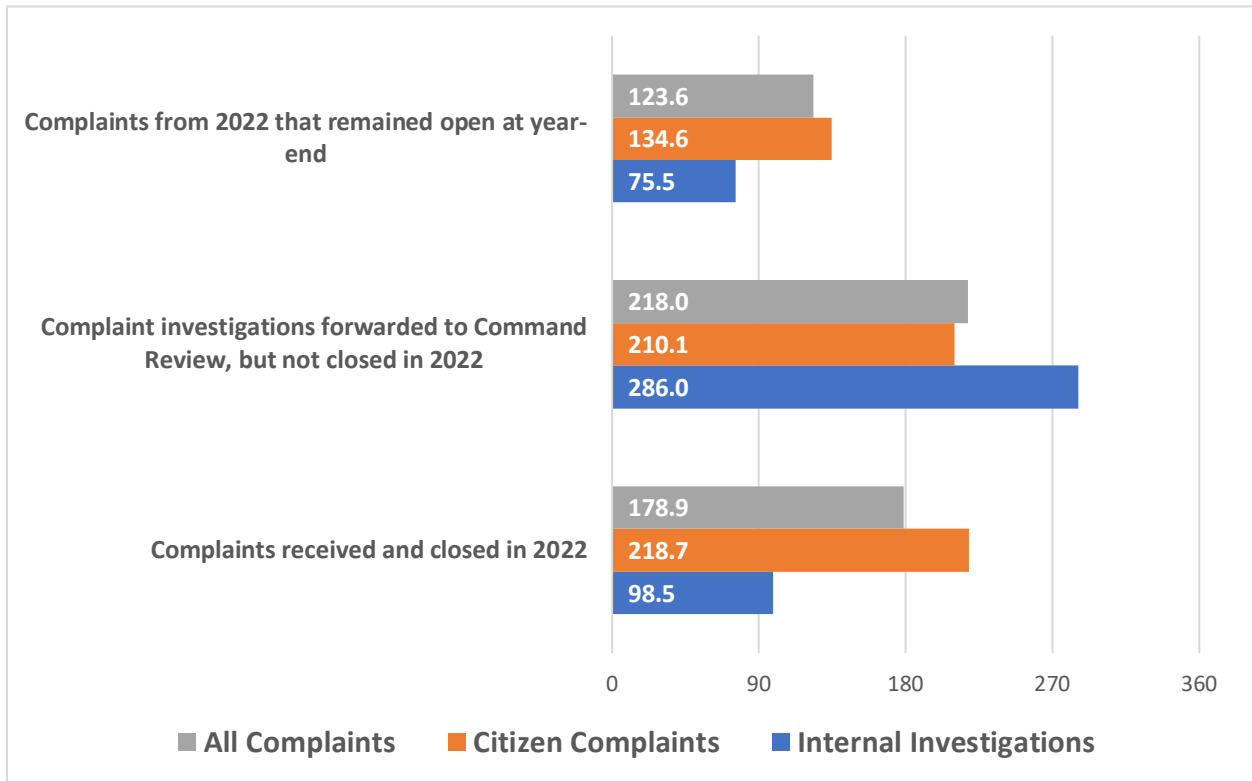


Figure 3. Average Time for Complaint Investigation Milestones by Type for Complaints Received in 2022.

The reason for this difference is unclear from the data, but a closer examination revealed an interesting trend. Complaints are not all forwarded through supervisory review and those that do not go to supervisory review are resolved sooner.

We distinguish the time for IA investigations and supervisory review to determine if systematic differences exist in the data. The results of the internal investigations should be cautiously interpreted, given the small sample size and the systematic difference in the ways in which internal investigations and citizen complaints are addressed.

Supervisory Review

In 2022, 30 citizen complaints were received and closed, 4 (13.3%), without being forwarded for supervisory review. This is compared to 15 (93.8%) internal investigations that were closed without being forwarded for supervisory review. After further review, we identified that most of the 15 internal investigations stemmed from a policy violation addressed by a direct supervisor or DHR, meaning a professional staff member and not an officer was investigated. The data indicates that the complaints not forwarded through supervisory review regarding the conduct of sworn members are formal records of behavior correction for subordinates by supervisors rather than issues of misconduct. Further analysis of

the decisions to bypass the supervisory review will occur in 2023 to determine consistency and transparency in the process.

Citizen Complaints

In review of citizen complaints and their progression through command review, we noted inconsistent records for those received and closed in 2022.⁵ Removing these complaints, on average, for the complaints received and closed in 2022, spent 43.42 (SD = 21.95) days in supervisory review. The overall number of days in supervisory review ranged between 4 and 83 days. There is no significant relationship between the amount of time that a complaint spends in supervisory review and the disposition of the case ($F_{(3,20)} = 0.13, p > .05$). Finally, for those complaints received in 2022 that were forwarded to supervisory review and still open at the end of 2022, the average number of days in the review was 23.67 (SD = 28.37) days and ranged between 2 and 116 days in CCR.

Carry Over Complaints

When we look at the closed investigations that carried over into 2022, the data suggest a very different pattern of results from command review, as shown in Table 2. The average length of a complaint investigation initiated prior to and closed in 2022 was 348.41 days. However, there was substantially more variation in the length of these investigations (SD = 215.24). The data showed a time range for pre-2022 investigations from 33 to 1,857 days. The average length of time for these carryover complaints and the investigative milestones are presented in Figure 4.

⁵ There are two cases where the time in supervisory review is negative (i.e., the events were completed prior to sending for review). The reasons for this likely stem from the way in which BPD uses the forwarding function. Specifically, both cases had sustained allegations, and the forward date appears to reference forwarding the complaint to the person's supervisor for the imposition of discipline.

	Days of Investigation			
	Mean	SD	Median	Min.— Max.
All Complaints Carried Over into 2022				
Complaints carried over and closed in 2022 (n = 71)	348.41	215.24	350	33—1,857
Carry over complaint investigations forwarded to command review but not closed in 2022 (n =5)	621.60	324.11	434	288—1,015
Carry over complaints from 2022 that remained open at year-end (n = 0)	--	--	--	--
Citizen Complaints Carried Over into 2022				
Complaints carried over and closed in 2022 (n = 44)	367.48	66.01	364	152—616
Carry over complaint investigations forwarded to command review but not closed in 2022 (n =3)	772.33	342.48	1,014	288—1,015
Carry over complaints from 2022 that remained open at year-end (n = 0)	--	--	--	--
Internal Investigations Carried Over into 2022				
Complaints carried over and closed in 2022 (n = 13)	460.46	444.80	337	180—1,857
Carry over complaint investigations forwarded to command review but not closed in 2022 (n =2)	395.50	38.50	396	357—434
Carry over complaints from 2022 that remained open at year-end (n = 0)	--	--	--	--
Citizen Inquiries Carried Over into 2022				
Complaints Carried Over into and closed in 2022 (n = 14)	184.43	98.34	194	33—328
Carried Over Complaints and Forwarded for CCR in 2022, Not Closed (n = 0)	--	--	--	--

Table 2. Number of Days for Carryover Complaints in 2022 to Progress to Various Investigative Milestones

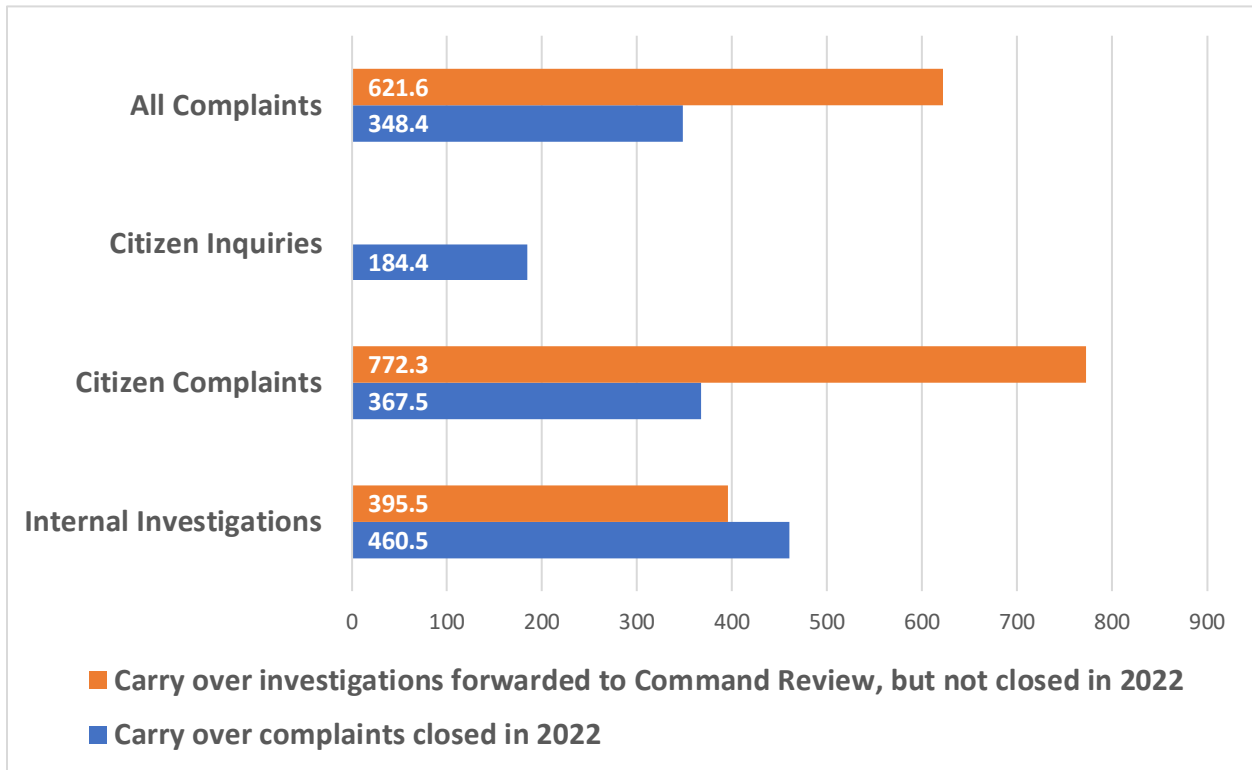


Figure 4: Average Time for Complaint Investigation Milestones by Type for Carry Over Complaints in 2022.

Of particular concern in these carryover investigations is that 27 investigations took more than one year (i.e., 365 days) to complete. Additionally, of the five carryover complaint investigations in supervisory review at the end of 2022, all exceeded the one-year mark. The one-year mark is a key timeframe because absent certain exemptions, California statute requires completion of the investigation within one year for administrative action to apply if misconduct is identified.⁶ In total, there were eight complaints that were closed as sustained after more than one year from date of complaint initiation which may have legally prevented BPD personnel from being disciplined for their behavior.

Dispositions of Complaints

We next examine the dispositions – the outcome finding - of the investigations for the complaints against members of the BPD. Generally, four dispositions for a complaint are assigned by most police departments (i.e., exonerated, not sustained, sustained and unfounded). During 2022, BPD used a two other dispositions for complaints (i.e., *file only and information only*) that are not clearly defined in the organization’s policies. BPD’s definitions for the four categories are as follows:

⁶ See, California Government Code Section 3304 (d) Except as provided in this subdivision and subdivision (g), no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency’s discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct.

- **Exonerated**—When the investigation reveals that the alleged acts occurred but were justified, lawful and/or proper.
- **Not Sustained**—When the investigation reveals that there is insufficient evidence either fully sustain or exonerate the person against whom the complaint was made.
- **Sustained**—A final determination that the actions of the person against whom a complaint was made were found to violate department policy.
- **Unfounded**—When the investigation reveals that the alleged acts did not occur.

Dispositions for Complaint Investigations Received and Closed in 2022

Figure 5 shows the dispositions of the 46 complaints that were received and closed in 2022. It is important to note that for a complaint to be marked as sustained, at least one allegation of misconduct by BPD personnel must be sustained. For a complaint to be determined unfounded, all allegations made against the BPD personnel must have been found not to occur. The two most common dispositions for those complaints received and closed in 2022 are sustained (n = 22, 48%) and unfounded (n = 19, 41%). Notably, all internal investigations (n = 16) received and closed in 2022 were sustained compared to citizen complaints, where only 6 (20%) were sustained. The full disposition of citizen complaints is shown in Figure 6.

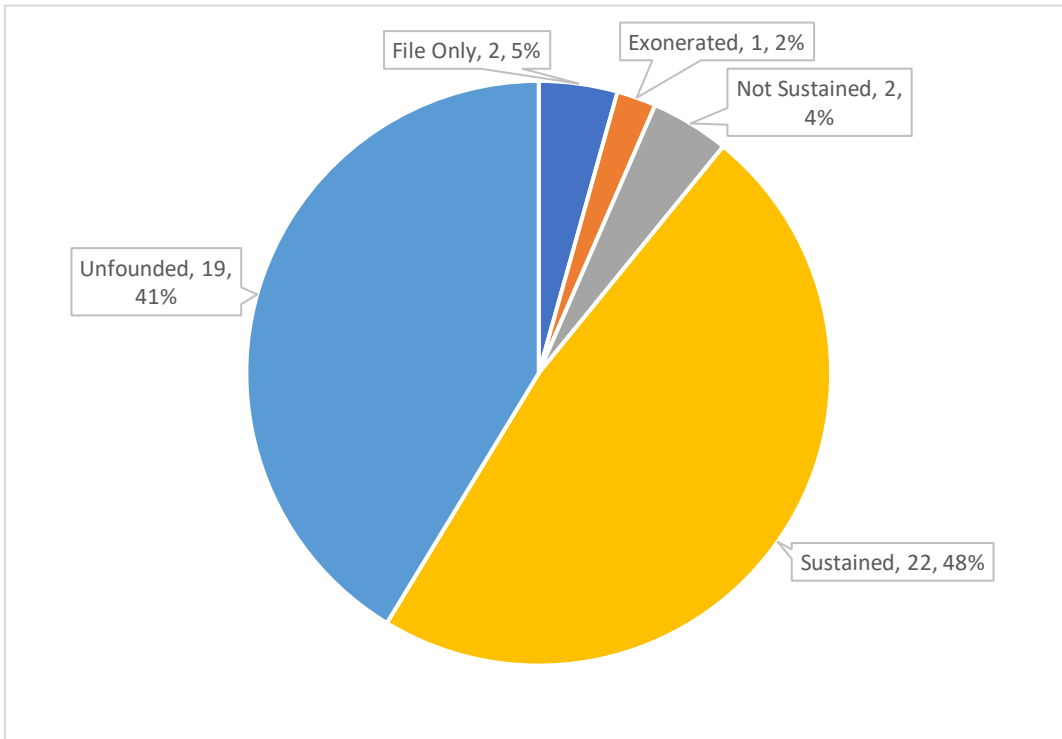


Figure 5. Disposition of Complaints Received and Closed in 2022.

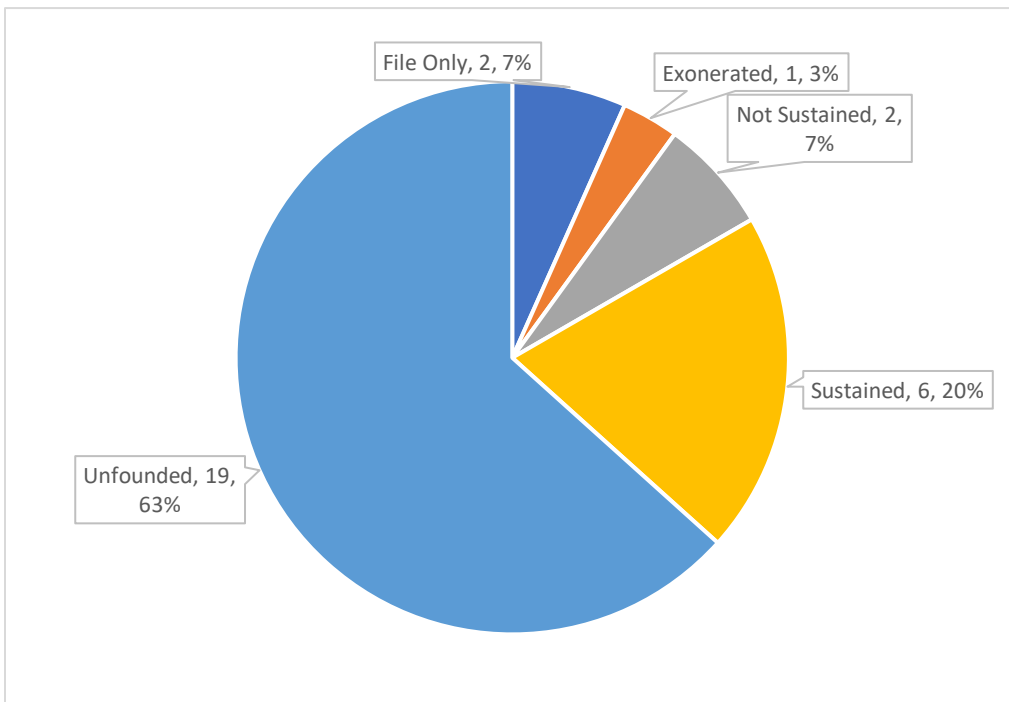


Figure 6. Disposition of Citizen Complaints Received and Closed in 2022

Dispositions for Complaint Investigations Carried Over and Closed in 2022

We also assess the disposition for complaints initiated in another year and closed in 2022, shown in Figure 7. There is a great deal of variation in the disposition based on the type of complaint. The data indicate that the most prevalent finding of the 71 carryover complaint investigations was unfounded (n = 30, 42%). Through the end of 2021, BPD accepted *citizen inquiries* and of those that were carried over into 2022, all (n = 14) had a disposition of *file only*. Whereas for internal investigations carried over into 2022, most of these complaints were sustained (n = 9, 69%). One internal investigation complaint was carried over to 2022 with a disposition of *information only* (AD2021-T0TV6T).⁷ Finally, we look at the distribution of dispositions for carryover citizen complaints closed in 2022, of which most were closed as unfounded (66%).

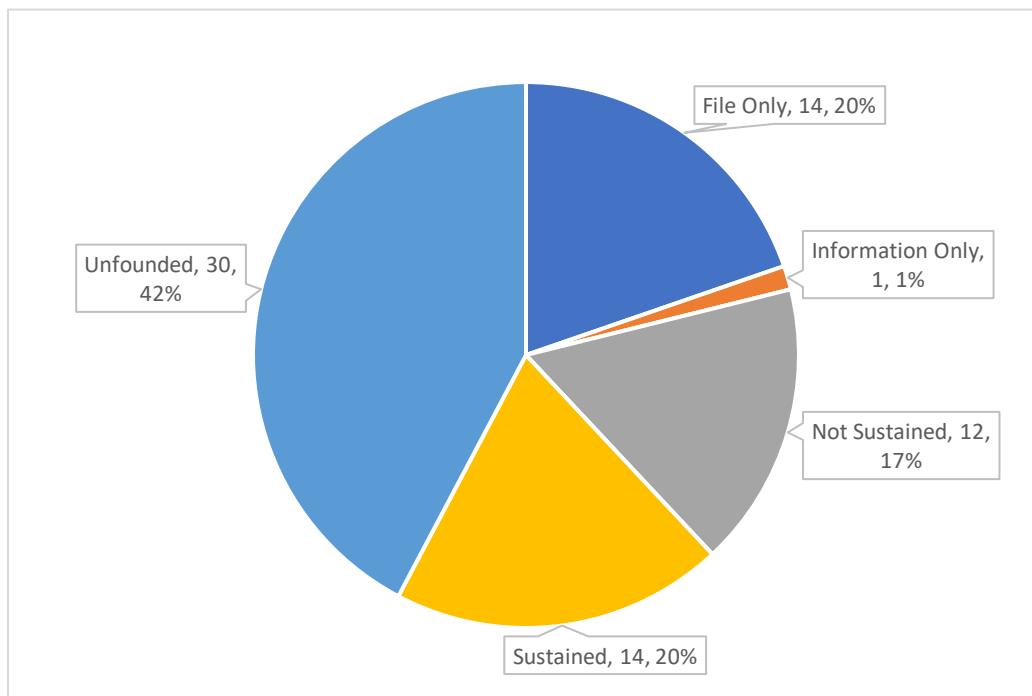


Figure 7. Disposition of Carryover Complaints Closed in 2022.

Analysis of Misconduct Allegations

We now examine the allegations investigated by IA in 2022. The allegations are determined by IA and based upon the complaint received. They are the investigator’s perception of the employee’s conduct as reported in the complaint. Allegations align with specific policy or legal requirements and help an

⁷ This case appears to be about a hostile work environment among employees in a BPD unit, which was addressed through additional training by Human Resources.

organization understand the type of behaviors that are the subject of complaints. For example, a complaint may be that the officer harassed me by searching my car without reason and did not give me his name or badge number. The allegation would be failure to follow policy for vehicle searches and failure to identify yourself. There were a total of 697 allegations derived from the 145 complaints received in 2022.

BPD’s practices in identifying an allegation are not consistent. It is anticipated that the development of the policy called for under the Judgment will refine this practice. For our analysis, we identified 103 distinct allegations, which we grouped together into 19 categories of misconduct. Such alignment provided for better analysis of the complaints and types of misconduct involving BPD employees. The full list of categories and allegations are presented in Table 4.⁸

Category	Allegation	
Biased-Based Policing	<ul style="list-style-type: none"> • Discrimination Against Any Person • Racial Profiling • Discrimination 	
Body-Worn Cameras	<ul style="list-style-type: none"> • Activation of Body Worn Cameras • Body Worn Camera • Body Worn Cameras • BWC/Improper muting • Careless Workmanship • Conduct and Performance • Failure to Perform Duties • Failure to Perform Duty • Failure to Take Action 	
Conduct Unbecoming	<ul style="list-style-type: none"> • (Discrediting Behavior) • Conduct Unbecoming a Member of the Department • Conduct Unbecoming an Officer • Conduct Unbecoming in Public Service • Improper Property Handling • Property and Evidence • Response to Calls • Responsibilities of Responding Officer • Unsatisfactory Work Performance • Concealing Incompetent Work • Report Preparation • Failure or Refusal to Perform Duties • Supervisor - Failure to Act • Disgraceful conduct on or off duty • Employee Speech, Expression and Social Networking • Disparaging Remarks/Conduct (Internal) 	
Constitutional Policing	<ul style="list-style-type: none"> • False Arrest • Illegal Search • Search and Seizure • Service of Search Warrants • Contact and Temporary Detentions 	

⁸ The Monitor notes that these categories do not specifically align with those used by BPD as the final decision on allegations and grouping will arise out of the new Personnel Complaints policy.



<p>Criminal Conduct</p>	<ul style="list-style-type: none"> • Criminal Conduct • Criminal Law Violation • Integrity- Not Engaging in illegal or immoral activities on or off the job • Portable Audio and Video Recorders 	<ul style="list-style-type: none"> • Sexual Assault (1421) • Threats • Violating any Misdemeanor or Felony Statute
<p>Discourtesy</p> <p>Sexual Misconduct</p> <p>City Allegations</p> <p>Dishonesty</p>	<ul style="list-style-type: none"> • Discourteous treatment • Discourteous Treatment of Others • Sexual Solicitation • On Duty Sexual Relations • Causes for Disciplinary Action • City Service Rules • Civil Service Rules • Disciplinary Action • Employment Constitutes Acceptance of Rules • Dishonesty • Failure to Report Activities that may Result in Discipline • Failure to Report Contact with Other Law Enforcement Agency 	<ul style="list-style-type: none"> • Removal, Demotion or Discharge- Members of Department • Suspension and Removal • Suspension and Removals • Terminations • Violation of Department Policy • False Statements • Falsification of Work-Related Documents • Falsification of Work-Related Records • Supervisor - Failure to Report Misconduct • Work Related Dishonesty or Theft
<p>Vehicle Operations</p>	<ul style="list-style-type: none"> • Pursuit Driving Tactics • Unsafe Driving Habits • Unsafe Driving Habits or Actions • Vehicle Operation 	
<p>Equipment</p>	<ul style="list-style-type: none"> • Body Armor • Failure to Care for Department Issued Equipment • Loss or Damage to Property 	<ul style="list-style-type: none"> • Misuse of City Property • Safe Handling, Inspection and Storage • Storage in Vehicles
<p>Exceeding Authority</p>	<ul style="list-style-type: none"> • Abuse of Authority • Access of Records without Legitimate Purpose • Exceeding Authority • Harassment 	<ul style="list-style-type: none"> • Prohibited and Inappropriate Use of Computer • Supervisor - Abuse of Authority • Unauthorized Access of Protected Information
<p>Identification</p>	<ul style="list-style-type: none"> • Furnish Name/Badge Number on Request 	

Insubordination	<ul style="list-style-type: none"> Disobedience or Insubordination to constituted Authorities Insubordination
Internal Policies	<ul style="list-style-type: none"> Acceptance of Rules Admin Rules and Regulations Attendance Cause for Rejection Conduct- Failure to Report Conflicting Relationship Personal (Electronic) Communications/Telephone Usage^a Employee Handbook - Attendance and Tardiness Failure to Report^b Outside Employment Unauthorized Sleeping on Duty Violating Departmental Safety Standards or Safe Working Practices
Missing Allegation	
Use of Force	<ul style="list-style-type: none"> Duty to Intercede Excessive Force Handcuffing and Restraints Improper Handcuffing Supervisor Responsibilities Use of Force Use of Restraints

Table 4. Allegation Categories for Allegations in Complaints Investigated in 2022.

NOTES: ^a = combines “Personal Communication Devices” and “Electronic Communications/Telephone Usage”

^b = combines “Failure to Report” and “Failure to Report Properly”

Table 5 shows the distribution of allegations, by category, for complaints received in 2022 and those carried over into 2022. The three most frequent allegations constituted careless workmanship, discourtesy and use of force. These were also the three most frequent allegations for complaints carried over into 2022. Some allegations (e.g., sexual misconduct and unallocated allegations) only occurred in complaints received in 2022, suggesting at least two possibilities. First, the complaints with these types of allegations are quickly closed, or second, these allegations are relatively rare and thus may not occur during each period. We see evidence for each of these potential explanations. Specifically, each of the complaints that contained “unallocated allegations” was an internal complaint involving a professional staff member of BPD—and these investigations are conducted and discipline imposed by the City’s Human Resources Department. Similarly, only a single complaint was received with allegations of “sexual misconduct.”

	Originated in 2022		Carried Over into 2022	
	Number of Allegation	% of Allegations	Number of Allegation	% of Allegations
Biased-Based Policing	44	6.3%	57	12.3%
Body-Worn Cameras	54	7.7%	14	2.7%
Careless Workmanship	139	19.9%	127	28.7%
Conduct Unbecoming	17	2.4%	5	1.2%
Constitutional Policing	45	6.5%	31	7.2%
Criminal Conduct	14	2.0%	4	0.7%
Discourtesy	106	15.2%	85	19.8%
Dishonesty	50	7.2%	29	5.3%
Driving Behaviors	9	1.3%	2	0.5%
Equipment	18	2.6%	5	1.2%
Exceeding Authority	38	5.4%	28	5.3%
Harassment	8	1.2%	0	0.0%
Identification	4	0.6%	2	0.5%
Insubordination	3	0.4%	0	0.0%
Internal Policies	17	2.4%	1	0.2%
Missing Allegation	8	1.2%	3	0.7%
Sexual Misconduct	2	0.3%	0	0.0%
Unallocated Allegations	22	3.2%	0	0.0%
Use of Force	99	14.2%	58	13.7%
Total Allegations	697		451	

Table 5. Number of Allegations by Type for Complaints Originated in 2022 and Carryover Complaints.

The data suggest a concerning trend in the disposition of allegations, as BPD had a high number of number of unfounded allegations. For an allegation to be determined unfounded, BPD must prove by a preponderance of the evidence that the alleged conduct did not occur. Generally, there is a higher number of not sustained findings for complaints, as the ability to prove by a preponderance of the evidence is not readily available. BWC has assisted in this area, allowing for more independent evidence, but for agencies the Team is familiar with, unfounded is a relatively low outcome for complaint investigations, absent supporting BWC evidence. For 2022, 104 (34.7%) of the allegations were unfounded. When considering those allegations for which there was a disposition, this percentage becomes even larger (64.4%) were classified as unfounded. For allegations that were carried over into 2022, the percentage of unfounded allegations is still higher (80.5%). Comparatively, the percentage of allegations that were sustained is 27.6% for all allegations received in 2022, in which there was a disposition and 14.9% for all allegations received in 2022. For the carryover complaints, the percentage of allegations sustained was 5.3%.

Furthermore, we see that there is a significant difference in the likelihood that an allegation will be sustained depending on the type of investigation (i.e., citizen complaint or internal investigation). For

complaints received in 2022, internal investigation allegations were significantly more likely to be sustained than would be expected. This magnitude of the effect is strong ($\chi^2_{(3)} = 229.56, p < .001$, Cramer's $V = 0.7814$). This means that for complaints received in 2022 with allegations that had a disposition, significantly fewer allegations were sustained than would be expected by chance for citizen complaints (i.e., 26 actually sustained compared to 80.5 allegations expected to be sustained). In other words, given the distribution of the data, the change would indicate that 80.5 of the allegations for citizen complaints would be sustained, yet only 26 are sustained. This suggests a significant statistical relationship exists between the source of the allegation (e.g., citizen complaint) and the likelihood that the allegation will be sustained. This suggests a systematic difference in the way in which allegations are handled depending on the source of the complaint.

How BPD's practices affect this relationship is not clear and will be a Y3 focus. One explanation is that almost all of the internal investigations were records of discipline meted out by other sources (i.e., direct supervisor or DHR, rather than IA). It does not appear that IA keeps records of all internal investigations when a person was not disciplined (e.g., when a supervisor finds a legitimate reason that their subordinate engaged in a particular action). Therefore, the likely explanation for this finding is that it reflects the empirical reality of how the data is kept. However, this does not account for those internal investigations carried over from a prior year, which do result in an IA investigation. However, this same significant effect is noted for allegations that stem from carryover investigations ($\chi^2_{(4)} = 125.11, p < .001$, Cramer's $V = 0.5511$), although the size of the effect is somewhat attenuated, given the overall number of complaints, it is still large. This suggests that even after eliminating those records where IA did not investigate allegations in internal investigations are still much more likely to be sustained than allegations from citizen complaints. Furthermore, in the carryover allegations that stem from citizen complaints, 71.4% of the allegations that were sustained were of an internal nature (i.e., body-worn cameras, careless workmanship and unsatisfactory work performance).

When we look at the dispositions classified as sustained, other than sustained and active for the most frequent allegations against BPD employees, it provides some high-level insight for both allegations from complaints received in 2022 (Figure 8) and for the carryover allegations that were investigated in 2022 (Figure 9). The results indicate allegations from complaints received relating to the use of body-worn cameras were more likely to be sustained than other allegations. Of the body-worn camera allegations sustained from 2022 complaints, 14 (25.6%) came from citizen complaints. Both Figure 9 and Figure 10 identify for the closed investigations for complaints received in 2022, regardless of when the allegation was made, there were no sustained findings for allegations related to bias-based policing, discourtesy, dishonesty, or exceeding authority. For the carry over complaints, no allegation of constitutional policing was sustained.

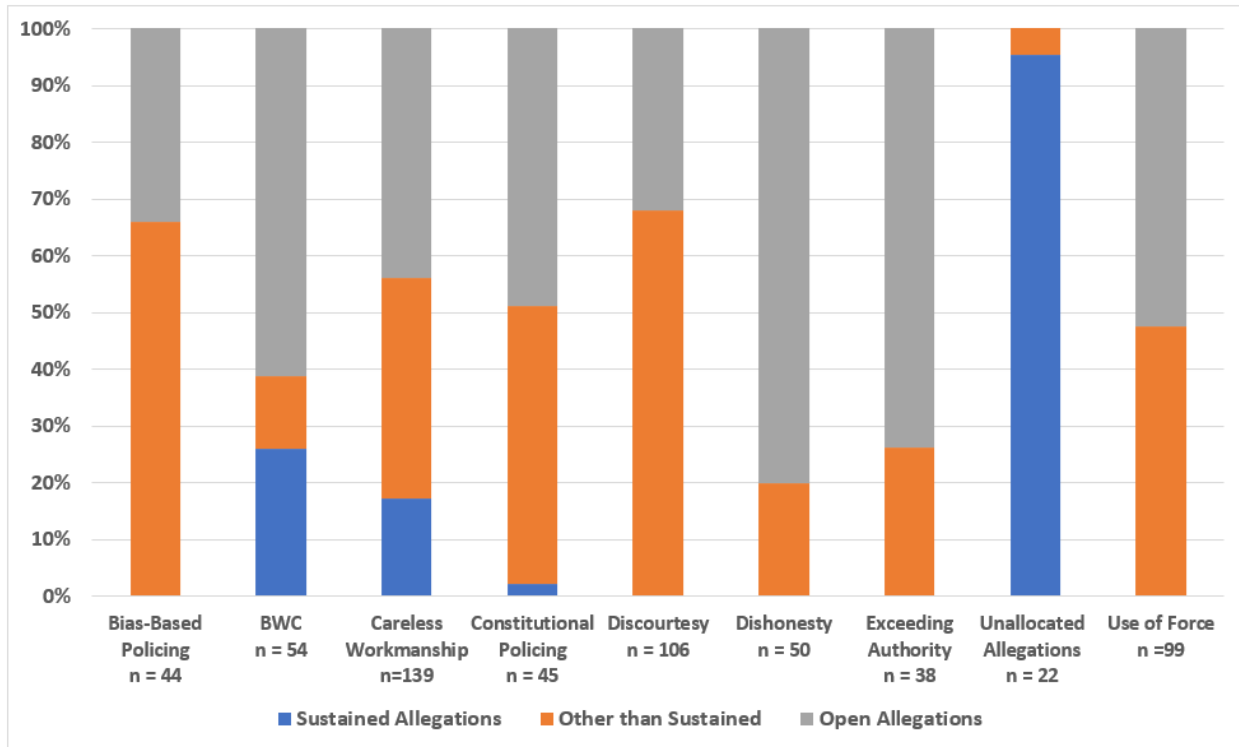


Figure 8. Status of 8 Most Frequent Allegations for Complaints Received in 2022.

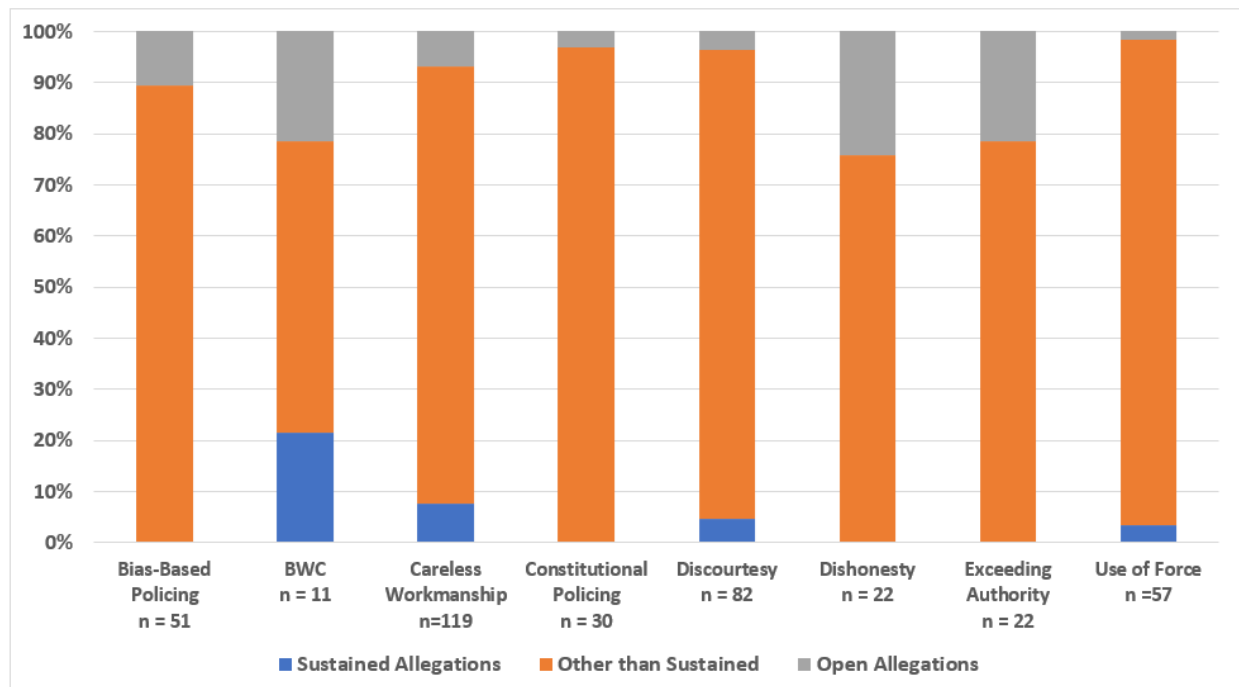


Figure 9. Status of 8 Most Frequent Allegation Types for Carryover Complaints Investigated in 2022.

For other types of allegations, like careless workmanship, we see that the number of allegations that were sustained is about equal, irrespective of the source of the complaint. Specifically, we see that 11 allegations of careless workmanship were sustained from citizen complaints in 2022 compared to 13 from internal investigations. However, the likelihood (i.e., the number of sustained allegations relative to the number of allegations made) that a careless workmanship allegation would be sustained varies by type of complaint. Specifically, 17.5% (n = 11) of careless workmanship allegations in citizen complaints (total of 63 allegations made) were sustained compared to 86.4% (n = 13) of allegations in internal investigations (total of 15 allegations). This same general trend is observed regardless of the type of allegation being considered. The same trends are also generally consistent for allegations associated with carryover complaints. The Team has noted that this is a broad category and will be working with BPD regarding their policy and the definition of the behaviors that would fall into this category in Y3.

Assessment of Discipline Imposed

The types of discipline imposed based upon a sustained finding of misconduct are shown in Figure 10. Generally, a sustained allegation finding will inform the complaint's overall discipline. In other words, each sustained allegation does not result in a direct disciplinary outcome. For example, there may be two allegations of discourtesy and an allegation of improper use of force in one complaint. One allegation of discourtesy is sustained, as is the use of force allegation. The second allegation of discourtesy is not sustained. The totality of the conduct will inform the discipline to be meted out rather than the officer receiving a penalty for each sustained allegation. Generally, the more serious violation is often the leading indicator for discipline.

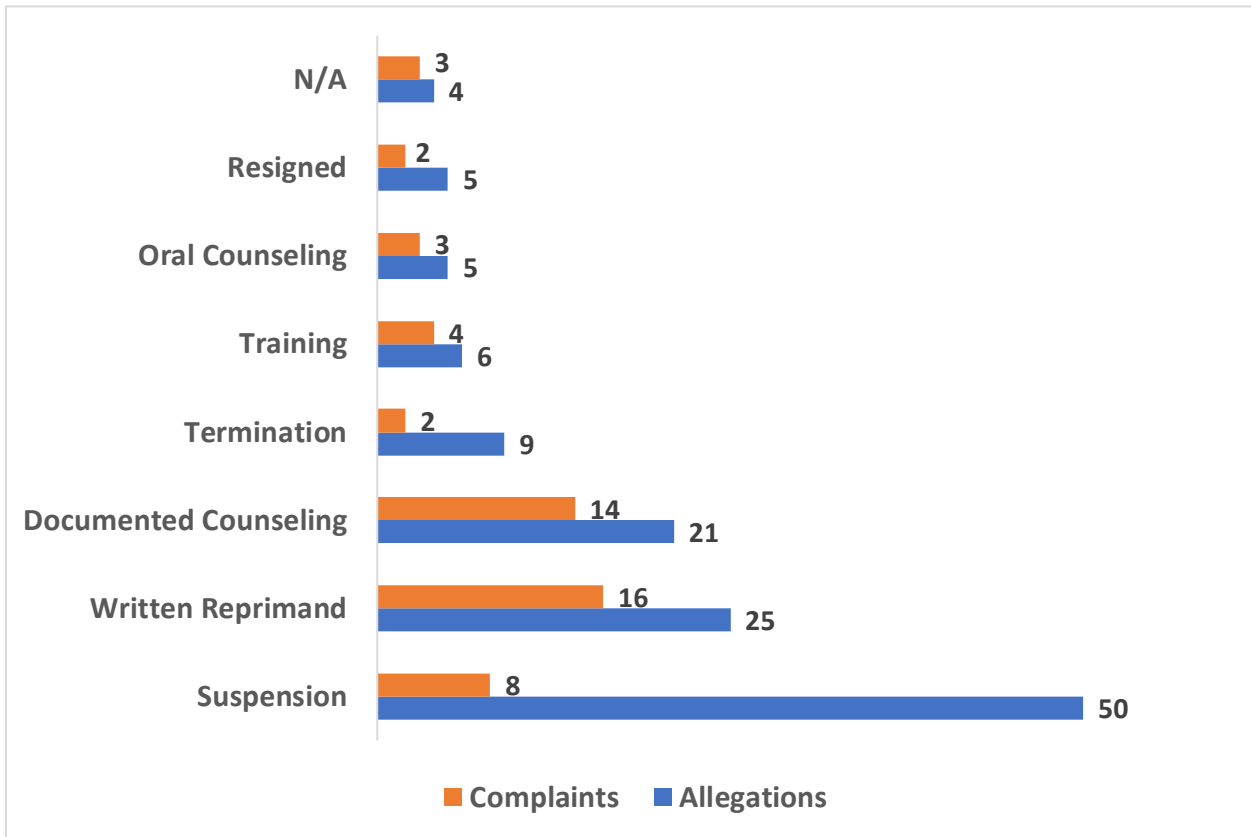


Figure 10. Types of Discipline Imposed for Sustained Allegations and Complaints in 2022.

Figure 10 provides some important takeaways. First, written and oral counseling are the most common forms of discipline, followed by written reprimands. The second important takeaway is BPD defines discipline inconsistent with general law enforcement practices. While categorized discipline, training, resigned and N/A are not normally considered discipline. For example, resignation is not considered discipline, as this is a decision made by the individual, not the organization.

Only civilian employees in BPD were given discipline that resulted in suspension. The sustained finding and discipline was the outcome of the DHR investigations. However, the allegations were “unallocated” rather than those used by IA. The 2022 allegations resulting in suspension are within the unallocated allegations category, which largely reflects the complaint investigations passed to IA by DHR for investigations into the allegations of misconduct of professional staff. Other notable findings from the data are that some types of allegations are rightfully treated as more serious than others (e.g., more severe discipline for criminal conduct than for discourtesy). Additionally, in 2022, sustained allegations relating to unbecoming conduct and departmental equipment were addressed with more severe discipline than other allegations (e.g., use of force or constitutional policing).

The differences and outcomes in allegations, findings and discipline identify the need for further qualitative data review to assess the way BPD disciplines its officers. With personnel complaints, it is often the detail in the investigation that helps to identify what are and should have been the appropriate classification, investigative steps, finding and disciplinary outcome. BPD is expected to comply with Paragraph 164 in 2023, which will help the Monitor engage more directly in assessing the sufficiency of the overall disciplinary process, as will independent reviews conducted by the Monitoring Team. Further, the BPD policy for personnel complaints is currently under revision and will play a key role in moving BPD to compliance with the Stipulated Judgment and ensuring consistency in the capture and recording of investigations and other actions within the overall disciplinary process.

Assessment of the Status of Complaint Data

Personnel complaint data at BPD is not at a good standard. In our work in 2022, we have learned it is difficult to produce meaningful reporting or analysis of the data without significant manual intervention. Additionally, the state of the data (i.e., consistent changes and unique ways the data is recorded) makes it difficult to automate the reporting process using computer scripts. The implication of both problems is that it is difficult for BPD to accurately and timely report, manage, audit and use the data to improve the process of investigating complaints and managing its employees.

While related to data management, there are challenges to the quality of the personnel complaint investigations that are also an outcome of policy and practice. We identify three issues of concern, including problems with identifying officers consistently; not operationalizing the complaint data; and, managing the timing of the closure of the complaint. These are addressed below.

Problems with Operationalization

Operationalization refers to the process through which a measure is defined to have a clear and consistent meaning. Poor operationalization makes it difficult to assess the consistency and adequacy of the meaning of data and trends, which in turn makes it more difficult to make actionable decisions based on the data. The complaint data from BPD has four primary challenges with operationalization, each of which is described in detail below.

First, BPD's complaint data lack a clear operational definition of what constitutes a complaint. In 2022, IA investigated three types of complaints (i.e., citizen complaints, citizen inquiries and internal investigations). Both citizen complaints and internal investigations, with some variance, are defined as complaints. Until 2022, BPD used a category of intake - citizen inquiries – to distinguish these from the complaint system. In our discussions, citizen inquiries were defined as being inquiries about BPD processes and not specific to officer behavior. However, an analysis of these complaints from 2021 (n = 28), suggests this is not accurate. Upon review, we identified the majority of the citizen inquiries identified an officer and allegations of misconduct, meaning they were actually citizen complaints. As of 2022, BPD no longer classifies complaints as citizen inquiries and instead investigates these issues as citizen complaints. This change, which more consistently operationalizes complaints, should allow BPD to track, monitor and address complaints. Ideally, it also allows for appropriate acceptance of complaints from all members of the public.

We highlight the practice until 2022, because it is not clear what drove this decision and how this classification will be addressed in the new Personnel Complaints policy. According to BPD practice,⁹ the classification of a complaint as a citizen inquiry rather than a citizen complaint was based on five criteria:

1. A complaint which deals solely with a complainant's objection or criticism against a Departmental policy or procedure.
2. The allegation was proven to be demonstrably false; and/or
3. The complainant appears to have an obvious and well-documented history of mental illness; and/or
4. The complainant withdraws the complaints; and/or
5. The complainant refuses to cooperate or becomes uncooperative with the investigation.

While the first criteria might provide a rational basis for classification, the remaining criteria are challenging for an open and transparent complaint process. The second criteria is an outcome for which BPD already has a finding category – unfounded. The third criterion is of concern to the Monitor Team, given the perspective that a person with “mental health issues” is deemed as not having voice in complaining about police misconduct. This is troubling given the research, which suggests that as many inmates may have mental health issues,¹⁰ and the fact that people with mental health issues are much more likely to experience police use of force. Some research suggests that officers' decisions to use force against those with mental health issues stem from breakdowns in communication between the community member and the police.¹¹ Further, people with severe mental illness are significantly more likely to be the victims of violent crime and, thus, more likely to utilize police services than the general population. Taken together, these facts suggest that summarily dismissing the claims of mentally ill complainants is, at minimum, a disservice to the community. The fourth and fifth criteria are arbitrary and are determined by BPD investigators. Without defined protocols directing the manner and method of outreach and the length of BPD internal investigations, cooperation is difficult to ascertain. Additionally, the determination is whether the case can be investigated without the ongoing input of the initial complainant should be the determination point, as with other investigations.

Second, BPD's categorization of internal investigations as complaints creates inconsistency in defining misconduct. In most cases, internal investigations were situations in which a supervisor noted an instance of misconduct and imposed discipline at the operational level (i.e., supervisor counsels subordinate). This record was then forwarded to IA for record-keeping rather than investigation. We draw this inference because 15 (55.5%) of the internal investigations received in 2022 were open for a short duration, less than the average time of all internal complaints. Further, seven (25.9%) internal investigations were completed or forwarded, with findings, within ten days of receipt. A closer examination indicates that the investigation and disposition for many internal investigations were completed by someone other than IA. In fact, 15 of the 16 sustained complaints for internal investigations stemmed from DHR investigations into the actions of professional staff. Given the low number of internal investigations, one in 2022, we infer that not all operational-level disciplinary actions are passed on to and documented by IA as

⁹ This information was taken from the memos that were used to close citizen inquiry investigations.

¹⁰ Prins, S.J. (2014). Prevalence of Mental Illnesses in U.S. State Prisons: A Systematic Review. Available at: <https://ps.psychiatryonline.org/doi/full/10.1176/appi.ps.201300166>

¹¹ D'Souza, A., Weirzer, R., & Brunson, R.K. (2018). Federal investigations of police misconduct: A multi-city comparison. *Crime, Law and Social Change* (71), 461-482. DOI: 10.1007/s10611-018-9797-4.

complaints. There is little clarity or definition regarding why some supervisory actions were engaged without identifying the actions as internal investigations while others were reported as internal investigations. In that these were not IA investigations, nor managed by IA, it is unclear why these complaints would be included with other complaints that required IA investigation. Without a clear operational definition of an internal investigation and practices that support the definition, the data for internal investigations may not be sufficiently robust.

Third, there is a great deal of variation in the operational definition of the allegations made in the complaints analyzed (see Table 5). BPD makes a narrow distinction between behaviors where the Monitor Team does not identify significant difference. For instance, BPD has allegations categorized as “discrimination against any person” and “discrimination.” Similarly, for body-worn cameras, it is unclear what the difference is between an allegation for “body worn camera” and “body worn cameras.” The choice of allegations may be specific to the person taking the complaint rather than the product of distinct definitions. Another issue is the “unallocated” allegations category. These sorts of allegations were almost exclusively associated with investigations into the misconduct of professional staff members by the Human Resources Department. It is unclear why this distinction is made. Finally, the failure to assign a specific action to an allegation was noted in five complaint investigations. Of the five complaints that had missing allegations, one was a duplicate complaint that was already being investigated, one was a complaint that was determined to involve the personnel of another law enforcement agency and the remaining three were missing. This lack of consistency in the categorization makes it more difficult to capture, measure, assess and manage the investigations and outcomes. In turn, BPD has less data to help improve officer actions and conduct.

The final operationalization issue noted in the data revolves around the dispositions used for the allegations. Recall that that the majority of closed 2022 investigations, 242 (64.6%) had a disposition unfounded. A disposition of unfounded means that there is a preponderance of evidence that the alleged misconduct did not occur. This is a higher threshold than the disposition of not sustained, which implies there is no clear evidence to support or refute the allegations. While the standards vary nationally, this percentage of allegations that are unfounded is of concern, as usually a finding of not sustained is the more common finding. In 2006, it was reported that unfounded complaints accounted for 25% of all police departments studied while not sustained accounted for 34%.¹²

There are two potential explanations for this substantially higher unfounded rate for BPD. First, the advent and implementation of body-worn cameras can be consulted to review the incident and gather a more impartial view of the events that transpired. However, there are problems with this assertion. Specifically, there were ten complaints where officers were found to violate BPD’s body-worn camera policy but regarding the complaint for the acts that generated the complaint, BPD determined them to be unfounded. The failure to properly use the BWC necessarily affects the determination of culpability using the preponderance of the evidence standard. In some of these complaints, there were other officers who seemingly had their body-worn cameras activated during the event and perhaps these captured evidence that led to an allegation being unfounded. However, there were at least two complaints (AD2022-T4TM3R and AD2022-E5BJ01) where all personnel who were included in the complaint had a body-worn camera

¹² This report can be found <https://bjs.ojp.gov/content/pub/pdf/ccpuf.pdf>

allegation against them sustained, yet most of the other allegations against them were unfounded. The second potential explanation for this is that there is a systematic error in awarding a disposition of unfounded during the supervisory review. Additional file review by the Monitoring Team will seek to address this issue.

Problems with Timing

The final issue noted with the complaint data centers on the time it takes to complete a complaint investigation. There is a statutory requirement that investigations against police officers close within 365 days, absent certain exemptions. As identified earlier, in 2022, there were 27 complaints that exceeded 365 days before rendering a disposition, including eight in which the complaint was sustained. The data reviewed by the Monitoring Team does not clearly define the reasons why and whether these were acceptable extensions under the law. IA manages the investigative process however, once a complaint is placed in supervisory review, there are no set time frames for review. The failure to manage this aspect of the process could result in the inability to discipline an officer for misconduct due to failure to complete the review process. As of June 30, 2023, for complaints received in 2022 there were five investigations are at 330 or more days.¹³ While for these timeframes, delays could reflect the complexity of the case or some extenuating circumstances (e.g., officer out due to injury), the lack of clear guidance and data tracking creates risk. Based on our review of the data, there is no reason reported in the data, nor is there a mechanism to capture this information in the software. BPD should establish time frames for review as complaints move through the supervisory review process.

Summary

The BPD complaint data continues to present challenges for analysis. Data definition and entry is not consistent, which affects the depth and quality of permissible analysis. The ongoing policy work will provide the definition and focus to improve data collection practices and ensure consistency. The Team will ensure ongoing data review and work to further refine, identify and report on the misconduct investigations and outcome in Bakersfield. This report will serve as a baseline for future annual reports.

¹³ There is another complaint that exceeds this threshold, although the case is tolled as the involved officer is on leave due to an injury.



Appendix I



JENSEN HUGHES

Survey of Bakersfield Community Advisory Panel (CAP)

SEP 2023

Q.1 What do you think your primary role is as a CAP member?

Comments - 8

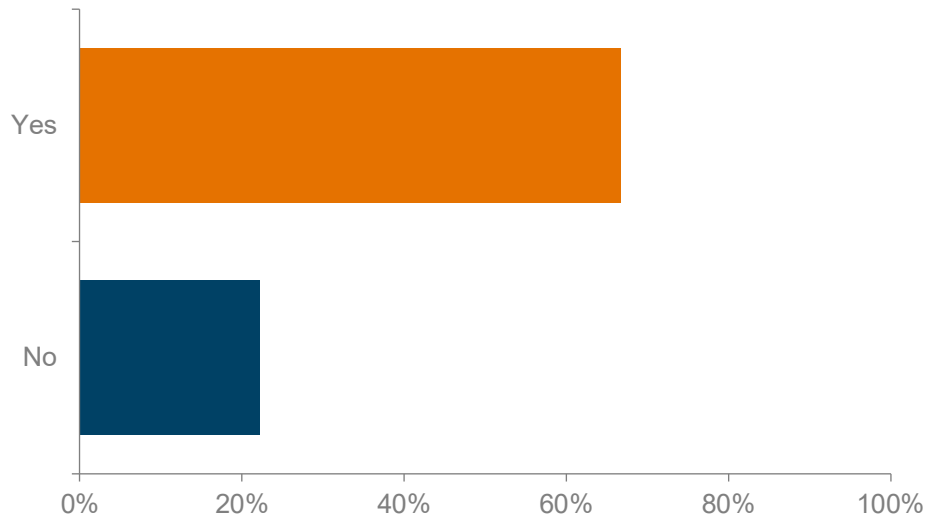
- + To consider and make recommendations on BPD policies affecting their service to the community, and to bring the voice of the community segments we represent to be heard by BPD
- + Be a representative of community voices and a facilitator of community input.
- + To represent our community in the process of making the changes to BPD called for in the stipulated judgment.
- + To inform the BPD on how they should be changing and to put the onus on BPD to repair the relationship to the community.
- + To provide helpful insight to our police department from a community perspective and hope it helps improve the relationship between the two.
- + A reviewer of the proposed changes from BPD, to ensure the changes align with the stipulated judgment. To provide my knowledge and expertise as a community member/professional to facilitate the changes proposed and help shape policy.
- + Ensure that the stipulated agreement is implemented in policy.
- + To give BPD input about how they can best meet the requirements of the DOJ stipulated judgment and improve their relationship with the community in all ways.

Q.2 How many CAP meetings have you attended?

Answered - 8

- + 5, I think. I've missed two. So total, minus two.
- + All but 1
- + 5
- + 7
- + Maybe 5 not sure in the beginning we were meeting bi-weekly.
- + All meetings. I have not missed any meetings.
- + All of them.
- + All through July

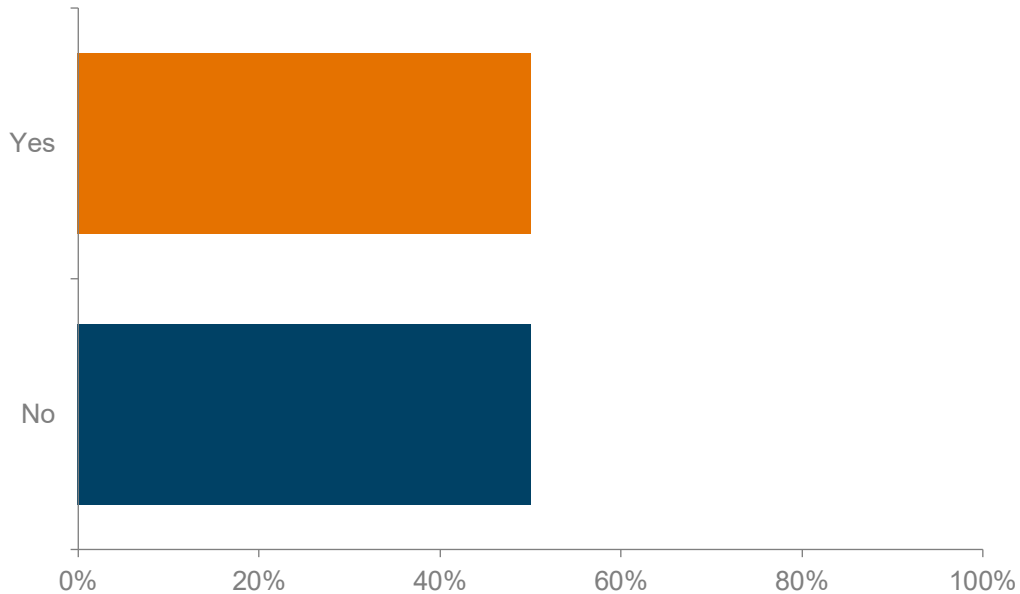
Q.3 Is the number of people on the CAP appropriate for the amount of work that is required?



Answered – 8. Additional comments:

- + In some ways there are too many and in others, too few. I have little experience working on large committees. For the fact that it's all volunteer work, it's difficult to hold people accountable for their contributions, and sometimes it's hard to keep myself accountable when it competes with my usual work. On the other hand, some unenthusiastic members seem to have a tendency to undermine and interfere with the opinions and contributions of the more active members. In that way, there might be too many. In truth, it's probably less about [the number] and more about organization and effective coordination.
- + We are at a moment where community members are beginning to drop off for a variety of reasons. It is concerning that we do not have a strong representation of community participation.
- + There may be too many members for efficient dialog.
- + There is a good amount of people, however too many CAP members don't critically engage with the materials and follow their own implicit bias of listening to authority.
- + Only about half of the original members attend regularly.
- + Several of the members have been missing meetings the last few months which is concerning. Also it has been difficult to communicate with all the members easily because of problems with BPD technology. We were never given a chance to meet all the other members and get to know them better to understand their perspectives. We just gave quick introductions at first meeting. We have little time to interact with each other during the meeting times, and some members are very busy with their work so don't get involved in working on the policies in depth.

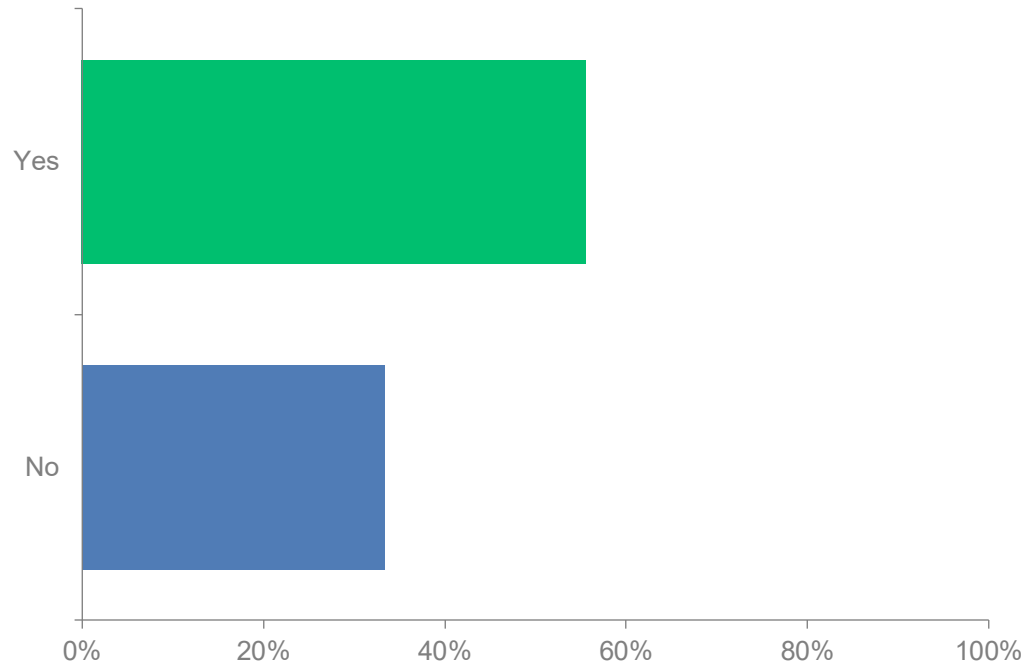
Q.4 Do you think the composition of the CAP sufficiently represents the communities of Bakersfield?



Answered – 8. Additional comments:

- + Same as above. There are communities named in the stipulated judgement who are not present at the table.
- + The mix is good but the group is not working together in a thoughtful and consistent manner.
- + Its all mainly 35-65, middle to high-income representatives of different racial groups. We need unhoused people, youth, and more socio-economic variability. Not to mention that as a matter of political belief spectrum the majority of the CAP skews moderate-conservative. With a few voices left of center.
- + I feel like more pastors from churches that are in low income minority areas where people have had negative interactions with BPD should be on the CAP because they best represent the concerns of those people.

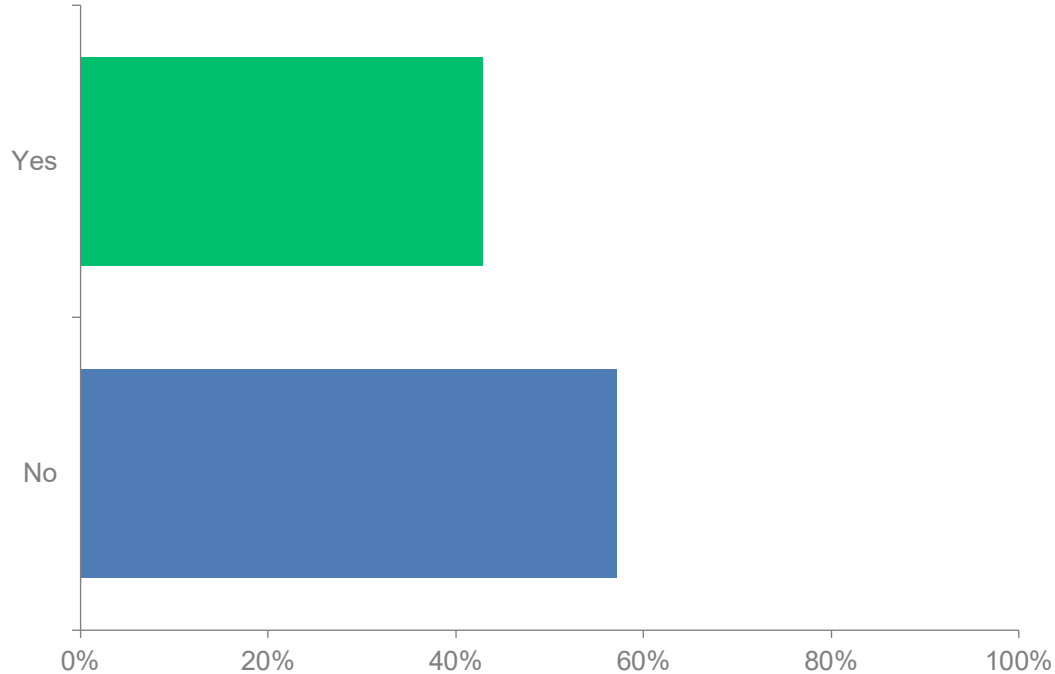
Q.5 Is the voice of any group missing from the CAP?



Answered – 8. Additional comments:

- + Members of the Sikh and other South Asian communities, as well as indigenous people, broader Asian, LGBTQ+, members and/or representatives of community with disabilities both educational and physical.
- + Up until now, very few voices have spoken up. There may be groups represented in the meetings that do not participate or they may not be present at all. We need a way to get to know each other in order to know if there are missing voices.
- + Poor folks, unhoused folk, incarcerated people, teen-aged people. We're missing voices from the groups that most commonly interact with police. Instead, the majority of the people on the CAP represent groups of people who already commonly contact the police. If we want to change the relationship between BPD and Bakersfield, we could do that by making an effort to speak to the people who are on the receiving end of the police interactions, the people that try everything else before calling the police, because their experience tells them that involving BPD can make most situations worse.
- + I feel like the voice of younger people is missing. There are some youth organizations that could be included. I also feel like the voice of Native Americans is missing.

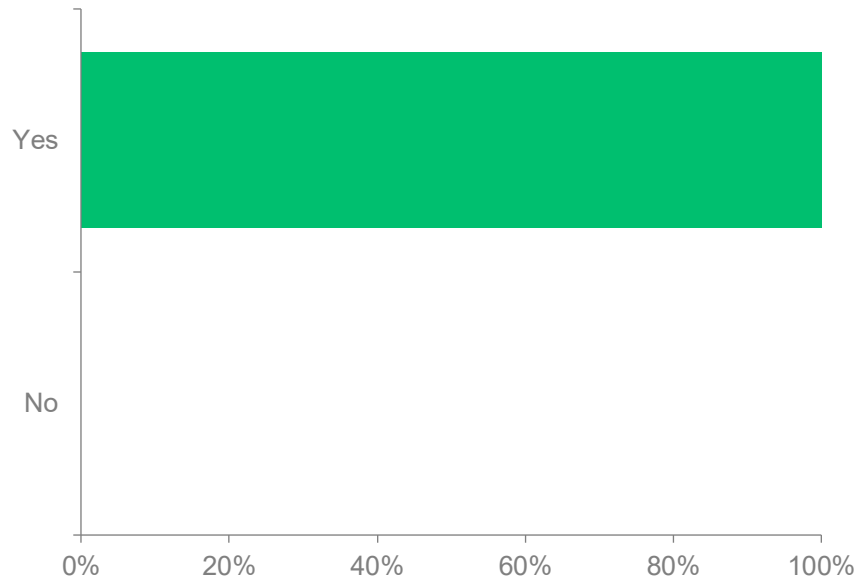
Q.6 Are you given a comprehensive agenda and information with sufficient time to review the material prior to the meetings?



Answered – 7. Additional comments:

- + If the agenda comes timely, it is exceptionally vague. If we are addressing substantive issues, we have too little organization or clarity on the project.
- + On occasion we are given materials a week in advance but most times we are given materials about 3 days in advance of the meeting.
- + The timely sending of information is not consistent nor generally complete.
- + It would be beneficial for an agenda to be co-created and led by the CAP as opposed to all agenda and topic setting powers to be held by the police
- + Sometimes it is late but overall good.
- + We are given a very vague agenda with no clear explanation of the format for different sections nor the structure for discussion. We had time to interact in small groups twice but often BPD did much of the talking. Sometimes they did not want to hear our concerns or critical comments but kind of shut down discussion.

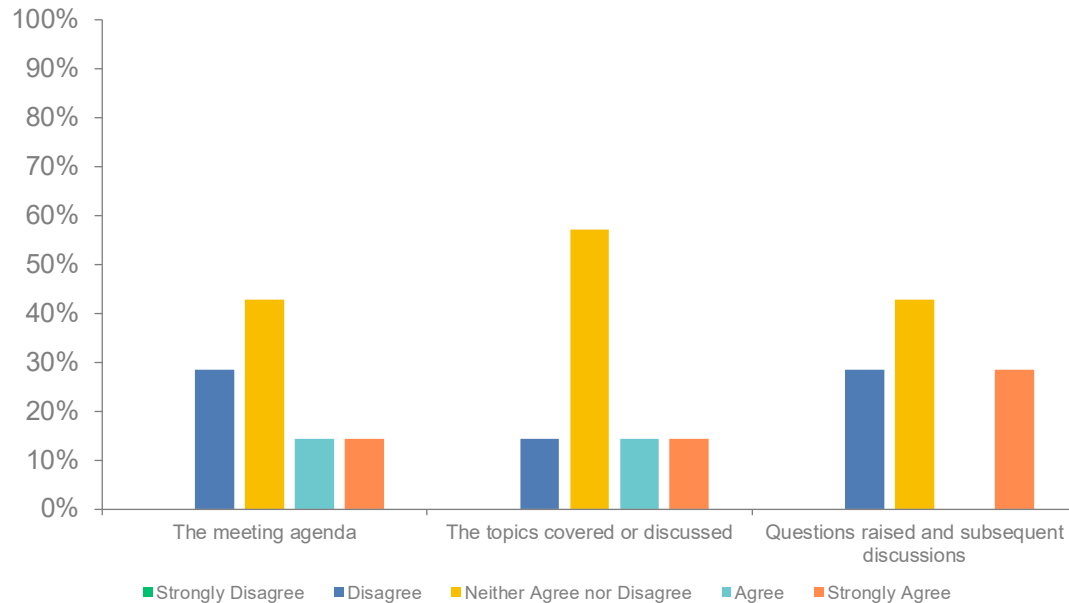
Q.7 Are the agendas followed by those BPD members who are running and facilitating the CAP meeting?



Answered – 7. Additional comments:

- + It's very easy to follow a vague agenda.
- + The agenda is generally controlled by the BPD staff. There is not an enforced opportunity for input for community members to add to the agenda.
- + There is an attempt to do so but I would question that BPD should be running the meetings and setting the agenda and attempting to control the dialog.
- + When the group let's them get through the whole thing.
- + It is not very helpful because agendas are very vague and do not have any community input

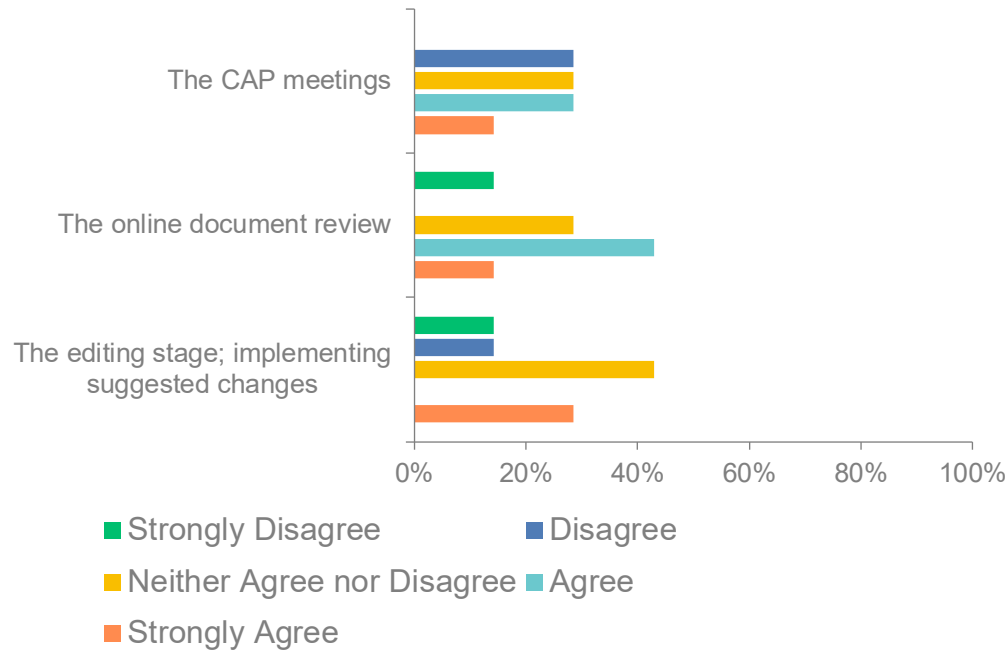
Q.8 My perspectives and opinions are heard and-where applicable-captured in:



Answered – 7. Additional comments:

- + It seems that our suggestions are being heard and rejected, the Kern business-as-usual method
- + At the meetings, there is an opportunity to pose questions directly to BPD staff but often these issues remain unresolved and are not revisited.
- + I have not seen much evidence that different perspectives are being taken seriously.
- + The meeting agenda is only created by BPD. I feel like if my questions express some criticism or want details, BPD tries to give vague answers or even once said this is not time for complaints.

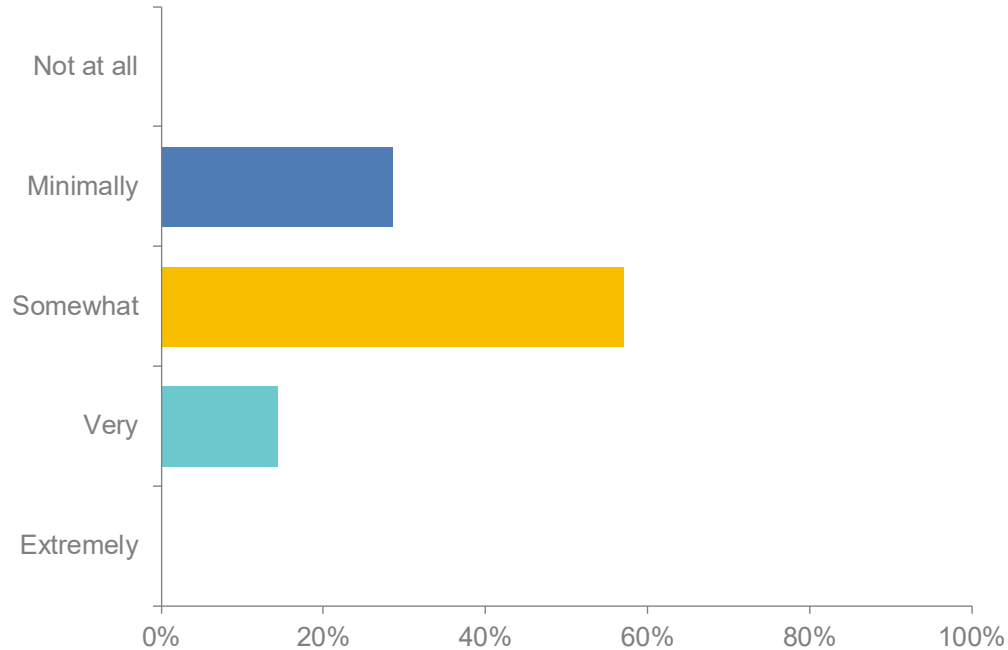
Q.9 Are Do you feel that your input is legitimately considered by BPD during:



Answered – 7. Additional comments:

- + What online document review? We STILL lack a means of sharing and collaborating on docs
- + I feel that technical edits, such as sentence and paragraph structure, vocabulary choice, and organization, are welcomed and often implemented but wider critiques of the ideology behind the policy are often overlooked and dismissed. It appears the CAP is being utilized as a committee of copy editors instead of collaborators.
- + There has not yet been an opportunity for significant input to be considered. I sense that BPD would like to avoid CAP input as much as possible and until CAP members become more unified and more intentional, our input may not have much impact.
- + The cops answer questions like marketing professionals. Pivot and redirect strategies are common place

Q.10 How effectively are the CAP meetings run?



Answered – 7. Additional comments:

- + They're run respectfully. But, we aren't getting work done; it is more of a lecture format
- + There is time for discussion and questions but this can sometime take a lot of time and get into the weeds beyond the scope of our work. Then there is little time to conduct working sessions in the meetings.
- + Unprepared CAP members, overwhelming BPD non participating presence, lead of the meeting exclusively in the hands of BPD personnel makes effective meetings accidental.
- + It's not the department but some of the members make it difficult
- + There is no clear ongoing organization for the meetings. As CAP members, we have never been given a time to organize ourselves and see what we agree or disagree about and find a way for all of those perspectives to be shared in the meeting in depth. We need to have members take turns leading a section of the meeting to be sure that happens.
- + Improving

Q.11 In your opinion, what makes for a good CAP meeting?

Answered – 7. Additional comments:

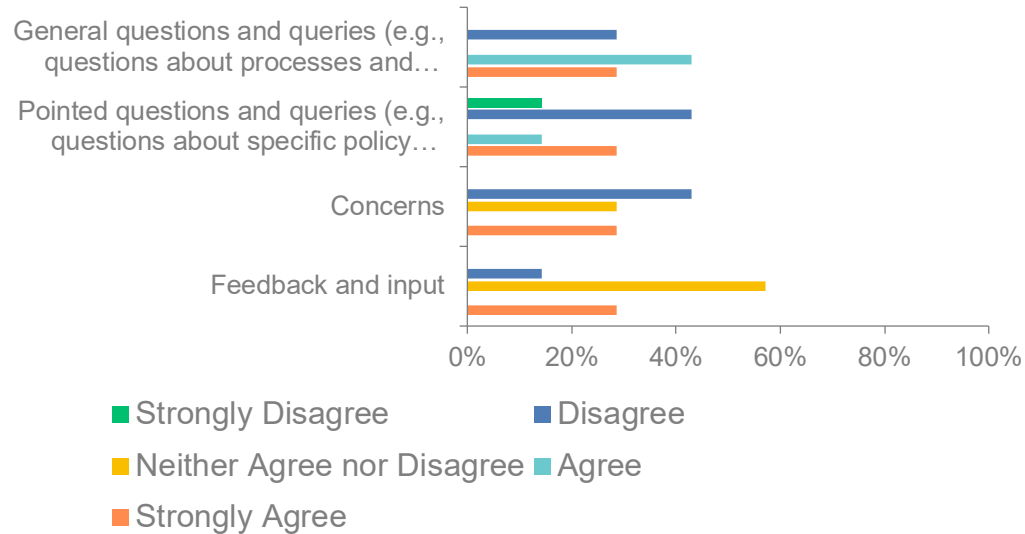
- + Participation, engagement, collaboration, and effective influence on the problems that need to be addressed.
- + Detailed and populated agenda with time allocations for each topic and subsequent discussion. A facilitator to move the meeting along, time reserved for working sessions
- + Well informed dialog between CAP members and PBD representatives on the issues related to the stipulated judgment. Shared leadership.
- + Tension and resolution. We are here because the police have a problem that they have to resolve.
- + When we have good engagement, not over kill a topic and get through the agenda.
- + A good CAP meeting allows for discussion and even debate about the BPD policy issues and experiences of community members related to those. BPD and some CAP members do not seem to want to have real debate. Someone needs to moderate those debates allowing both CAP members and BPD to share their perspectives. BPD seems unwilling to do that. i think some CAP members could do that or we could bring in an outside discussion and debate moderator. A good meeting allows time for CAP members to interact with each other directly.
- + If we make progress.

Q.12 What sorts of things make a CAP meeting challenging?

Answered – 7. Additional comments:

- + Interference by a few disengaged members, and non-participation by others. Also, a lack of progress in getting the work done, which just leads to wheel-spinning
- + The uncertainty if feedback is being genuinely received and considered.
- + BPD are the "experts" CAP members not well informed. BPD unified and paid to be present, CAP members are busy people who sacrifice limited free time which doesn't allow much preparation for meaningful participation.
- + Lack of Fiscal Transparency. Presentations about new programs should include how much this is currently costing us and what they are projecting in terms of increased tax payer costs

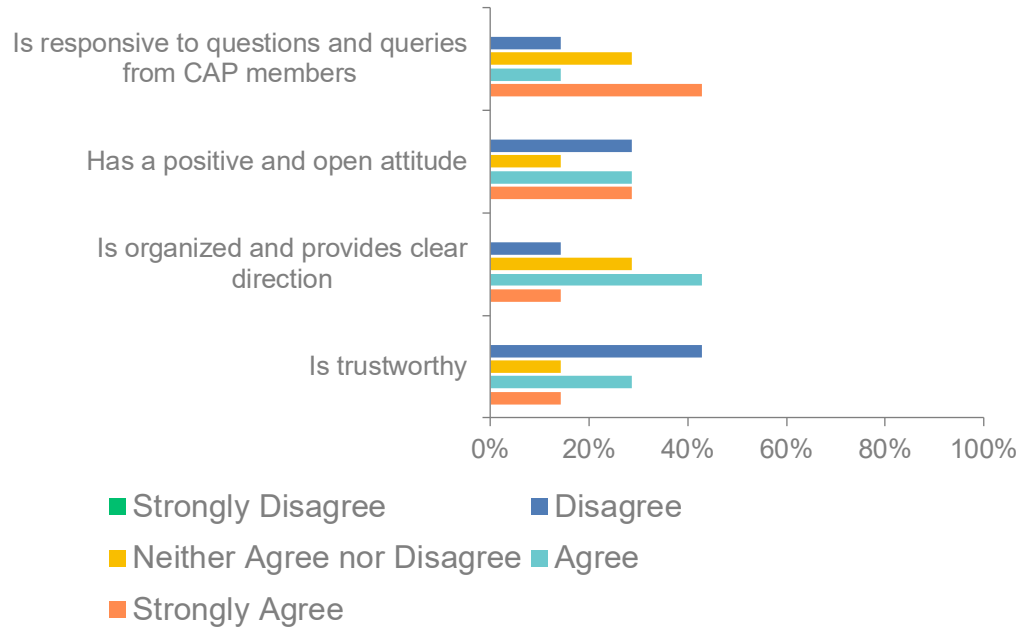
Q.13 During the CAP meetings, there is sufficient time allocated for:



Answered – 7. Additional comments:

- + I don't know it has so much to do with time allocated, but the sincerity of receiving input and the members' capacity to give that input
- + At this point, the policy is received at the meeting accompanied by a BPD presentation of the current operation of the policy, CAP members are to review and submit feedback outside of the CAP meeting, and then there is minimal returning conversation as to the feedback received.
- + When tension arises, a general sense that pervades the air that the CAP should be thankful that the Police are willing to grace us with their presence. One meeting got tense, and the officer looked defensive and wanted to yell at the CAP members for disagreeing. Debra was there and I think that added level of accountability helped.
- + We allocate too much time to this sometimes.
- + As I said before, we have not been given sufficient time as CAP members to meet and discuss how we want to organize ourselves and deal with our differences of opinion and come to some consensus about how to make all voices heard in the meeting structure among ourselves and then with BPD. BPD has usually been unwilling to allow in depth interaction and questioning about CAP member concerns.

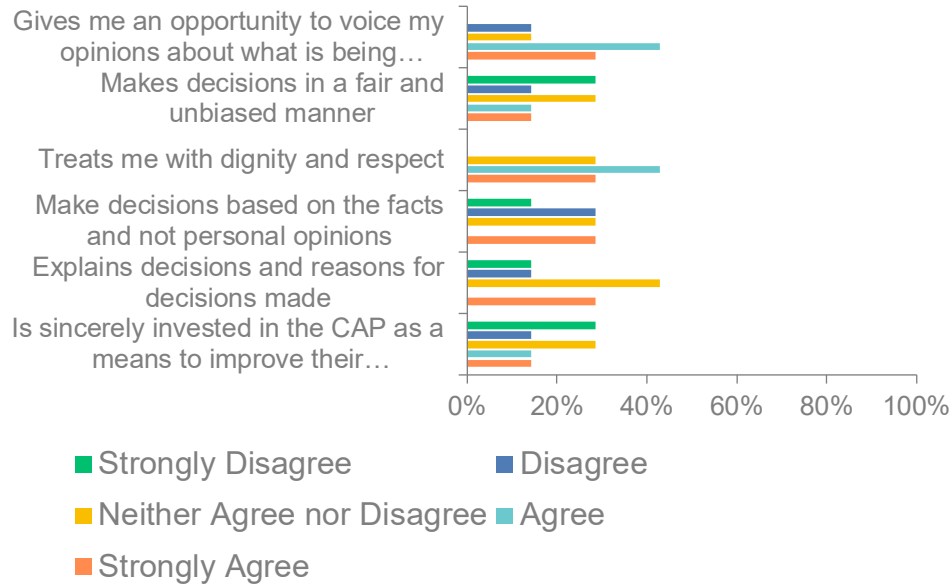
Q.14 Within the context of CAP and CAP meetings, BPD:



Answered – 7. Additional comments:

- + This feels like an assessment of their demeanor, which is overall quite pleasant.
- + The meetings are generally organized and cordial but led by BPD staff. There is room for questions and discussion but occasionally BPD staff become defensive and make it clear that there is no obligation to adopt CAP recommendations.
- + To date, it is my view that BPD is not truly interested in change and is not committed to entering into serious dialog with the CAP. For its part, the CAP is not unified or prepared adequately to participate in serious dialog.
- + I do believe some members of BPD are open to some change, but their general attitude is often defensive and irritated they are being questioned and asked to make substantive change and improve their relationship with the community. It seems they hope superficial changes will be enough.

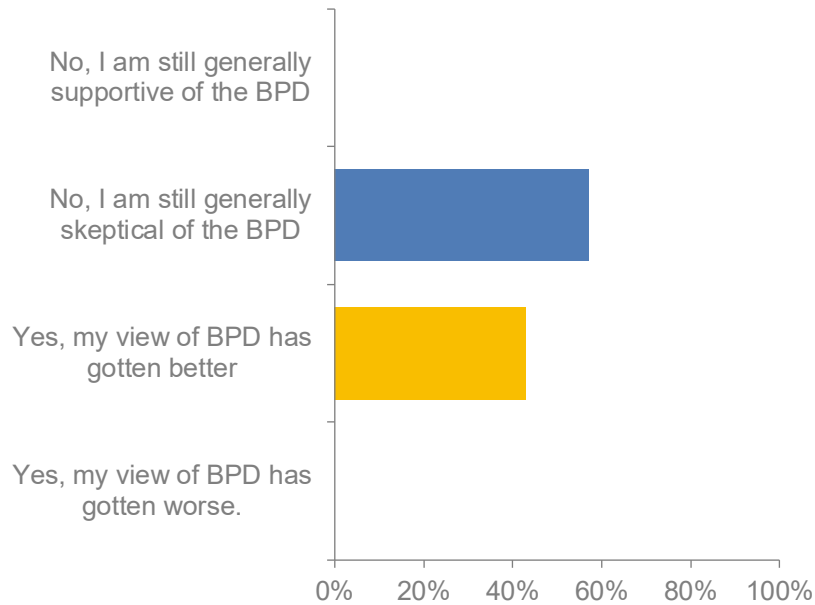
Q.15 During the CAP process, BPD:



Answered – 7. Additional comments:

- + I put agree that BPD allows me to express my opinion. I can make a comment, but there is no in-depth discussion allowed. Chief Terry is generally respectful, but other officers who have led the meetings or talked to us afterwards have been less so. I do not think BPD is really invested in the CAP but feels it is something they have to do and would like to be done with as soon as possible.
- + So much of it just feels like lip-service rather than a genuine commitment to recognize issues and implement real change.
- + I believe some members of BPD are genuinely invested and others treat it as a compliance formality. I feel that while we are free to speak and voice questions and opinions during the meeting, that feedback is not necessarily considered outside of the meeting space.
- + We have not progressed sufficiently in the process to judge how the CAP may influence policy development.
- + There is a difference between substantive policy and cultural change and incentivized and heavily marketed change. While I hold that certain community events could be important opportunities to interface with community members, spending more taxpayer money to host more events where BPD can explain their changes to the community is a marketing strategy. It does little to address the issues that BPD has been accused of because it is outside of the course of their "official duty". Additionally, the ROI generally goes away when the marketing is no longer being done.

Q.16 Has participating in the CAP changed your view of the BPD?



Answered – 7. Additional comments:

- + This is two questions. My view has improved, and I still think more highly of BPD than most other agencies in Kern. However, I remain highly skeptical of command staff's commitment to improvement, and even more skeptical of their ability and willingness to improve the conduct of their line officers and accountability for violations. I regularly see feigned compliance tolerated or even supported (e.g., reports with clearly fabricated explanations for the use of force), and it should be actively sought and eliminated.
- + I respect BPD and am appreciative of the difficulty of their job. My skepticism is around their recognition of the need for change and their being open to new thinking and new ways of policing.
- + I believe this is a good foundation to help build community confidence.
- + I would actually say I am a little more skeptical about their willingness to change but mostly my opinion is the same.

Q.17 Please share any additional thoughts or comments about the CAP and your experience working with the group.

Answered – 7. Additional comments:

- + This is two questions. My view has improved, and I still think more highly of BPD than most other agencies in Kern. However, I remain highly skeptical of command staff's commitment to improvement,
- + I hope it can start showing itself to be a valuable investment of my time and efforts. If our efforts are not effective, then I have plenty other demands on my limited time.
- + I still have hope for the process and I know that it cannot be measured by overnight progress.
- + I am hopeful that CAP members can become more unified, organized and better prepared to use the opportunity we have been given to improve policing in our community.
- + There has to be a balance. At some point, It becomes illogical and unethical to continue to increase the budget of a department that receives north of 40% of our City's entire budget. The change required from BPD, should not come with a Blank check from the taxpayers. Taxpayers incentivizing BPD officers to treat our community better will in the long term have the opposite effect that the stipulated judgment. to this end the BPD should make any conceivable attempt to redress their cultural and policy changes without continually increasing their year over year fiscal allocations.
- + We need to spend more time in meetings fine tuning decisions and not rehashing thing past history.
- + I hope we can find a way to change the structure and process of CAP meetings so it works and helps bring a better relationship between BPD and the community.