

Annual Report – Year One

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Year One Monitoring under the Bakersfield Stipulated Judgment

Executive Summary

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 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 specifically 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. This 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

Pursuant to Judgment Paragraph 178, the BPD Monitor (Monitor) submitted its Year One (Y1) work plan in December 2021, and it was accepted by the Parties to the Judgment on March 17, 2022. This annual report is being submitted pursuant to the requirements of Judgment Paragraph 194 that requires annual reporting by the Monitor. Work under this process began in October 2021 as part of the required work plan development. The review timeline for this Year One Monitor’s Report is January 1, 2022 – October 31, 2022.⁴

A range of Judgment paragraphs were identified for Y1 completion under the work plan, however, the primary focus was use of force. While all the Judgment paragraphs are important to ensuring constitutional policing in Bakersfield, use of force is of particular importance. This is because an officer’s training, knowledge and decision to use force and at what level has significant consequence for the individual whom force is used upon, and the community, the officer and BPD. Put simply, improving use of force policy, practices, training and oversight saves lives.

Substantive reform can only be achieved with the Bakersfield stakeholders as direct partners to the reform envisioned in the Judgment. The Monitor identified Judgment Paragraphs 62 and 63 as foundational requirements for the department’s success as community engagement must be part of any meaningful reform. Therefore, this paragraph was a Monitor key focus in Y1. Under Paragraph 63, BPD is required to establish the Community Advisory Working Group (CAWG) and to make a

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, P2.

3 Stipulated Judgment, P 2.

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



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

The Judgment requires BPD to work with the CAWG when revising certain policies of interest to the community, including use of force and bias-free policing policies, community policing, public complaints, and diversity in recruiting, hiring and promotion policies. Community input and approval, particularly that of the CAWG, is required prior to the implementation of key policies, including use of force. As this report is being finalized, this group is in the final stages of establishment. The department showed open engagement and willingness to work with stakeholders in developing the policy and selection procedures. Once the CAWG is installed, direct community engagement regarding the use of force policies can initiate, thereby allowing the department to move forward on its commitment to reform. The process and development of the Community Advisory Panel (CAP), which is what the BPD calls the CAWG, is discussed further in this report.

The key component to the implementation of this Judgment is the oversight of the CALDOJ. The assurance of compliance with the Judgment rests with the determination of the CALDOJ, based upon the recommendations of the Monitor. This approach ensures the actions the City of Bakersfield and BPD stated would occur are implemented and that the Bakersfield communities are informed and engaged with BPD on reform. The Parties to the Judgment have actively engaged during Year One, and the Monitor anticipates continued focus on delivering reform in Bakersfield.

Year One Progress

The work in Y1 was substantive and provides a foundation for future successful implementation of the requirements of the Judgment. While the measurable objectives of the work plan were not achieved, BPD put forth a good-faith effort in moving the goals of the Judgment forward. There is direct and challenging work to come, but as a matter of Y1 outcomes, the Monitor believes the department and the City have demonstrated a desire and commitment to implement the Judgment reforms.

To support the work plan and Judgment compliance, BPD established a project management plan. BPD inform the Monitor that the department has dedicated resources to address some of its reform goals ahead of the Judgment’s execution. Based upon these actions by BPD ahead of the execution of the Judgment, BPD believed they were compliant with some of the Judgment requirements. However, as Y1 progressed, it became apparent that FEC would not be an outcome of BPD’s work. First, the CAP was required to review policies prior to their implementation. The community having a voice and input in the drafting of the policies as required under Paragraph 64. In that the CAWG was not formally convened, any of the policy work, including the work by the BPD on the use of force policies, could not move forward. Second, Full and Effective Compliance (FEC) requires three independent actions to be completed by BPD. Paragraph 172 requires that BPD must demonstrate they have (1) incorporated all Material Requirements of the Judgment into policy; (2) trained relevant personnel as necessary to fulfill their responsibilities; and (3) ensured each Material Requirement is

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



being carried out in practice.⁶ The Monitor identified early on that BPD would likely not achieve FEC on the majority of BPD implementation goals in the Y1 work plan for these two reasons in particular.

The Y1 work plan identified specific Judgment Paragraphs for work and BPD established a project plan to address each Y1 paragraph. The Monitor and BPD established policies and procedures to support the tracking and flow of information, data and progress. BPD established the Compliance Coordinator (Coordinator), as required under Paragraph 211. Along with the Coordinator, BPD established a team of sworn and professional staff, working within the Quality Assurance Unit (QAU), that has interacted with the Monitor beginning in October 2021 as the work plan was under development. The work of the BPD team has been key in ensuring an organizational focus on the Judgment requirements and supporting the BPD project teams on the five strategic areas of the Judgment. This group also provides data control and analysis for the BPD's formal data reporting, including for the Judgment. This team's focus and effort in ensuring transparency, access and collaboration has been helpful in Y1.

The BPD Compliance Coordinator and QAU team members met with the Monitor regularly. The Monitor engaged across BPD project teams on the Y1 work plan. The most active engagement was with the use of force project team, which engaged with the Monitor on key requirements under the Judgment. In part, this was likely the outcome of ongoing work by BPD on this reform area. The Monitor observed BPD's focus and improvement in implementing formal oversight and review of use of force practices. While work remains, BPD has been transparent and has included the Team and CALDOJ in the review processes. The executive focus on improving the review practices for use of force is promising as BPD continues to seek ways to improve its process for review of Critical Incidents.

Aside from establishing the reform and compliance processes, Y1 did bring some challenges for the Monitor. BPD and the City had expressed concerns over personnel data and what were the privacy protections. Publicly reported data was shared with the Monitor beginning as part of the Y1 work planning in late 2021. However, interpretation of Paragraph 227 by the City was narrow, based upon concerns over privacy, and limited the Monitor's access to data deemed "not public." The Monitor, pursuant to Paragraphs 206 and 207, reiterated its request for access on May 20, 2022. Subsequently, CALDOJ engaged in negotiations with the City regarding this matter and on June 21, 2022, entered into a modified agreement with the City and BPD to ensure that disclosure of records to Monitor and CALDOJ did not implicate any public records or privacy issues under this official proceeding. Since this entry, BPD has been sharing data consistently. In late July 2022, the Monitor was given access to the front systems used by BPD. At the end of November, the Monitor was given access to the raw, back-end data. As a result, the Monitor was unable to independently benchmark and evaluate BPD's data more broadly ahead of this report.

Our initial data assessment was supported by the QAU team which engaged with our team early on. The Monitor will obtain the required data and to support our reporting and evaluation in Year Two (Y2). Further, in Y2, the Monitor will report in Quarter One of 2023 (Q1) on the BPD's 2022 annual

⁶ Judgment Paragraph 172, P. 44-45



data for Use of Force and Public Complaints. In Quarter Three 2023 (Q3), 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 began its first year of monitoring with a focus on successfully completing the requirements under the Judgment. Progress was slow with a good foundation for the future tracking, reporting and completion of the requirements. Work across all strategic areas of the Judgment was initiated, and the Monitor anticipates this work to accelerate in Y2. As this report is submitted, three paragraphs are near submission for formal review for FEC. The selection process for CAP was scheduled to be completed in late November following an open process that included community input on the policy and approach for CAP. While there were some community concerns over the process, the stand-up of the CAP will support the direct engagement on policy that will further support FEC by BPD. 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.

Year One Engagement

On September 20, 2021, Jensen Hughes was notified it was selected as the Independent Monitor for the Bakersfield Police Department. Pursuant to Paragraph 178, the Monitor had 90 days to develop a work plan and budget. The work plan was submitted in December 2021 and formally accepted on March 17, 2022, after discussions and revision based upon stakeholder input. Prior to the formal acceptance, the Monitor initiated its work in October 2021 and had its first site visit on January 10, 2022. Under the requirements of Paragraph 195, the stakeholders had 30 days to review the Monitor's report. To support a 2022 publication date, the Y1 observations formally ended October 31, 2022.⁷ However, BPD's reform work continues to progress and will be reported in Y2.

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. The Y1 work plan was aggressive. Even so, it did not address all the paragraphs of the Judgment. The Monitor recognized that while every Judgment Paragraph is critical to reform, not all can be implemented immediately. The Parties recognized this and established an implementation timeline that would run for at least three years, with one year of continued compliance.⁸ It is important to recognize achieving overall FEC with the Judgment is not linear.

As Y1 has demonstrated, progression toward achieving a Judgment Paragraph may initiate in one year but the 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. However, as reform roots itself across a department, the focus and culture of the department will begin to shift.

⁷ Some updates of actions occur following the stakeholder draft review, for example, the update on the progress of the Community Advisory Panel, to provide for flow and consistency heading into the Year Two reform work.

⁸ Judgment Paragraph 240



Independent of formal review, overall policing and community practices will begin to reflect long-term transparency, fairness and accountability goals. We have seen this begin to root in some of the decisions of BPD in Y1 and anticipate it will only continue to grow as BPD becomes reform-focused and drives the goals of transparency and accountability.

Independent of the engagement with BPD, the Monitor reached out to various community and government stakeholders initially and as part of its ongoing evaluation in Y1. 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. This engagement was consistent throughout Y1, both virtually and in person. 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. These meetings were helpful to the reform process.

The Monitor also established its website, www.bakersfieldmonitor.com, to initiate communications and host other information relevant to the reform program. Overall, the community was open to engaging with the Monitor and the reform goals of the Judgment. Bakersfield has diverse communities, each with differing experiences in engaging with the BPD. Their concerns and comments were tracked and reported on the Monitor's website throughout the year in both English and Spanish. The Monitor looks forward to continued engagement and to engaging with all communities of Bakersfield as part of its Y2 work plan.

The Monitor

The BPD Monitor is established under the Judgment. The Monitor is supported by the Monitoring Team (Team), a team of subject matter experts that work with the department on the range of issues identified within the Judgment. The Team is comprised of individuals with experience on key law enforcement issues and training, data methodology and analysis and survey. Many of the Team members have been working in California on reform issues, some for years. The Monitor and Team have worked throughout Y1 to evaluate and advance reform in Bakersfield through the provision of technical assistance. As the work progresses in Bakersfield, so will the Team. In Y2, the Team will include members who will engage directly with the CAP (CAWG) and the Crisis Incident Team training and practices.

Workplan and Goals

The Monitor submitted the Y1 work plan pursuant to the requirements of Judgment Paragraph 178. The Y1 work plan provides not only the outline of the work that was to occur in Y1, but also the foundation for work in future work years and for the sustainability of reform in Bakersfield. The Y1 work plan provides the framework and foundation for the evaluation of BPD's implementation of reform in the first year of monitoring (Appendix A). The work plan and goals were discussed with BPD



and CALDOJ as the Judgment required approval by both prior to its implementation.⁹ The work plan prioritized the strategic area of use of force given its centrality to the overarching reform focus of constitutional policing and community. The Y1 work plan also identified that the Bakersfield community must be engaged and have a meaningful voice in defining expected outcomes. At the time of its acceptance of the work plan, BPD believed the Y1 goals to be achievable.

The Team engaged directly with BPD project leads, stakeholders and subject matter experts in accordance with the Y1 work plan and to oversee the reform efforts of BPD. Substantive effort was visible; BPD demonstrated work across all the strategic reform areas, notwithstanding the prioritization of use of force paragraphs. For example, training, other than Paragraph 188, was not a specifically identified Y1 work plan priority. However, training did continue in BPD and will for the duration of the Judgment. In anticipation of the Judgment and other factors, BPD engaged in some updates to its curriculum. Delivered training directly affects organizational performance and the Judgment requirements. Throughout Y1, the Team engaged in training observations, presentations to training classes and review of training curriculum for various work plan purposes. The work conducted in Y1 provides a baseline from which the Team will build its plans, goals and assessments in forthcoming Monitor work plans.

Audit and Review Methodology

Specific requirements are tasked to the Monitor for audit and review methodology. The Y1 work plan identified the various approaches to review.¹⁰ Audit within Y1 was not anticipated given the work was just starting. However, various methods for review and evaluation were identified, based upon data analysis and qualitative review of investigations and processes. The investigation and process review are focused on quality, thoroughness, transparency and fairness. Each Judgment Paragraph will be evaluated based on the evidence provided, research by the Team, interviews, observations and site visits. The Team will determine the implementation status of the paragraphs based on their expert knowledge, engagement with CALDOJ and Bakersfield stakeholders and the evidence provided by BPD.

The Monitor began Y1 work with the development of compliance measures for each of the paragraphs prioritized. These compliance measures are the basis by which FEC will be evaluated and provide transparency for BPD as to expectations for reform performance. The compliance measures were shared in March 2022 after review and discussion with BPD. These clear guidelines are established upfront and seek to minimize misconceptions about what FEC with the Judgment requires, rather than as issues emerged throughout the monitoring period. This is a more efficient and transparent way to provide reform focus in Bakersfield.

As Y1 progressed, it became clear that the Monitor would be able to conduct an effective audit and review as required by Judgment Paragraphs 170-177.¹¹ While substantive work occurred in Y1, BPD

⁹ Judgment Paragraphs 179, 180

¹⁰ Monitor Y1 Workplan. P. 5-6

¹¹ Judgment Paragraphs, generally, 170-177



did not submit any work for FEC review. Additionally, the challenges for the Monitor in accessing data, as discussed earlier, limited the robust review of BPD's data. Access to the raw data was not granted until late November 2022, which limited the ability to conduct an informed independent audit and review of the data reported by BPD.¹² Following Q1, the Monitor will report its independent analysis of BPD's reported data for Use of Personnel Complaints using annual 2022 data.

Pursuant to Paragraph 193, the Monitor is required to conduct a comprehensive assessment one year after the Effective Date to determine whether and to what extent: (1) the outcomes intended by the Agreement have been achieved, and (2) any modifications to the Judgment are necessary for continued achievement in light of changed circumstances or unanticipated impact (or lack of impact) of a requirement. The Monitor finds it premature to make an informed determination as to necessary modifications to the Judgment given there were no FEC review submissions. Therefore, this analysis will be better served after the work expands more fully across the strategic areas of the Judgment. The Monitor will provide this analysis as part of its Q3 report and reserves the right to address the need for modification as part of the ongoing engagement with the City and BPD.

Full and Effective Compliance

Each of the Y1 Judgment Paragraphs require action by the City and BPD to address policy, training, supervision, transparency and oversight, as applicable. The Judgment paragraphs are evaluated independently, meaning BPD must demonstrate they have implemented the reforms called for within the paragraph. The Monitor and BPD, with oversight from CALDOJ, established the specific requirements, 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 (CAWG). In the end, the compliance measures ensure that the requirements for FEC are consistent and transparent to all Bakersfield stakeholders.

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.¹³

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.¹⁴ Forty-five days before a compliance deadline,

¹² The 2023 Quarter 1 report will cover the whole of 2022 use of force data given current collection practices and the timing of this report.

¹³ Judgment Paragraph 172

¹⁴ Judgment Paragraphs 183, 184



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).

The Y1 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. During Y1 a significant amount of work has occurred on a range of policies, the most significant being those related to use of force. In Y2, the Monitor expects to see substantial forward movement as BPD solicits input and engages the community on the draft use of force policies and others currently under development.



Qualitative Assessment of the Bakersfield Police Department's Progress

Overview of Year One Progress

Use Of Force

The Judgment requires the implementation of fair, consistent and constitutional use of force practices. Paragraphs 1 - 64 cover use of force policies and practices and require BPD to provide officers with clear and consistent guidelines as to where, when and how to use force options, including de-escalation. The Monitor's Y1 work plan covered these paragraphs which also require complete reporting on use of force and fair, consistent and impartial investigations into such incidents. The Y1 goal was to increase transparency and trust that will improve police and community relations overall.

Ensuring the use of force policies aligned with the requirements and principles of the Judgment was a shared priority of the Monitor and BPD. Prior to the effective date of the Judgment, BPD initiated a review of its use of force practices, oversight of use of force incidents and use of force training to identify areas for improvement. To support the Judgment requirements, BPD established six use of force project management teams under the management of the Compliance Coordinator and the QAU. These six project teams were aligned with the Judgment requirements for different components of use of force, including: (1) Policies and Procedures; (2) Canines; (3) Reporting; (4) Supervisory Investigations; (5) Training; and (6) Analysis. The teams were comprised of internal subject matter experts and a member of the QAU who supported the Monitor meetings and requests for information. These teams, while often comprised of the same individuals, were responsible for ensuring the focus, development and documentation of BPD's work specific to the six identified project areas.

The Monitor engaged directly with the use of force project teams throughout Y1. Key to these engagements was learning the processes, policies and practices that governed use of force decisions by officers and how they were reviewed within BPD. Numerous meetings occurred with BPD's use of force project teams remotely and in person during site visits. Additionally, department members of all ranks were interviewed, individually and within focus groups, to discuss their understanding of the department's use of force policies, reporting requirements and training. The Monitor found the BPD members to be open and engaged during discussions and observations and the BPD project teams were focused on supporting the Judgment requirements.

Use of Force Review Practices

During Y1, BPD focused on how to improve its review practices for critical incidents and use of force specifically. The department was open and engaged with the Monitor for technical assistance to identify and engage best practices as the process progressed in Y1. BPD invited the Monitor and CALDOJ to observe BPD's varied use of force review practices. The critical incident Command Reviews became a required action, including formal notice to the Monitor when such incidents occur. These meetings, which generally occur within 72 hours of the critical incident, are relatively high-level



reviews using facts known at the time of review to assess for any early actions required by the department.

Judgment Paragraph 50 requires the department to update and modernize its critical incident review processes.¹⁵ BPD has been open in its efforts to engage in structured reviews, and department leaders recognize the significance of effective reviews. Critical Incident Review Board (CIRB) meetings are formal reviews of the Critical Incident, generally following completion of the investigation and with all facts known. CIRB review evaluates the organizational approach to use of force. There were too few of these reviews occurring during Y1 for informed assessment of the practice. However, the Monitor noted some concerns as discussed below. In Y1, BPD developed templates and practices to ensure a more focused and consistent process. The BPD also holds monthly use of force Working Group meetings that review use of force incidents for policy and training adherence. However, work remains on this goal as discussed below.

The Use of Force Working Group (Working Group) is comprised of BPD defensive tactics training instructors and QAU staff. The Monitor was informed there is executive oversight by an Assistant Chief. The Working Group reviews three areas in its evaluation of reported use of force incidents: 1) randomly selected use of force incidents; 2) force incidents of officers identified for early warning intervention; and 3) BPD management referrals for force incidents. The Monitor finds this to be an emerging promising practice that should help advance BPD compliance efforts. As the Working Group continues to evolve, inclusive of the development of policy and operational standards, the Monitor expects to engage in continued discussion to further define and evaluate the scope of the Working Group's review and its role in advancing the reform requirements of the Judgment.

Policy Review

Pursuant to Paragraphs 183 and 192, the Monitor engaged with BPD on its work to align the use of force policies of the department with the Judgment. An iterative process, several discussions and reviews occurred between the Monitor and the department on policies for use of force, Handcuffing and Restraints, Conducted Energy Weapons (CEWs), Control Devices and Canines. The level of effort expended by BPD in developing and addressing early concerns of the Monitor is evidence of their commitment to achieving compliance and improving its policies and practices relative to the use of force. The later policy drafts contained greater emphasis on the core values of sanctity of life, fair and impartial policing and stressed the negative impact uses of force can have upon community trust and legitimacy. These principles are paramount to achieving FEC under the Judgment.

Canine Use of Force

Canine use of force was broken out from the other BPD use of force project teams, in part, given the different issues when using canines and how the program is managed within BPD. As with the other Y1 work streams, a BPD project lead was assigned for canine use of force which covers Judgment

¹⁵ Judgment Paragraph 50.



Paragraphs 10 – 29. Not all the Judgment Paragraphs on canine use of force were Y1 goals given training and other requirements.

The Team held several meetings on canine issues with the BPD project lead and other members of BPD command. Topics covered addressed policy, training, reporting and review for use of force incidents involving canines. The BPD project lead was well-organized, open, and receptive to discussion and input from the Monitor.

The BPD project lead was one of the first to engage with the Monitor on policy review. The Judgment has specific requirements of BPD's canine program which were defined within the compliance measures for the program. The project lead demonstrated enthusiasm for bringing positive reforms to the canine program, and our discussions were focused. A significant number of the policy compliance measures have been addressed by BPD. The Judgment Paragraphs on canine use of force are proscriptive. BPD has drafted a policy that addresses most of the requirements, including those of Paragraph 10 which require "bark and hold" practices and the control of canines, as directed by Judgment Paragraphs 11 and 12. The BPD is in the process of addressing those areas that were deemed to require additional work. However, early indicators support that heading into Y2, the department will be ready to advance a strong initial draft policy for review and input by the community. Assessing the reporting and data collection on canine use of force is an area that will be a Y2 work plan focus for the Monitor. This will require file review and assessment of reporting to ensure consistency with policy and the reform requirements of the Judgment.

Promising Progress

The project management approach undertaken by BPD in support of its compliance with the Judgment requirements provides a strong foundation for BPD's ability to track its reform progress. The project leads tasked to support the use of force projects are focused and informed. They have engaged broadly with the Monitor and it is expected that in Y2, the work on the use of force policies will continue with the goal of review and engagement by the CAP.

Areas of Concern

Policy

The decision to use force is one of the most important decisions an officer is called to make and providing officers with clear guidance is paramount to ensuring adherence to the expectations of the Judgment. BPD's policies did not adequately guide officers on how to determine if force is necessary. The initial policies submitted to the Monitor were essentially the existing policies with some modifications. The drafts contain extensive qualifying language that diminished the Judgment goal to reduce overall force incidents. For example, exceptions to the policy were highlighted, rather than the policy requirements. As Y1 progressed, there was improvement in the drafts, however, work remains. Further revisions are needed to BPD's use of force policies, including the review of critical



incidents and use of force involving a CEW, to reflect the guiding principles of the Judgment and to provide the specific guidance that officers need to make appropriate use of force decisions.

Progress has been made in adapting the use of force policies to the Judgment requirements and BPD has demonstrated it recognizes that community trust and legitimacy may be adversely impacted not only by unlawful use of force but also by lawful uses of force. This is particularly likely when a lawful use of force by an officer is perceived to display a lack of dignity for human life or place a person in significant fear of harm. A concern of the Monitor in this regard is BPD's policy does not sufficiently address when an officer can use a CEW. Additionally, during Y1, the Monitor identified practices including "arcing," wherein an officer can activate an audible and visual display of the electronic weapon and activating the electric red dot that signals the intent to use the device on a person, were not addressed in policy. These guidance on these CEW tactics are not sufficient in BPD's policy and may serve to undermine respect for the dignity of human life and to place a person in significant fear of harm if not used in a lawful manner. The Monitor will continue to work with BPD on its use of force policy and to address our concerns in Y2.

De-escalation is a key theme within the Judgment. The overarching goal of de-escalation is a reduction of harm – for everyone. The Monitor has observed that when reviewing force incidents, BPD has a direct focus on the use of less lethal force tools as de-escalation and less focus on non-force related de-escalation techniques and tactics. De-escalation covers both tactics and techniques designed to reduce the need for use of force and the officer's use of less lethal use of force tools when faced with a need to respond to force being used against them. De-escalation tactics are rooted in using verbal and non-verbal tactics to reduce the likelihood of the need to resort to use of force. If an officer's use of force is necessary to prevent injury or death, or to effectuate an arrest, less lethal force options may de-escalate a situation. However, use of force options that minimize the amount of force used, even where permissible, should not supersede the objective to minimize the use of force itself. Rather, de-escalation first begins with the use of non-force options seeking the voluntary compliance of persons engaged by the police.

Transparency

Transparency and public input into policy development, particularly as it relates to uses of force, is a key foundational issue that must be prominently reflected within policy. The Monitor identified BPD's use of force policies must have direct input from the community, as required under Paragraph 64. The initial policy drafts for the CAP did not sufficiently reflect the overall intent of the Judgment to engage the community. However, the department has fully committed to engaging the community and is now in the process of selecting the CAP members.¹⁶ It is a foundational goal of the Judgment for the community to have a direct voice in the drafting of the use of force and other key policies. As BPD's community policing efforts progress, the Monitor anticipates that the community engagement will shift to informed awareness on how the policies are being implemented in practice, thereby resulting in ongoing problem solving specific to use of force issues.

¹⁶ As this report goes to publication, the CAP members are being selected and notified. The initial meeting will commence in early 2023 and the Monitor will observe the proceedings for compliance with the Judgment.



Use of Force Review

BPD conducts two types of reviews of critical incidents involving use of force, the Command Briefing and the Critical Incident Review Board (CIRB) meeting. The Command Briefing occurs close in time to the critical incident, generally within 72 hours. The CIRB meeting generally follows the conclusion of the criminal investigation and the administrative investigation by Internal Affairs. BPD was transparent with its reviews and invited the Monitor and CALDOJ to attend the meetings.

Our observations of these two proceedings over Y1 identified improvement in how they are structured and the participation of those present. However, the Monitor also identified several issues that require action by BPD to align with the Judgment goals when reviewing use of force incidents. The core concern of the Monitor is the need for BPD to focus on the fundamental requirements of necessity and proportionality when reviewing an officer's use of force. Notably, the reviews did not start with examination of whether force was necessary – a key factor in determining the legitimacy and legality of use of force. Additionally, there was limited review and discussion on the types of tactics in response to actions of the individual. The review of de-escalation practices was generally cursory with limited observed detailed analysis of the specific actions and factors that contribute to de-escalation. The Monitor noted some reviews focused more on the force technique and time needed to effect the arrest or detention rather than specifically assessing whether de-escalation or alternatives to force were more appropriate given the circumstances.

The final formal reports on the incidents observed in Y1 have not been completed as of this report. The Monitor has concerns over the observed review of some use of force incidents which have not resulted in an after-action report, meaning they remain in the internal investigation and review process. These incidents and others will be evaluated in Y2 or as BPD finalizes their investigation. The Monitor will continue its discussions with BPD on establishing department force review protocols that are consistent and comprehensive with a focus on ensuring the necessity, proportionality and legality of use of force by BPD officers.

Use of Force Training

Use of force training observations were limited in Y1. BPD engages in scenario-based use of force training, which is a law enforcement best practice. The instructors were engaged and knowledgeable about the scenario and its educational goals. However, the Monitor notes that the scenario-based training simulations observed did not use the opportunity to identify the preference for or tactics that would support effective de-escalation. Rather, there was significant emphasis on the proficiency of the force techniques to bring about immediate and swift control of the person. This training perspective was reinforced in the BPD use of force reviews observed by the Monitor – where the focus was often on how swiftly a person was placed under control rather than specific discussion on de-escalation. The Monitor has discussed these concerns with BPD and formal training evaluations will be part of the Y2 work plan to include how BPD incorporates the concepts of proportionality, necessity and de-escalation.



In accordance with Paragraph 192, the Monitor will continue to work with BPD to resolve these issues and develop policies and practices that will satisfy compliance pursuant to Paragraph 172(a).

Personnel Complaint Review

How a department holds itself to account for the actions of its members is a mark of its commitment to community trust. The ability to be transparent regarding misconduct by officers and how those complaints are resolved is a measure of how a law enforcement agency perceives the validity of community concerns. A commitment to transparency, to ensuring complaints against officers are fully investigated and to address both police and community concerns, furthers community trust in its law enforcement organizations.

Stipulated Judgment Requirements

The Y1 work plan for paragraphs associated with police complaints focused BPD's efforts toward ensuring transparency and awareness of the complaint process, credibility in the investigation of complaints and the reporting of complaint data. BPD established a project team for this work stream, and as with the other strategic areas, the Monitor engaged with the project team to help advance the work. BPD identified a project lead responsible for facilitating compliance with the Y1 paragraphs with support from QAU. The Monitor held several meetings with Internal Affairs (IA) leadership and its investigators. During the first six months of the monitoring period, BPD did not make significant progress on the Y1 paragraph requirements for community complaints. In part, this was because IA encountered staffing issues and did not have a full complement of investigators during the first six months of Y1. Additionally, the unit sergeant was both the acting lieutenant and the BPD project lead for the reforms in this strategic area. During most of Y1, the sergeant was also tasked with updating BPD's file retention and reporting practices on officer complaints to comport with California law. This requirement, inclusive of setting policy and retention standards, limited his direct engagement on the work required for the Stipulated Judgment. In November, the initial policy submission for Personnel Complaints was received by the Monitor and the subsequent review and discussion with BPD will inform the Y2 work plan.

The Monitor also engaged with community members on police misconduct and complaints. Each site visit by the Monitor included community outreach both directly and through public meetings. Attendance at the public meetings varied, and it was not uncommon to see the same people attending different meetings. Other forms of community contact occurred during Y1, including email and phone calls. Community members' comments stressed concerns about access and reporting on police misconduct. Some community members felt that they were not afforded appropriate responses by BPD when they complained about police service. Other community members felt it was useless to complain because they never saw any action taken nor were they informed of the outcomes. Discussions were held about how difficult it was for a member of the public to report on misconduct and some identified that fear was the reason they did not report. At community sessions, some members of the public shared specific complaints about police actions they identified as never having



been resolved. As part of the Y2 work plan, the Monitor will evaluate the complaint process and the BPD's response, including the acceptance of complaints and investigations into police misconduct.

The IA data was not made available to the Monitor until late July 2022. The QAU and IA analysts met with the Team to support our understanding of how the IA data is collected and reported. The analysts were open with the Monitor and sought to resolve any questions or issues. Robust discussions were held regarding the publication of reports to the Monitor and to the public under Judgment Paragraphs 164 -166. Given concerns over the complexity, structure and quality of the IA data, Y1 complaint data is limited to the BPD's reported data from January 1, 2022 – June 30, 2022.

The Monitor notes that the classification process for complaints may generate distortions in data and the investigation of complaints. For example, there are redundant allegations in certain categories. Under the Conduct Unbecoming category, there are discrete allegations for Conduct unbecoming a Member of the Department, Conduct Unbecoming an Officer, Conduct Unbecoming in Public Service and Disgraceful Conduct On or Off Duty. Additionally, there are allegations that could be categorized as Criminal Conduct but are categorized as Performance Violations, e.g., False Arrest, Falsification of Work-Related Records or Work-Related Theft. While there may be valid reasons for certain categorizations or repeat allegations, these reasons are not currently defined in policy. BPD is working on enhancing its definitions and data capture for complaints. The Monitor supports this action and will monitor progression in this area in Y2.

Promising Progress

The Monitor learned BPD seeks to implement a peer review process in which IA investigators provide assessment and input on investigations conducted by their peers. This informal process provides an additional level of review to ensure investigations are thorough and consistent. The Monitor looks forward to working with BPD to assess this process and its role in improving complaint investigations.

Areas of Concern

Transparency and community engagement on the complaint process is an area that BPD must prioritize in Y2 if it expects to deliver on the Judgment requirements. The department has committed to delivering the data report required under Paragraph 165, which is expected by the Team in late November. The Monitor will review the report and the underlying data as part of the Y2 work plan. The department must commit to accuracy in the reporting and transparency in the complaint process. This will be a Monitor priority in the Y2 work plan.

Additionally, community access and BPD responsiveness to community complaints is an area that will be explored more fully in Y2. The community meetings attended by the Monitor echoed a consistent issue with regards to being able to fully report a complaint and learning what happened as a result. This, too, will be an area examined by the Monitor in Y2.



Community and Transparency

The Judgment requires the Bakersfield community to have a voice in the implementation of the reform of BPD practices and policies. The Monitor supports the premise that substantive reform can only be achieved with the Bakersfield stakeholders as direct partners to the reform envisioned in the Judgment. Among other things, the Judgment “is designed to enhance BPD’s relationship with its community through increased transparency.” The Judgment is clear regarding the need for BPD to be responsive to the community’s priorities, transparent about its processes and to provide the community with a voice in department decisions. A range of paragraphs, for example Paragraphs 50, 53 and 64, require effective and direct community engagement to achieve FEC with the Judgment.

During Y1, the Monitor had discussions with various community groups, including those named in the Judgment. The Monitor held sessions with various community members during every site visit and engaged with people remotely and through its website, bakersfieldmonitor.com. We found that the residents we engaged were ready for reform and for the opportunity to engage directly with BPD. Attendees were open and shared their knowledge and time with the Team to help us understand their unique concerns and issues. The voices of those engaged with the Monitor were consistent. More so than anything, the Team heard the community felt distant from BPD and they were not engaged in delivering safety in their communities; however, some community members were supportive of BPD. Many of those we spoke with did not see BPD delivering the services they needed and did not know how to engage with the department to be heard. The voices of the community are recorded on our website – posted after every site visit – and will continue to contribute to the reform work in Bakersfield. The Monitor looks forward to further engagement with all Bakersfield communities in Y2.

Community Policing

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder and fear of crime.¹⁷ In effect, community policing is more than community meetings or events, it is about how a law enforcement agency works with and toward community goals for police service.

Judgment Paragraphs 125 through 132 address community policing. The Monitor engaged with BPD early on to understand its community policing approach and goals. The BPD project lead for this work stream is the Assistant Chief of Operations. The Community Relations Unit (CRU) coordinates community engagement for the whole department. CRU is led by a Lieutenant who also holds the title of Chief’s Adjutant. Both the Assistant Chief and the CRU Lieutenant are direct reports to the Chief of Police (Chief). CRU is staffed with a supervisor, nine community relations specialists, who are professional staff, and one sworn officer. The community specialists help to coordinate the programmatic activity of BPD with the community and, as a resource back to the department, engage directly with community members.

¹⁷ <https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf>



Current BPD practices for community policing focus on community programs and events rather than community problem-solving or community policing as an overall strategy. The primary engagement team is the CRU, which coordinates numerous activities, including citizen volunteer programs, girls' leadership programs, coffee with a cop, neighborhood watch and other engagement programs. They are also involved in the Community Police Academy and the Junior Police Academy, which create awareness and exposure to police and policing practices within these groups. The unit has developed many community contacts and relationships with key organizations in the community. Members of CRU have identified the need and goal to more broadly engage the entire department in these events.

BPD also has several long-standing community-based activities. BPD operates a Police Activities League (PAL) program which is focused on guiding at-risk youth through educational and athletic after-school programs designed to provide healthy alternatives to drugs, alcohol, gangs and violence. Through PAL, police officers and other community members volunteer their time as coaches, mentors, role models and friends to children in the community. The BPD, through its CRU, also operates a Neighborhood Watch program throughout the city. This is a program aimed at increasing police and community partnerships on keeping specific geographic areas, usually blocks, safe.

However, these discrete programs and events do not reflect an organizational strategy for community policing. While these programs are well-received, further work is needed to build a strategic plan with a goal of building strong community partnerships to facilitate problem-solving on key community issues. The strategic plan needs to include the entire department to more fully engage the community on pressing issues and concerns.

In our discussions, the CRU Lieutenant and the CRU manager demonstrate a good understanding of what can improve community engagement and satisfy the requirements of the Judgment. Currently, most of the work of CRU is measured by number of engagements and persons present. The CRU is currently working on a community policing strategic plan. The Monitor believes this to be a good start to an organizational approach to community policing. Successful reform will require BPD to develop a strategic community policing plan that is predicated upon community partnerships and productive problem solving and is aligned with defined, measurable goals.

The Y1 work plan identified several of the paragraphs related to community policing for prioritization. These paragraphs require certain actions by the department, and the measurement of these activities is a key component for their evaluation. Equal to BPD's internal measurements is the community's assessment of how they engage with the department regarding the delivery of police services. The Y1 workplan includes a community survey which will help inform the department regarding community requirements. The Monitor anticipates a Y2 focus by BPD that will further refine a strategic approach to community policing. The CRU's community policing strategy, which is in its early stages of development as this report is completed, will help inform BPD's work on this reform area in Y2.



Community Advisory Working Group

The policy and development of the CAWG was its own project under BPD's project management plan and was led by the Chief. This demonstrates the focus and priority placed on this group by BPD. Judgment Paragraphs 63 and 64 call for the establishment of the CAWG and a meaningful framework for engagement with BPD. Working with BPD to establish this group to ensure meaningful community participation in the department's policy development was a key priority in the Monitor's Y1 work plan.

Judgment Paragraph 64 requires BPD to create a CAWG and to make a good faith effort to seek participation by 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.

Pursuant to Paragraph 64, BPD is required to work with the CAWG 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, civilian complaints, and diversity in recruiting, hiring and promotion. BPD is also required to seek the assistance of its CAWG and community advocates in widely disseminating information to the public, in English and Spanish, and as set forth in other requirements of this Agreement.¹⁸

The Monitor engaged with the groups listed in Paragraph 63, and other community groups ahead of the CAP (CAWG) formation. Initial concerns raised were the length of time it was taking to establish the CAP and whether the Chief would provide membership to community groups identified in the Judgment. In response, the Monitor facilitated an in-person meeting with the Chief and the groups identified in Paragraph 63, among others. The Monitor is aware of the efforts undertaken by BPD and the concerns raised with the formation of the CAP, as detailed below. However, the start of this process is promising and our work in Y2 will be focused on providing facilitation and oversight to ensure a robust, engaged CAP that is able to partner with BPD as envisioned under the Judgment.

Policy Review

The Chief drafted the initial policy for the CAP, which is BPD's name for the CAWG. Several iterations of the policy were shared with the Monitor as the Chief drafted the policy guidance for the operation of the CAP, including the initial application and selection process for the CAP members. The Monitor was engaged in this process providing information on best practices for community advisory groups and community engagement. The Monitor also shared other sample documents for the Chief to analyze how similar groups have been constructed in other jurisdictions.

At the request of the community, the Monitor facilitated a meeting between the Chief and community members. During this initial public meeting, the Chief engaged in an open conversation to gather the

¹⁸ Stipulated Judgment Paragraph 132



community comments and perspectives on the draft. Prior to the formal publication, BPD also shared the draft policy and application on its website and social media platforms to obtain public feedback from the community. In response, the Chief revised portions of the draft based upon feedback from community stakeholders. After this public period of comment, BPD published the CAP policy and application on its website and began accepting applications.

The CAP process was met with concern by some stakeholders over transparency and outreach. Some community members had specific concerns about the inclusion of impacted individuals on CAP and how organizations would be represented. Some community members voiced to the Monitor that they felt this was a good process and they were hopeful for change. Others voiced concerns about whether sufficient notice was delivered to the community. Additionally, there were some concerns that the Chief's retention of the final decision for selection of the initial CAP members would have a chilling effect on those who are not directly supportive of BPD.

The final policy did not specifically identify roles for impacted individuals on the CAP and the Chief retained the final decision based upon recommendation of the Selection Committee. BPD published the application in several languages and distributed the application through various community sources in addition to its own social media platforms. The Chief stated that all applications received will be reviewed and extended the close date for the applications to mid-November to allow for more publication outlets, including City outlets, and provided media interviews on the CAP to further inform the community.

The BPD Chief identified that, in all, 50 applications were received. The Selection Committee included the City Manager, a local Pastor/community leader and a Professor from California State University, Bakersfield. The Selection committee forwarded 42 persons as eligible and 23 persons were selected for the CAP. Some of the groups named in the Judgment did not apply for the CAP, although persons who could be representative of these groups were applicants. The Chief is looking forward to an early start in 2023, with the formative work of the CAP to begin ahead of policy review, which remains in progress.

The work of the CAP will be instrumental in advancing the policies and reform called for under the Judgment. To this end, the CAP must be representational of the Bakersfield communities and reform focused. The Monitor will assess the appointment process, which will complete after this report is in production, and will include its observation and support in the Y2 workplan.

Promising Progress

The Chief has been directly engaged in community policing and the development of the CAP, demonstrating his understanding of the importance of these components of reform. The process of engagement that occurred in the lead-up to the CAP application and policy, while not without some challenges, bodes well for the future success of an active and engaged community partnership.



Areas of Concern

BPD will need to engage in a strategic organizational approach to community policing. Currently, it engages in community policing from an event-driven perspective, as opposed to one that is focused on problem-solving partnerships with the community. There is institutional support for the premise of community policing, but for it to advance as an organizational priority, the department needs a strategic approach to community policing and other community partnerships. The CRU serves a function, but every member of the department has a responsibility for and role in driving community partnerships. Additionally, community policing should not be designated for one unit in a police department but should be a department-wide philosophy. The Monitor heard from community members about poor engagement with BPD and the lack of awareness of programs and access. A community policing strategy will help the department prioritize and measure its goals for community engagement. Distributing a plan – and engaging the community as a whole – will help advance reform in Bakersfield. Finally, such a plan will allow the department to measure its progress in building community partnerships, something which is currently challenging.

The CAP is a key component of the reform to come in Bakersfield. Establishing the CAP as a broad and diverse representative group is the first step of many to provide the Bakersfield communities with meaningful input to BPD's policies, training and actions. The activation of the CAP is crucially important. There will be tough discussions and decisions to come as BPD moves forward in its compliance with Paragraph 64 that requires the department to use the CAP as a meaningful mechanism for gaining community input. This will require intentional efforts on behalf of BPD to ensure meetings are conducted and decisions are made in a manner that is open and transparent with a goal of mutual understanding. Routine public engagement that provides insight as to BPD's actions under the Judgment and reporting on its progress will be a first step, as will establishing problem-solving partnerships to address community concerns. For its part, the Monitor will follow and support the buildout of the CAP framework as part of its Y2 work plan.

Data Analysis, Issues and Trends

Data will provide the measurement of BPD's success implementing the reforms called for in the Judgment. This is why data is a key focus for the Monitor as the accuracy and sufficiency of the data reported helps to identify trends, issues and baseline measurements across the reform period. Additionally, there are Judgment reporting requirements for the Monitor and BPD that rely upon data, specifically involving audit and evaluation methodology. The ability to independently verify BPD's data is key to effective monitoring.

BPD's QAU was established prior to the implementation of the Judgment and is the owner for most department data and specifically for use of force data. In support of the Judgment, a project team for data was established within QAU and it has been engaged and working with the Monitor since initiation of the Monitoring Program. As with most law enforcement agencies, BPD data comes from a range of sources and is managed by different owners and used for varied purposes. For example, individual units own some data processes, including the canine use of force reporting system, and the IA or complaint reporting system are not managed by QAU.



Access to the data late in Y1 was an impediment to informative evaluation. Therefore, in Y1 the Monitor sought to establish a baseline understanding of the department's definition and collection of use of force and IA data and reporting. Specifically, we sought to understand how the data is collected and second, to define the meaning of the data.

The direct access to the system that hosts the IA and use of force reporting data is necessary to be able to independently evaluate what BPD reports – and to determine the sufficiency of the collection processes. The Monitor needs to assess whether the reports generated through the end-user entry capture and report the same data as contained in the actual raw data. It also needs to confirm the data is reported by officers who enter reports as required. This access was granted late in November 2022. The Monitor will analyze the “raw” data against the reported data to identify consistency in collection and reporting and provide analysis of the 2022 reported data for use of force and complaints, or IA data.

How is the Data Collected

The data for use of force reports and IA investigations are collected through a commercial software system. Use of force reports and IA investigations are managed and retained within a shared database but use different entry programs and access controls. For example, use of force reports are entered by field supervisors and IA reports are entered directly into the system by IA staff. It is from these reports that much of the quantitative data for use of force and complaints against officers is captured and analyzed.

Use of Force Reporting

When officers use force, they first call the on-duty supervisor to the scene to investigate. The on-duty supervisor enters and completes the initial use of force report from information provided by the officer. Officers also record their actions during the force incident in the narrative field of the crime report filed on the underlying incident. For example, an officer responds to a robbery and uses force to take the person into custody. The officer would then report his use of force to the on-duty supervisor and the supervisor would document this information in the formal use of force report while the officer would record their use of force actions in the narrative of the robbery report.

The current BPD use of force policy is silent as to the timing for reporting requirements. Officers are required to “promptly, completely and accurately report a use of force incident pursuant to BPD Policy 300.6. However, the specific time frames for reporting up through the chain are not documented in the use of force policy, BPD Policy 300. The Monitor was advised of the process for first-line supervisor review and submission of the use of force investigation report within two weeks of the incident for chain-of-command reviews and approvals. After the chain-of-command reviews are complete, the use of force is routed to QAU. This process is not formally recorded in the reporting policies shared with the Monitor and there are some inconsistencies in when use of force reporting occurs.



The QAU Analyst reviews the reports to ensure all required information has been captured on the supervisory use of force report. QAU provides the official department data, but there is a significant time lag in the analysis and publication of BPD use of force data. For instance, the Team requested data and were informed this data would take 45 days to finalize. This delay is both a function of policy, one which seemingly provides extended time ranges to report use of force and by the quality management processes used by BPD to validate and report the data.

The QAU Analyst uses a screening worksheet to capture other data points that are not included in the use of force reporting system to finalize its data capture and reporting. The Monitor's access to the actual raw data is important because of the data queries involving various sources to generate BPD's use of force reporting. This process is not unique to BPD, as the Monitor is aware of other law enforcement agencies that employ similar strategies to collect additional data elements that the use of force reporting system does not capture.

Use of Force Incidents¹⁹

A use of force incident arises when a BPD officer uses force against a member of the public. A single reported use of force incident may include multiple officers. For example, if two officers are required to use force to effectuate an arrest, this is reported as one incident. Within each incident, there may be multiple applications of force. For example, an officer may strike an individual and then bring them to the ground in order to effectuate the arrest, resulting in one reported incident, one officer and two force applications – the fist strike and the takedown.

For the period, January 1, 2022, through June 30, 2022, BPD reported 251 use of force incidents. Within these 251 incidents, BPD reported 1,477 applications of force (the various types of force occurring per incident). The data for this period identified 19 force options, or the types of force, used by officers. This data is obtained from the reporting by officers regarding their specific use of force actions and inform the annual use of force reporting by BPD as developed by QAU.

Frequency

BPD officers use "Level 1 or controlling force" and "Level 2 or intermediate force" the most frequently. Seven force options under these levels account for 90.86% of all applications of force. In order of frequency, control holds, which are a Level 1 force option, accounted for 463 reported force applications or 31.35% of all applications. Body weight, also a Level 1 force option, accounted for 390 reported force applications or 26.40% of all applications. Takedowns, which are also a Level 1 use of force option, account for 135 reported options or 9.14% of all applications. Collectively, these three reported force options account for 66.89% of all reported force options.

"Level 2 or intermediate force" options accounted for 23.97% of all force applications by BPD officers. BPD reported 181 fist strikes which accounted for 12.25% of all applications. For Level 2 CEWs, BPD reported 105 reported force applications or 7.11% of all applications. However, an additional 2.27% of reported force applications included CEW "display only," meaning the device was not activated but displayed. Tracking of this data is an emerging practice at BPD and the Monitor notes that is an

¹⁹ Data received from QAU delivery posted on 9/19/22 and titled "Updated Use of Force 9/19/22"



important step in providing transparency around the use of CEWs by BPD officers.²⁰ BPD reported 36 Level 2 canine applications of force, or 2.44% of all force applications. Finally, BPD reported 32 knee strikes as applications of force, or 2.17% of all force applications.

Our initial review of BPD's data identify that use of force is disproportionately used against certain populations. This data requires further review and analysis. However, Black persons are overrepresented by 3.88 times (28.77% of force by 7.4% of population estimate) in the use of force relative to their proportion of the Bakersfield population. Asians and Whites are underrepresented in the use of force numbers relative to their presence in the population. Hispanic/Latino residents are approximately equally represented (1.03 times their presence in the population).

Data Concerns

Defining the data allows for comprehensive analysis. Ensuring accurate use of force data by tasking QAU to standardize the data and to improve and address limitations in the data reflects BPD's commitment to accurate reporting. However, the Monitor was not able to directly evaluate the various data definitions and sources throughout Y1 and is still seeking confirmation of how and where data is collected and reported in BPD. For example, with the CEW data above, does the capture of "display" mean it was pointed at a person or only that the device was withdrawn from its holder? Also concerning is the effort expended by QAU analysts to develop and report on force incidents. QAU identifies, on average, approximately 10% of the submitted reports are returned for data gaps. This rate of return is concerning given the level of internal command channel review that should occur after the initial use of force report submission.

Our review of the submitted use of force data for January 1 through June 30, 2022, noted several cases were missing some data fields, including the officer badge number and the name of the person against whom an officer used force. BPD has been responsive to the Team's inquiries and provided subsequent reasoning as to why these gaps were likely present. However, these examples highlight the need for consistent definitions and accuracy in reporting BPD data. As we continue to develop our queries and framework for data analysis and reporting in Y2 and beyond, we will continue to work directly with BPD to address data issues and to provide independent validation of BPD's reported use of force data.

Conducted Energy Weapons

The Monitor noted concerns with the CEW datasets. The initial records shared with the Monitor were for 2021 activations of CEWs by BPD officers, identifying 142 recorded activations. In the data supplied, there were large numbers of missing data points regarding the cartridges deployed and the number and type of cycles used by the deploying officer. Information was missing regarding resistance type and injury to the person against whom the CEW was used. There was also data identifying that the CEW was used to overcome passive resistance on nine people. We brought our concerns to the attention of BPD and the department has been working to define the data and assess whether corrective actions are needed, either in reporting or analyzing the data. Under the Y2 work

²⁰ The Monitor will work with BPD to align and confirm reporting for CEWs in 2023. For example, there are two reported categories for CEWs, a Level 2 category as reported above and a Level 1 category – for display only.



plan, the Monitor will continue to work with BPD to ensure reporting, data collection and analysis for CEWs is prioritized.

Canine Data

The canine use-of-force data was not provided to the Team because BPD is waiting on a formal request for the Monitor to access this data. QAU receives reports on canine use of force, however the canine database also contains an additional range of data related to the management and use of canines. The department states it will provide the Monitor with access upon receipt of the formal request. Subsequent Monitor reports will include an analysis of this information as part of the overall use of force analysis.

Internal Affairs Investigations Data

The Monitor has only recently been able to access the IA database records. At the end of July 2022, BPD shared data for January through June 2022. This data is not as clear as the use of force data managed by QAU. Additionally, the Monitor learned the IA system is more focused on investigation reporting and management rather than data collection, which contributes to gaps in data. IA has recently started to systematically examine the data to better support aggregate data reporting, to include types of complaints, demographics and length of time an investigation is in review. This is a good start that will expand in Y2 and will be a focus for the Monitor.

Our initial assessment of this data is more work is required by BPD to define and collect valid data before the Monitor can confirm the accuracy of reporting on complaint data. Basic information was observed as missing, including information about the accused BPD member and the allegation type. BPD identified that where names are missing, it may be an unknown officer. However, subsequent identification and update is important to the progression of investigations.

The data also identified investigations that exceeded one year or were at risk of exceeding this period. This is important because under California statute, law enforcement agencies must make an investigative finding within this time frame or the investigation cannot go forward, unless it is a criminal investigation. Additionally, there were duplicate categories of allegations and allegations that were similar in nature. This makes it difficult to understand and analyze the behaviors that give rise to allegations. We have engaged with the BPD on these concerns. Some of the issues identified were the result of internal protocols that are not fully defined. For example, some cases with missing information seemed to have been opened in error. The Team is working with the IA staff and analysts at both IA and QAU to develop a data dictionary that will define the various fields and values so that data can be entered and analyzed in a more systematic format in the future.



*BPD Complaint Data Analysis*²¹

For the period January 1, 2022, through June 30, 2022, the BPD data provided identified 74 complaints received at IA that were classified as “cases.” These complaints resulted in 483 distinct allegations. This breakdown of a complaint and subsequent allegations is consistent with other law enforcement agency practices. For example, a person may register a complaint that an officer stopped them for no reason. The review of this complaint may identify the officer failed to activate her body worn camera, did not report location of the stop to dispatch, was rude and engaged in racial profiling. This complaint now has four allegations.

The most complaints received were for discourtesy which accounted for 24% of all allegations. The second largest category of complaints was careless workmanship which accounted for 20% of all allegations. The Monitor notes that the definitions for BPD’s allegations are not sufficiently defined so there may be a range of behaviors captured within these allegation categories. Use of force complaints account for 13% of all violations and bias complaints account for 6% of violations recorded. As BPD develops a better classification system, the information will more clearly depict the behaviors of officers that generate complaints. The Monitor believes the work currently underway, as supported by QAU, will help support more transparency and better understanding for the public about the complaint system at BPD.

Additional Y1 Work Engagement

BPD established a project lead for each of the work streams identified under the Monitor’s Y1 work plan. The Monitor engaged with each of the leads to assess status and what would be required to implement the paragraphs assigned to them. The Y1 work plan was ambitious, cutting across many of the strategic areas of reform. As the year progressed, the coordination needed between the BPD’s subject matter experts for policy, training and field practice grew, particularly as it related to use of force. Discussions regarding what was field practice and how policy would define it were frequent. BPD essentially merged its project teams for use of force to facilitate the discussions with the Monitor. The Monitor engaged across all of the work streams and the issue of practice and policy alignment was a common focus as BPD practices, while generally known to the people engaged in the work, are not always memorialized in writing. BPD is aware of this issue and it is an area that they have prioritized for improvement.

Language Access

The department identified its language access coordinator. Given the need to coordinate with CAP on certain practices, this work stream has not advanced significantly in Y1. After the CAP is formed, there will be more work to move forward under the Judgment in Y2.

Personnel Practices – Recruitment, Hiring and Promotion

Judgment Paragraphs 106 through 124 address the personnel practices of BPD to include promotion and hiring. BPD established a project lead for this work stream early in the process. The Monitor

²¹ Data received from QAU delivery posted on 10/26/22 and titled “164 Internal Affairs Data October 25 Refresh_Completed Date Year 2022” and “164 Internal Affairs Data_October 25 Refresh_REC date 01.01.21_09.30.22”



learned the timelines established under the Judgment did not account for the work necessary to address collective bargaining issues or to update current human resource practices. Once the compliance measures were established, BPD realized additional work was required to meet FEC for the Y1 paragraphs under this work stream. The project lead submitted a work plan outlining the prioritization, tasks and timeframe for the work necessary to achieve FEC. The Monitor has reviewed this plan and it will inform the Y2 work plan and goals for BPD.

Paragraph 124 required the City Council to put forward a ballot proposition that allowed for an external candidate to apply for Police Chief. Currently, the Chief of BPD must come from within the ranks of the department. Charter L²² was on the ballot for the vote held in Bakersfield on November 8, 2022. While this paragraph has not been submitted for FEC review, the Monitor is aware of the progress on the work for this paragraph. The final vote was close, and the ballot measure passed with 52.03% of the vote.

Monitor Meetings

The Monitor engaged in routine meetings with the Compliance Coordinator. Bi-monthly meetings were established with the Assistant Chiefs. Paragraph 202 required meetings every two months that were attended by CALDOJ and the Chief, as well as the other BPD leaders and the City Attorney. These meetings were used to resolve issues as they arose, and BPD was responsive and engaged with the Monitor's requests.

Survey

The Judgment requires a survey of the community, inclusive of persons who have been detained as outlined in Paragraphs 133 through 136. The community survey was completed; however, two additional components – BPD officers and those arrested by BPD – remain in progress. The Monitor brought in a professional survey team who structured the survey and approach. The status and methodology of the survey is discussed in Appendix D.

The community survey was informed by a range of perspectives, including those obtained at several community meetings convened by the Monitor in the Spring of 2022 to match the scope of concerns expressed by residents in these forums. Additional sources included officers at different ranks of the department, officials responsible for community safety programming in the City Manager's office and representatives of the California Department of Justice. The survey was administered to 1000 respondents, 500 of whom were contacted by phone and another 500 were interviewed in person.

The survey focused on variations across the six police zones (zones) for Bakersfield: Central, Hill, Metro, North, South and Valley. Not surprisingly, the survey data suggest there may be geographic effects based on the locations where people live, the institutions available to them and the engagement they have with other residents that may have consequences for perceptions of crime and of policing. Generally, the North respondents had more favorable perceptions of police services and safety than Metro or Hill. Overall, the survey respondents identified that homelessness and

²² <https://www.turnto23.com/news/election-2022/what-is-measure-l>



vandalism of buildings or cars were the most serious problems in Bakersfield. However, in the North and Valley, people selling drugs were an increased concern and concerns over speeding were more pressing than homelessness.

Most survey respondents expressed favorable impressions of the job the police are doing in Bakersfield. Latino residents surveyed were slightly more likely than White or Black respondents to say the police were doing an excellent job. Respondents reporting residency in Metro or the Valley zones had less favorable impressions of the police, as did those who refused to provide zone data. Intensely negative sentiment was highest in the Valley Police Zone, with 6% of respondents saying policing was “very poor.” 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 as much trust as Black respondents.

Black respondents had strong negative sentiment regarding street stops and whether BPD police officers listened to them or explained why they were being stopped. No Black residents who said they were stopped on the street thought the police “were polite,” compared to 50% of White respondents and 75% 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. Stops and Searches are part of the Judgment reform requirements and will be examined as part of the Y2 work plan.

A positive outcome of the survey is 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. 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 all people are treated with respect by the police, and ensuring the community is heard by the police. This is an area in which the Y2 work plan from the Monitor can help direct BPD focus.

Anticipated Work for the Upcoming Reporting Period

Moving Forward

The Team will continue to work with the BPD, specifically with the QAU and IA units, to improve the data reporting and collection. The analysts have been fully supportive of this focus, recognizing it will allow the department and the Monitor to make informed decisions regarding the actions of BPD officers. It will also allow the Monitor to have confidence in the validity of the data when identifying trends, issues and improvements under the Judgment. We have offered guidance and perspectives on the type of data that will need to be collected to improve its ability to manage the use of force and internal investigations. Just as important, we have provided guidance on the types of reports the department might consider producing to increase transparency and accountability with the community. The Y2 work plan will include routine assessments regarding the validity of the data and reports the department is producing for both internal and external constituencies.



Future Consideration

The Monitor believes Y1 was a challenging but foundational year for BPD. The Monitor's Y2 work plan will be completed at the beginning of 2023 and posted on the Monitor's website once it is reviewed by the Parties to the Judgment and approved by CALDOJ. As a retrospective matter – and looking to the future – BPD has significant ground to cover in the next few years. While measurable work in Y1 was limited, a lot of work focused on establishing the framework for the process that will measure performance and compliance in the years to come.

BPD agreed to the Y1 work plan but did not submit any Y1 Judgment Paragraphs for FEC review. While substantive work has occurred for the use of force policies, they have not been promulgated, meaning officers continue to operate under the policies in place at the time of the Judgment entry. Use of force reviews have limited focus on de-escalation, proportionality and most importantly, necessity. Community members continue to report that force is not proportional and that officers are abusive and dismissive. These Y1 work plan requirements will now carry into Y2. In Y2, the Monitor will establish specific timelines for compliance on Y1 work, in addition to the forward progress that will be required in Y2.

The management of reform – including reporting, tracking and engagement with the Monitor – requires focused time. The department appointed the Compliance Coordinator and established and tasked QAU with data management. It established a comprehensive project management program and tasked internal personnel with policy development and other matters related to the Judgment. Because of the lead time BPD had before a Monitor was appointed, it felt it had accomplished a significant portion of the work that the Judgment would require. However, as the compliance measures were established, the department recognized the effort that would be required to demonstrate FEC under the Judgment. The reform required by the Judgment is significant, and the work tasked to members of the organization is additional work given to already tasked resources. As the department progressed through Y1, the challenge in delivering the Y1 Judgment Paragraphs became apparent to BPD. The Monitor notes BPD has moved some resources in QAU to support the project management plans. The Monitor anticipates BPD will make the appropriate investments in additional resource support to help the department be successful in its reform efforts in Y2.

The Monitor notes that as the policy work progresses, the training needs of its members will increase. Discussions thus far have not identified any strategic training plan for the reform policy changes and other actions. The Monitor notes the BPD did deliver the required training from Paragraph 188. While not presented for FEC review, initial review and discussions identify a thoughtful training plan is under development. However, the depth and breadth of training required to reach compliance with the Judgment requires the department to focus on developing a training strategy appropriate to its needs for all the Judgment's strategic areas.

The future work for BPD is more nuanced and critical for the department to achieve compliance with the Judgment. Shifting the BPD culture to be more open and engaged with the community will be at the heart of its future success in achieving reform goals. While this shift is occurring in pockets within



the department, BPD will need to develop and implement its community policing strategy to hold the organization to account to a true community focused service plan.

Compliance Requirements

Paragraph 193 requires the Monitor to conduct a comprehensive assessment one year after the Effective Date to determine whether and to what extent: (1) the outcomes intended by the Agreement have been achieved, and (2) any modifications to the Judgment are necessary for continued achievement considering changed circumstances or unanticipated impact (or lack of impact) of a requirement. One concern of note is while the Monitor must submit its work plan, there is no requirement for BPD to submit its plan. As a result, the Monitor's work plan may not be linked to the direct goals of BPD for the year. In Y1, the work plan goals were shared with and agreed to by BPD. It is the Monitor's intention to continue to obtain this commitment annually. Paragraph 193 provides BPD has the option to delay the assessment by one year of the effective date. Given the limited measurable progress in Y1, the Monitor determined this assessment was premature. The assessment will be part of the 2023 Quarter 3 report of the Monitor.



Appendix A

ELECTRONICALLY RECEIVED

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People of the State of California*

**(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.

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

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

PLAINTIFF THE STATE OF CALIFORNIA

ROB BONTA
Attorney General of California

DATED: August 23, 2021


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

DEFENDANTS CITY OF BAKERSFIELD and THE BAKERSFIELD POLICE DEPARTMENT

CITY OF BAKERSFIELD AND THE BAKERSFIELD POLICE DEPARTMENT

DATED: August 19, 2021

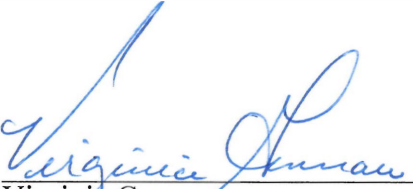

Virginia Gennaro,
Bakersfield City Attorney,
Attorneys for Defendants, City of Bakersfield and The Bakersfield Police Department

EXHIBIT 1

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*Attorneys for Plaintiff, The People of the
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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,**

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

Plaintiff,

v.

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;

28

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

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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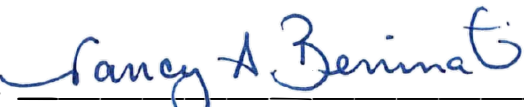
IT IS SO STIPULATED.

Respectfully submitted this 23rd day of August 2021.

For the STATE OF CALIFORNIA:

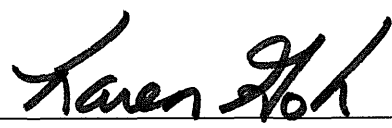
Rob Bonta

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
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*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

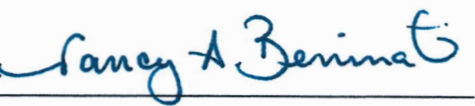
1 legal proceedings within the meaning of Government Code section 6254.5, subd (b), and such
2 disclosure is not a waiver under Government Code section 6254.5. In addition, any disclosure of
3 confidential and/or privileged information provided by the City or BPD to the Monitor or DOJ
4 shall be protected 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:

Rob Bonta
Attorney General of the State of California
Michael L. Newman
Senior Assistant Attorney General
Nancy A. Beninati
Supervising Deputy Attorney General
Tanya Koshy
Kendal L. Micklethwaite
Deputy Attorneys General

19 By: 

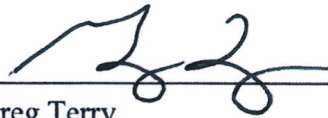
Nancy A. Beninati
Supervising Deputy Attorney General
*Attorneys for Plaintiff, People of the
State of California*

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

26 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 responsive paragraphs across eleven objective areas; six of those objective areas are further broken out into specific subsections governed by policy, training and other operational considerations.

In 2022, the Monitor and BPD identified 67 paragraphs as year one priorities, primarily focused on the key issue of use of force. 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 the following outline, year one priority paragraphs are identified with an asterisk (*) following the paragraph number.



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 Compliant Review

137*

A. Complaint Intake

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

B. Compliant 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/Tactical
2. Training
3. Implementation/Continuation

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 Year 1 Compliance Measures for the Stipulated Judgment as applies to the Bakersfield Police Department.

Agreement Topic: Use of Force			
Task # Para.	Milestone	Compliance Measures	Status
¶1	<p>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 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</p>	<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. 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. 	<p>This is foundational and repeated throughout.</p> <p>E.g., See F3aa, F3cc.</p>

	<p>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 policy that requires the use of de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible.</p>	<p>10. Evidence that community input and discussion were used to inform policy.</p> <p>11. Training supports policy in concepts and goals with specific measures directed at concepts of sanctity of life, necessity, proportionality, and de-escalation.</p> <p>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.</p>	
¶2	<p>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.</p>	<p>1. Policy identifies the review cycle, scope of review and prioritization process.</p> <p>2. Policy tasks specific role/person with management oversight to ensure reviews are completed.</p> <p>3. Policy defines process for implementation of identified changes.</p> <p>4. Defined process to assess review, tasking, changes and implementation.</p> <p>5. Evidence of remediation – to include training, policy revision and discipline as necessary – based upon review actions.</p>	
¶3	<p>BPD agrees to maintain, and where necessary review and revise, its use of force policies as follows to:</p>	<p>For each milestone under this paragraph, the compliance measures will include foundational requirements that:</p> <p>1. Policy is supported by training specific to the milestone.</p> <p>2. Ongoing review and improvement loop to include annual, ongoing review of policy, data, training and corrective action as result of internal review.</p>	
	<p>a. clearly define and describe when force is and is not authorized;</p>	<p>1. Policy defines when deadly and non-deadly force are authorized.</p>	

		2. Policy specifically defines use of force prohibitions.	
	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;	3. Policy defines the purpose of each authorized force option. 4. Policy defines what is a force technique, and all that are permissible for use by BPD officers. 5. Policy defines the authorized use of force tools. 6. Policy defines permissible use of force techniques (practices) within the context of the use of force continuum (e.g., BPD specific decision cycle). 7. Policy clearly defines use of force prohibitions. 8. Policy clearly identifies prohibited use of force tools. 9. Policy identifies sanctions for prohibited use of force options and tools, including discipline up to termination.	
	c. better describe the applicable legal standard for use of deadly and non-deadly force;	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).	
	d. have its use of force policy be guided by the principle of the sanctity of human life;	1. Policy includes and references the sanctity of human life as a guiding principle.	
	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 serious bodily injury if	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.	See F3cc.



	<p>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>See F3aa.</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>	<p>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>	

<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 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"> 1. Policy defines positional asphyxia and its consequences. 2. Policy identifies the challenges faced when restraining subjects face down. 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</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. 	

	<p>rescue ambulance personnel and accompanied by an officer;</p>	<p>3. Policy requires supervisory notice if a suspect is being transported in a recumbent position in a departmental vehicle.</p>	
	<p>i. 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>	<p>1. Policy prohibits discharging a firearm at a moving vehicle unless there is an imminent threat of death or serious bodily injury.</p> <p>2. Policy requires an investigation into any discharge of a firearm at a vehicle.</p> <p>3. Officers are required to report any discharge at a vehicle and the justification.</p> <p>4. Policy requires a supervisor to respond to the scene of any firearm discharge at a vehicle to secure the scene.</p> <p>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>	
	<p>m. prohibit discharging a firearm from a moving vehicle absent exigent circumstances;</p>	<p>1. Policy prohibits discharge of a firearm from a moving vehicle absent exigent circumstances.</p> <p>2. Policy defines exigent circumstances and provides specific examples of what constitutes exigency.</p> <p>3. Training addresses the danger and tactical considerations when discharging firearms from a moving vehicle.</p>	
	<p>n. prohibit force against subjects who only verbally confront officers;</p>	<p>1. Policy prohibits use of force against subjects who only verbally confront officers.</p> <p>2. Policy provides for investigation into any use of force resulting from a verbal confrontation that specifically addresses whether the resulting use</p>	

		<p>of force was in compliance with the goals of this subsection and BPD policy.</p> <p>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.</p>	
	<p>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;</p>	<p>1. Policy clearly prohibits use of force against persons who are handcuffed or otherwise restrained.</p> <p>a. Policy clearly defines the exception for active resistance that poses a direct and immediate threat to officers.</p> <p>2. Policy defines active resistance.</p> <p>3. Policy defines immediate threat.</p>	
	<p>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 documented and justified in the use of force reports;</p>	<p>1. Policy defines electronic control weapon (ECWs).</p> <p>2. Evidence of best practices review for the use of ECWs.</p> <p>3. Policy defines when and how the ECW may be used.</p> <p>4. Policy defines "drive stun" mode.</p> <p>5. Policy defines reasonably necessary.</p> <p>6. Policy prohibits use of ECW in drive stun mode.</p> <p>a. Policy defines an exception where reasonably necessary to avoid force that could increase injury to the individual, officers or other persons present.</p> <p>7. Policy requires reporting following the use of an electronic control weapon in any manner.</p> <p>8. Use of force reports capture both drive stun and activation for ECW.</p>	

		<p>9. Policy tasks specific person for quarterly review of ECW use, reporting and trends.</p> <p>10. Policy identifies discipline outcomes for improper use up to and including termination.</p> <p>11. Ongoing review and corrective action as necessary.</p>	
	<p>q. prohibit the use of ECW's on handcuffed individuals and children who appear to be under the age of 14;</p>	<p>1. Policy prohibits use of an ECW upon persons handcuffed.</p> <p>2. Policy prohibits use of ECW upon individuals who appear to be under 14 years of age.</p> <p>3. Training provides guidance as to determination of age.</p>	
	<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 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>1. Policy defines and describes circumstances that warrant heightened analysis before use of ECW as defined in this paragraph.</p> <p>2. Absent articulable facts that provide justification, policy prohibits use of ECW's on:</p> <ul style="list-style-type: none"> b. Pregnant females c. Elderly persons d. Persons sprayed with OC or near combustible materials e. Persons in a position to receive additional injury f. Children g. Youth who appear between the ages of 14-17 h. Persons believed to be disabled <p>3. Policy requires supervisory notification, response and investigation to the scene for any use described above.</p> <p>4. Policy requires reporting following the use of ECW, including the facts that led to the decision to use the ECW in all circumstances.</p>	

		<ol style="list-style-type: none"> 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. 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>See F3bb.</p>

	<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>See F3aa.</p>
	<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, subds. (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. 4. Policy requires reporting on officer conduct leading to UOF. 5. Policy requires reporting on subject's actions leading to UOF. 	



		<ol style="list-style-type: none">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.	
	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));	<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).	
	w. require officers to use de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible (Gov. Code, § 7286, subd. (b)(1));	<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.	



		7. Training reflects policy goals and provides concrete options, tactics and education regarding alternatives to use of force.	
	x. stress the sanctity of life throughout the policy;	1. Policy clearly states the guiding principle is the sanctity of human life in use of force decisions. 2. Policy identifies the goal of sanctity of life as appropriate in specific sections (e.g., de-escalation; force options; etc.).	
	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;	3. Policy emphasizes that use of force arises out of necessity and is not a routine police response. 4. Policy clearly states officers may use lethal force only as a last resort. 5. Policy requires exhaustion of all other means reasonably available before officers use lethal force. 6. Policy defines necessity. 7. Policy requires that officers use force in an unbiased manner. 8. Policy references BPD unbiased policing policy. 9. BPD anti-biased policing policy is consistent with goals of the Agreement. 10. Policy defines the means available to minimize the need of deadly force. 11. Remediation and improvement as required.	

	<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; 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 	<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. 	
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	<p>concepts of proportionality and necessity, such as retaliatory force;</p>		
	<p>aa. Address de-escalation as follows:</p> <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 whenever feasible, as required in Government Code section 7286(b)(1); 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 	<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. 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. 	<p>This is duplicative to F3f and F3t – same proofs apply.</p>



	<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> <p>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;</p> <p>iii. Provide for possible discipline</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.9. Policy prohibits retaliation with specific requirement for supervisors and managers to observe, monitor and take action.	<p>See F3s.</p>



	<p>of any officer who so fails to intervene; and</p> <p>iv. Hold supervisors and managers accountable for prohibiting retaliation against any officer who so intervenes;</p>	<p>10. Training supports policy provisions to include methods of reporting, definition of excessive and unreasonable force and appropriate intervention techniques.</p>	
	<p>cc. Address an imminent threat as follows:</p> <p>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 section 7286.</p>	<ol 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. 	
<p>¶15</p>	<p>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 subject.</p>	<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. 	

		<p>6. Training supports policy through related concepts and education regarding proportionality, threat assessment and the cessation of force when warranted.</p>	
<p>¶6</p>	<p>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.</p>	<p>7. Policy defines the strike to a head with any impact weapon is lethal force. 8. Policy prohibits such a strike unless lethal force is authorized. 9. Policy defines impact weapon. 10. Policy defines reasonable care. 11. Policy requires reporting of all strikes to the head with an impact weapon must be reported, including mistaken or unintentional strikes. 12. Policy requires analysis of force reports for head strikes with impact weapons to determine policy compliance and process improvements.</p>	
<p>¶7</p>	<p>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</p>	<p>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.</p>	

	<p>existence or absence of injury following a use of force, and all injuries be documented in the use of force and arrest reports.</p>	<ol style="list-style-type: none"> 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. 	
<p>¶8</p>	<p>BPD, regarding baton deployment, will provide policy and training guidance on the appropriate times to use that type of force relative to other less-lethal options.</p>	<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. 3. Batons will be categorized within the level of force and in relation to other use of force tools. 	



Agreement Topic: Use of Force Canine			
Task # Para.	Milestone	Compliance Measures	Status
¶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 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.	<ol style="list-style-type: none"> 4. Policies, training and deployment practices will stress the use of canines for search location rather than force absent exigent circumstances. 5. Policy defines "bark and hold" techniques. 6. Evidence of review of policies, training and deployment of canines for contemporary policing best practices. 7. Alignment of all policies, training and deployment are consistent with "bark and hold" best practices. 8. Establish an internal review process for conducting and promoting ongoing feedback to promote continuous improvements in policies, training, and practices in the field. 9. Task specific responsibility for review and improvement. 10. Training supports policy and the implementation of the review loop. 	
¶11	Canine handlers shall limit off-leash canine deployments, searches, and other instances where there is an increased risk of a canine bite to	<ol style="list-style-type: none"> 11. 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. 12. Policy clearly defines serious offenses warranting an off-leash deployment. 	

	<p>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>	<p>13. 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>A canine handler shall keep his or her canine within visual and auditory range during deployments at all times, 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"> 1. Policy requires visual and auditory range for canine handlers with exceptions as defined in this Agreement section. 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. 	
¶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</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). 	

	<p>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"> 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. 	

		<ol style="list-style-type: none"> 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 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>	<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. 	



¶18	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 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.	<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.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	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.	<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	BPD will ensure no handler or canine will be deployed unless the handler and canine are current on all training	<ol style="list-style-type: none">1. Policy prohibits deployment of a handler or canine not current on training exercises.	

	<p>requirements and the canine is fully controllable during exercises.</p>	<ol style="list-style-type: none"> 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. 	
<p>¶29</p>	<p>BPD shall amend its canine policy to (a) prohibit the 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"> 1. Policy prohibits deployment of canines for crowd control unless approved by command officer. 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. 	

Agreement Topic: Use of Force – Reporting Policy			
Task # Para.	Milestone	Compliance Measures	Status
¶30	<p>BPD agrees to continue to require officers to report all uses of force greater than a standard handcuffing.</p> <p>A reportable use of force is as follows:</p> <p>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</p> <p>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.</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. 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. b. Regardless of whether the use of force results in any injury or complaint of injury or pain where force used includes: <ol 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. 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. 	



¶32	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 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).	<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.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.	
¶33	All levels of force, including non-reportable levels of force, should be clearly identified and described in	<ol style="list-style-type: none">1. Policy defines all levels of force.2. Policy defines all non-reportable force and when it applies.	

	the use of force policy.	3. Policy defines all reportable use of force and when it applies.	
¶34	The use of force reporting policy shall explicitly prohibit the use of conclusory statements without supporting 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.	<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. 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. 	
¶35	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	<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. 	

	force and fail to report it shall be subject to disciplinary action, up to and including termination.	<ol style="list-style-type: none"> 4. Policy includes accountability for failure to report. 5. Training reflects policy. 	
¶37	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.	<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. 	
¶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	<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. 	

	<p>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.</p>	<ol style="list-style-type: none">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.	
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Agreement Topic: Use of Force – Supervisory Review			
Task # Para.	Milestone	Compliance Measures	Status
¶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. 	

Agreement Topic: Use of Force Analysis			
Task # Para.	Milestone	Compliance Measures	Notes
¶52	<p>Regarding officer-involved shootings, the CIRB reports will provide a detailed rationale 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</p>	<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. 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. 	

	<p>agency, policies, procedures, tactics, equipment, technology, organization, or any other issues that could contribute to improving future individual or organizational performance. 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>	<ol style="list-style-type: none"> 6. Track progress and report on a quarterly basis. 7. BPD will publicly post the CIRB outcomes, consistent with the law, at defined intervals. 	
<p>¶59</p>	<p>Within one year of the Effective Date of this Judgment and at least 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"> 1. Policy outlines the process, data and roles and responsibilities for annual UOF data analysis. 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. 	

		<ol style="list-style-type: none"> 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. 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. 	

		<p>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>	
<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 quarterly to provide input into</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. 	

	<p>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"> 9. Evidence of community engagement in the policy and good faith effort to establish a representative group or panel. 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</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. 	

	<p>limited to, its use of force and related policies, bias-free policing policies, community policing, civilian complaints, and diversity in recruiting, hiring, and promotion policies.</p>	<ol style="list-style-type: none">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.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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Agreement Topic: Stops and Seizures			
Task # Para.	Milestone	Compliance Measures	Status
¶67	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.	<ol 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. 	
Searches			
¶76	BPD officers will not conduct arbitrary searches. The request to conduct a 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.	<ol style="list-style-type: none"> 1. Policy defines arbitrary searches. 2. Policy prohibits arbitrary search. 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. 	

		<ol style="list-style-type: none"> 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>¶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. 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: 	

		<ul style="list-style-type: none">f. Identification of key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community.g. 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.h. The history and role of the civil and human rights movement and struggles and their impact on law enforcement.i. Specific obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers.j. Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations issues in a local area.k. The prohibition against racial or identity profiling. <p>7. Evidence of ongoing review and inclusion of data and analysis of outcomes of training.</p>	
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Agreement Topic: Interacting with persons in crisis			
Task # Para.	Milestone	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.	<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.	

Agreement Topic: Management and Supervisory Oversight			
Task # Para.	Milestone	Compliance Measures	Status
¶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 effective and sustainable.	<ol 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 Compliance. 4. Tasking and tracking for identified actions or improvements arising out of the ongoing review and/or audit. 	



Agreement Topic: Language Access			
Task # Para.	Milestone	Compliance Measures	Status
¶105	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 the community needs and how these services compare with similar entities.	<ol 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.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.	



Agreement Topic: Recruitment, Hiring and Promotions			
Task # Para.	Milestone	Compliance Measures	Status
¶115	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 documented.	<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. 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. 	
¶116	Within six months of the Effective Date, BPD and the City's Human Resources Department shall develop	<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 	Issue - ¶117-121 have influence here but require

	<p>and implement a promotional policy that is adequate to satisfy the requirements of this section.</p>	<p>a promotional policy that aligns with the goals of the Judgment.</p> <ol style="list-style-type: none"> 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. 8. Policy and practices focus on improving representation of qualified applicants from a cross section of the Bakersfield community and department. <ol style="list-style-type: none"> a. Evidence of such practices will include open selection for schools or assignments seen to position personnel for advancement. 9. Policy requires annual report setting forth promotional strategy, activities, and outcomes. 10. Promotional policy requires bi-annual review, effective in 2023. 11. Evidence of review of promotional outcomes, inclusive of corrective and remedial actions as required. 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: <ol 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; 	<p>more than Year One work.</p>
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		<ul style="list-style-type: none"> 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; and h. Awards and commendations. 	
¶122	<p>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 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.</p>	<ul 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. 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	<p>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.</p>	<ul 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 of Police.	<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.	
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Agreement Topic: Community Policing			
Task # Para.	Milestone	Compliance Measures	Status
¶127	<p>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 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>	<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. e. Improved focus and follow through on direct community engagement activities. f. Goals for engagement with critics and less accessible community partners. 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. 	

		<ol style="list-style-type: none"> 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 limited to, youth, LEP individuals, and communities of color.</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. 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. 	

		<ol style="list-style-type: none"> 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. 	
¶130	<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. 	
¶131	<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, on its community engagement efforts, identifying successes, obstacles,</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. 	

	<p>and recommendations for future improvement.</p>	<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	<p>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.</p>	<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. 	
¶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 personnel, and the quality of police-citizen encounters; b. design, conduct, and analyze 	<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>baseline and subsequent annual surveys of a representative sample of City residents, law enforcement personnel, and detained arrestees;</p> <ul style="list-style-type: none">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 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.		
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Agreement Topic: Personnel Complaint Review			
Task # Para.	Milestone	Compliance Measures	Status
¶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, 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">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.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.	
Complaint Intake			

<p>¶138</p>	<p>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.</p>	<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. 	
<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. 	

		<ol style="list-style-type: none"> 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. 	
Complaint Classification			
¶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. 	
Investigations			
¶149	All investigations of BPD personnel complaints, including reviews, shall continue to be as thorough as necessary to reach reliable and	<ol style="list-style-type: none"> 1. Evidence of review of best practices for improvements to current BPD practices. 	

	<p>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 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"> 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. 	
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		<ul 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	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.	<ul 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	The misconduct investigator shall seek to identify all persons at the scene giving rise to a misconduct allegation, including all BPD officers.	<ul 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.	

	<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>	<ul style="list-style-type: none">a. Policy requires investigators to document efforts at identifying parties present and the outcome of those efforts.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.<ul 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	
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		<p>reviewed in determining whether BPD members were witnesses to the incident.</p> <ol style="list-style-type: none"> 11. Evidence of regular review to assess compliance with this paragraph's requirements. 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. 13. Evidence of continuous improvement, as a result of the audit or review, to include process improvements, training, and discipline as appropriate. 	
¶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. 7. Policy directs the process for scheduling, recording, documenting, and storing digital interviews. 8. Training supports provides policy and provides guidance. 	

<p>¶154</p>	<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"> 9. Evidence of review of best practices for administrative investigative reporting. 10. Implementation of an investigative summary template. 11. Policy directs each investigation shall contain a comprehensive summary. 12. Policy requires that all findings must be supported by evidentiary conclusions and supported by facts identified during the investigation. 13. Policy requires reviewers to acknowledge the summary and any issues with the investigative findings that support the disciplinary recommendation. 14. Protocols define roles and responsibilities in the drafting, analysis, and disposition of an investigative summary report. 15. Supervisors tasked with ensuring the sufficiency of the investigative summary. 16. Training supports policy and provides specific guidance in preparing the investigative summary and its purpose for reviewers. 	
<p>Management Review and Adjudication of Complaints</p>			
<p>¶156</p>	<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</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. 	

	<p>(Pen. Code, §§ 832.5, 13012).</p>	<ol style="list-style-type: none"> 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. 	
<p>¶159</p>	<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. 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. 	

Personnel Complaint Audits			
¶164	<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. 	
¶166	<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</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. 	



	will be released by April 1 of each year.	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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Agreement Topic: Monitoring			
Task # Para	Milestone	Compliance Measures	Status
¶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. 	
¶186	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.	<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.	
¶187	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 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.	<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. 	
¶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	<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. 	

	<p>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"> 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. 	
<p>¶211</p>	<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</p>	<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. 	



<p>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; andd. 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.	<ul style="list-style-type: none">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.	
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Appendix: Global Justice

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 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 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

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.”

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 ²	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 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

² The sum exceeds 100 percent because the census permits respondents to indicate several races.

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.

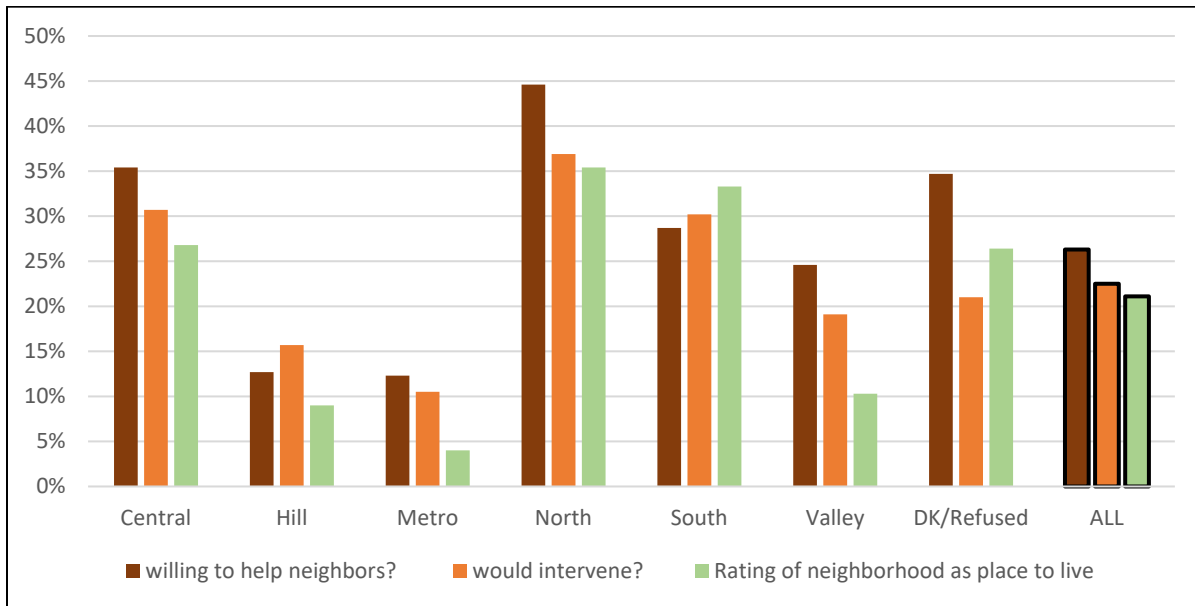
Older research on collective efficacy measured this solidarity within neighborhoods. Yet new research finds that collective efficacy may be concentrated in smaller geographical units, including at the level of individual street segments, or diffused across spatially proximate neighborhoods. As a result, 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

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.

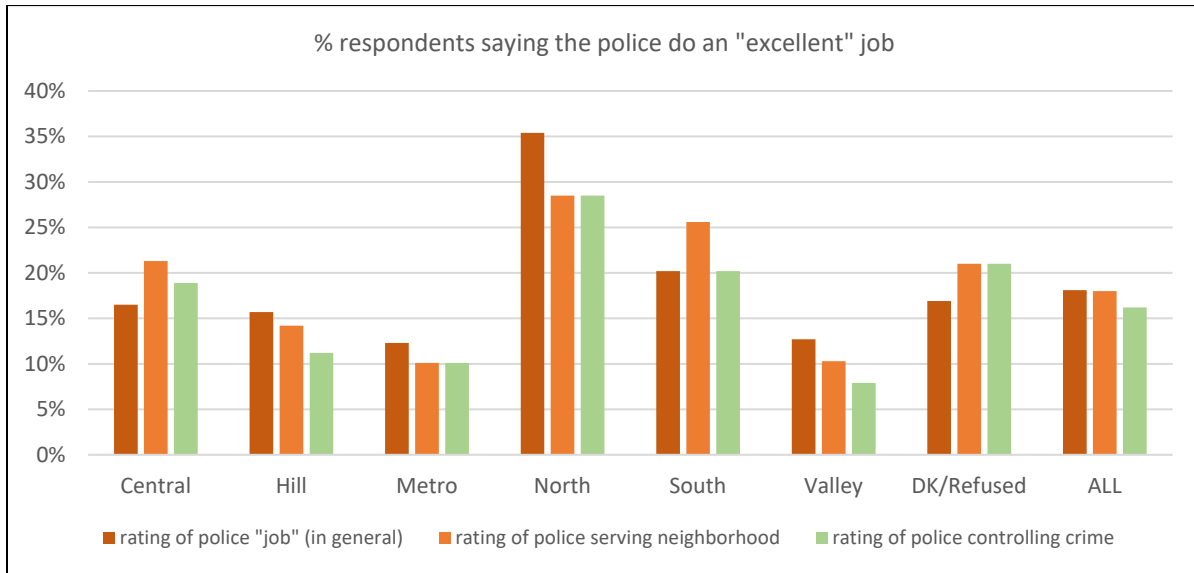
may promote or depreciate collective efficacy, we highlight here the substantial variation across Bakersfield police zones in the sense of this solidarity and efficacy. For instance, as Figure 1 below shows, respondents who resided in the North Zone expressed the greatest amount of social solidarity 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



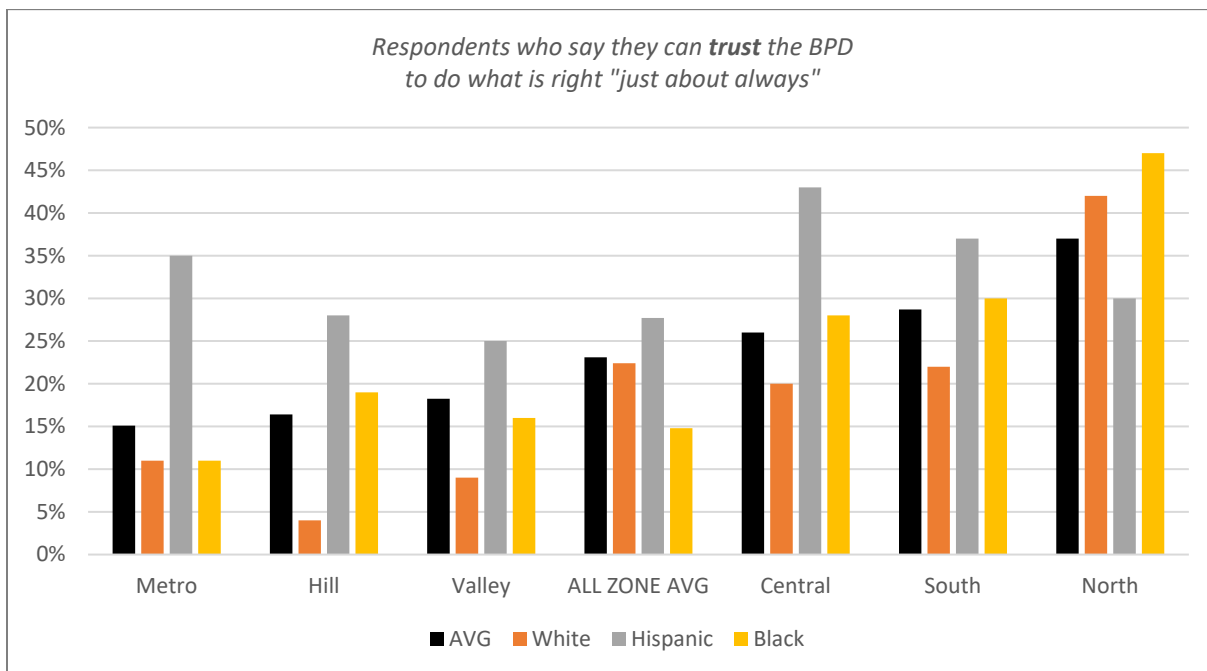
The stronger signs of collective efficacy in the North Zone are associated with several other favorable attitudes and perceptions of policing. For instance, as the following figure shows, respondents in the North zone are most likely to indicate that the police are doing an excellent job, and that the 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



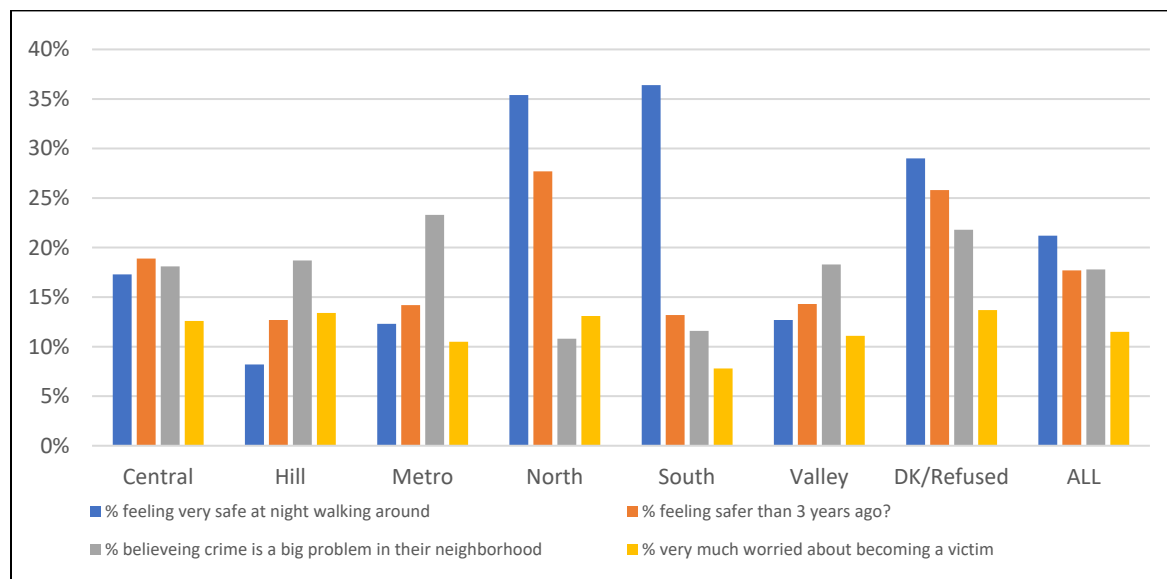
One possibility is that this variation is simply a matter of demography: the highest proportion of respondents in the survey that identified as Hispanic resided the North zone, and recent research in Los Angeles finds that above a certain threshold, a higher proportion of Latino immigrant residents increases 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



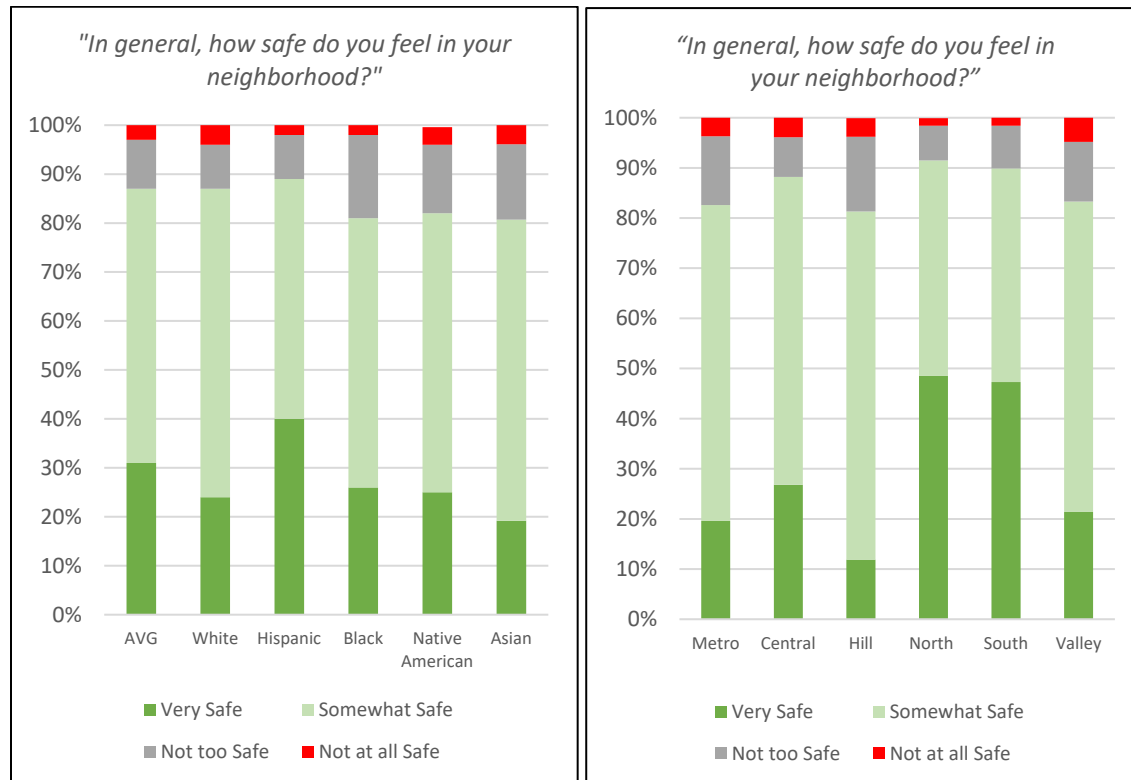
It is possible that these perceptions are related to differing levels of victimization and crime in each zone; we have not yet accessed or analyzed that kind of data nor attempted to measure the strength of its association with other indicia of social strain. It is also possible that these perceptions 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.

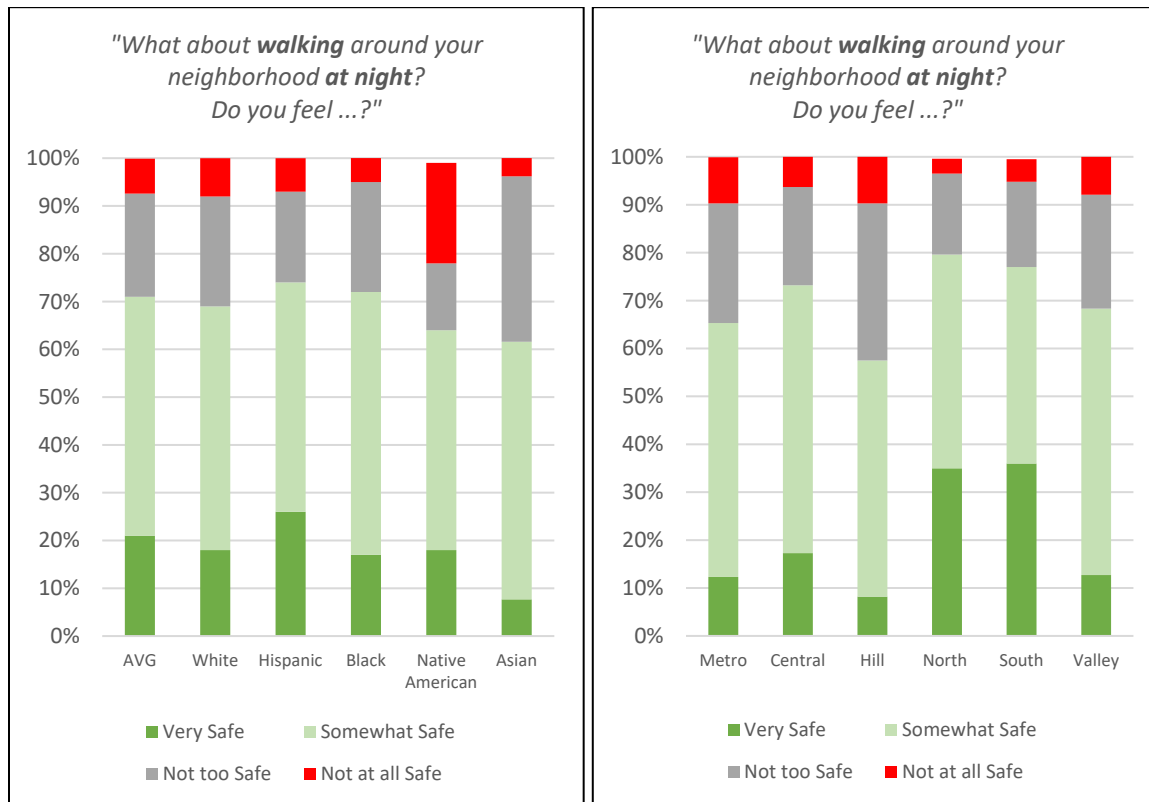
Figures 5 and 6. Sense of Personal Safety in Your Own Neighborhood



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

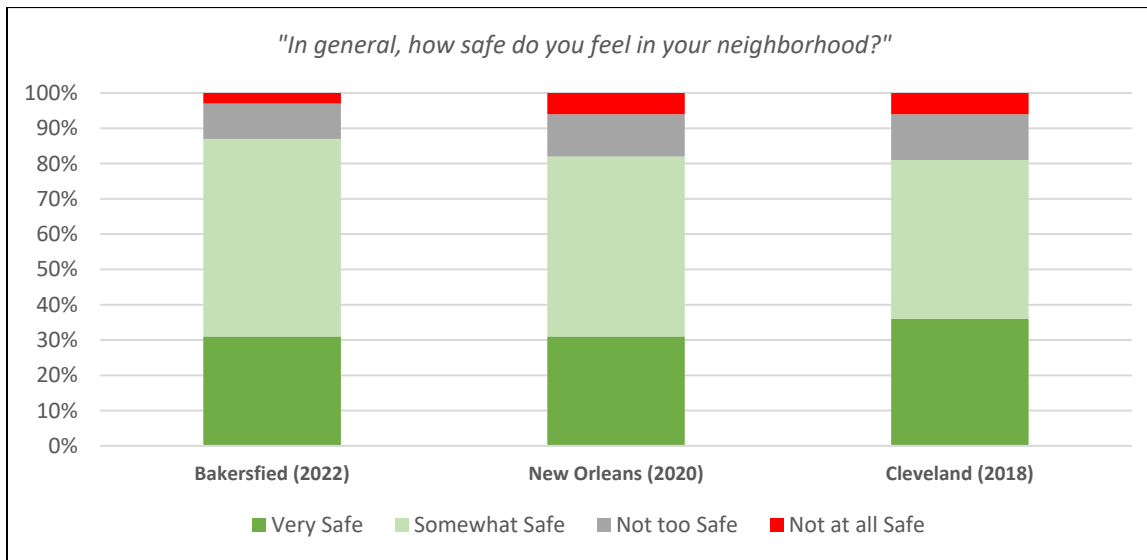


Comparing Responses in Bakersfield to Cities with Consent Decrees

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.

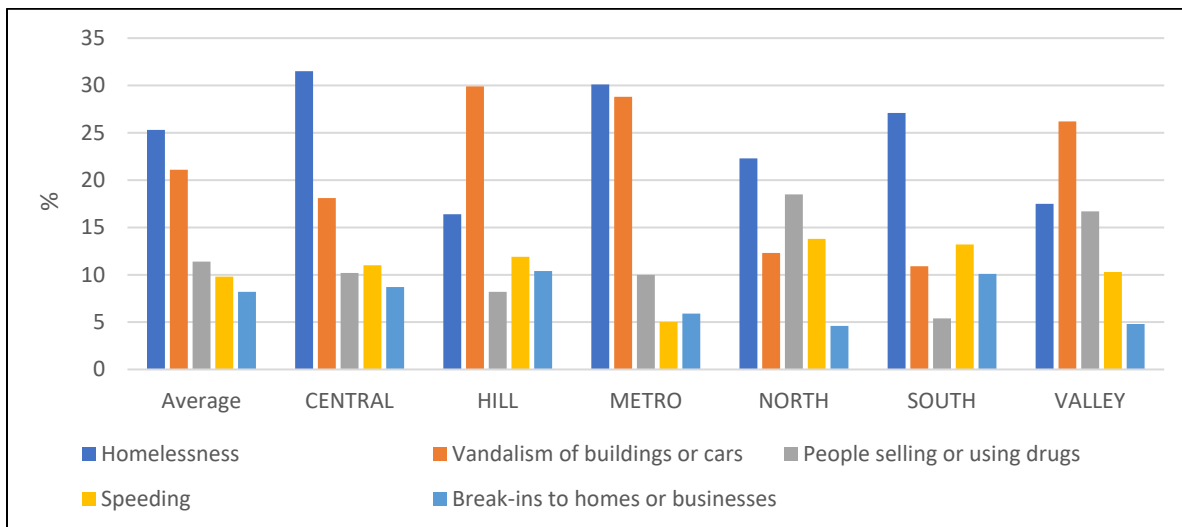
⁵ Most surveys of residents in cities with consent decrees have focused exclusively on perceptions of the police, ignoring residents' sense of safety or broader attitudes about the city. For this reason, it is only possible to compare results of the survey in Bakersfield with response patterns in Sacramento, 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

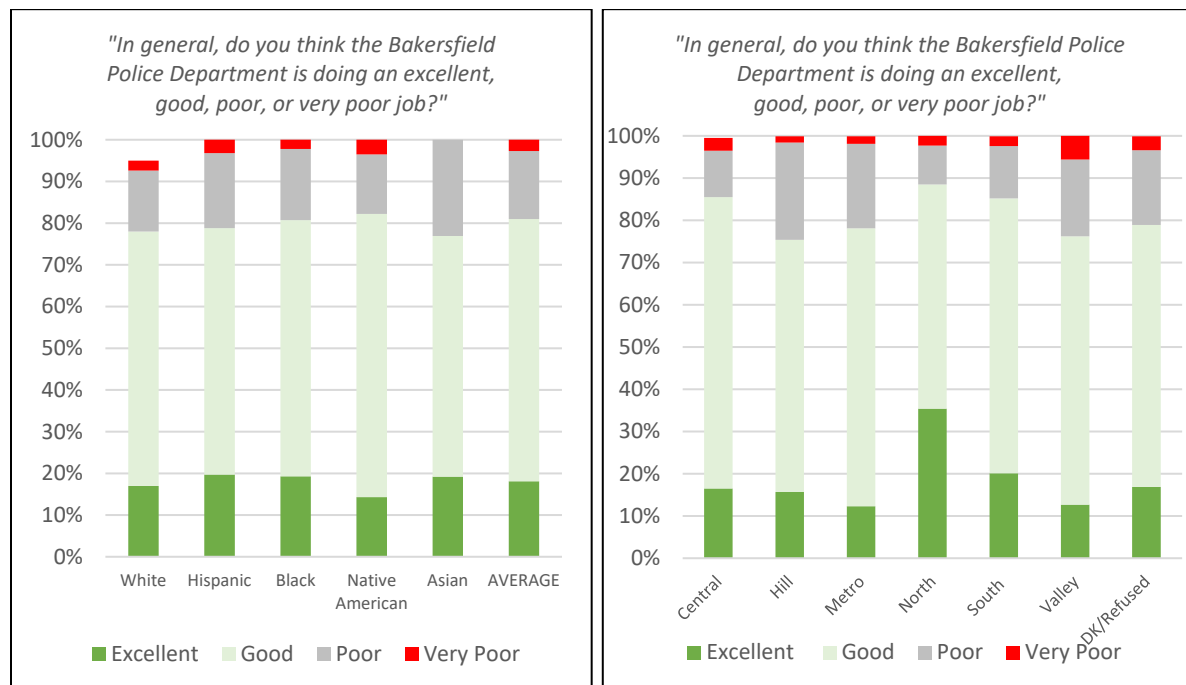


⁶ This list is recommended by the COPS office in its guidance for Community Surveys on Public Safety and Law Enforcement, available [here](#).

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



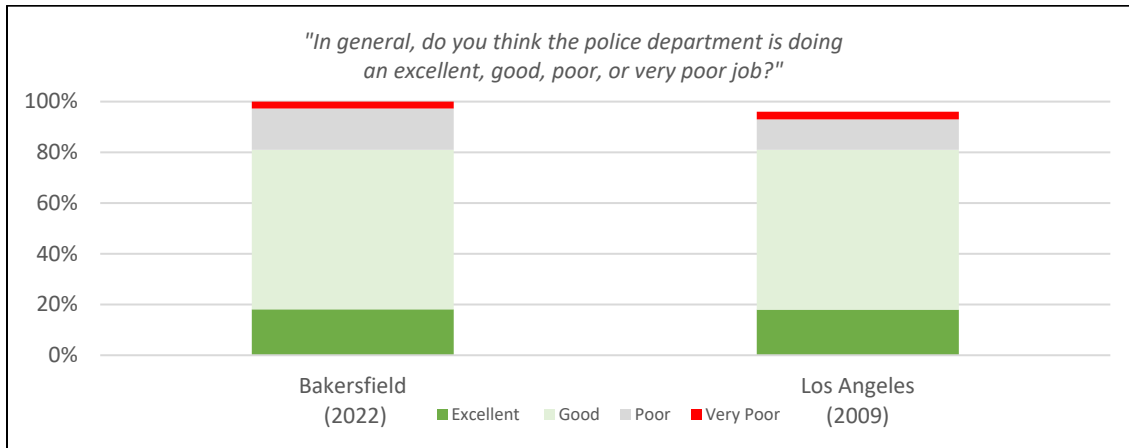
Comparing Perceptions in Bakersfield and Los Angeles

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

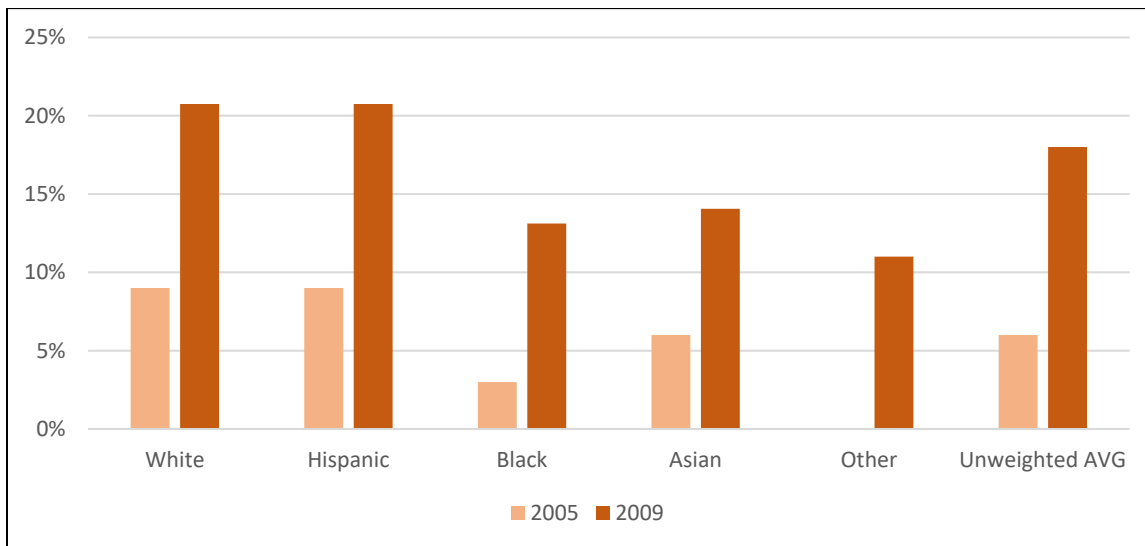


Source for Los Angeles: [Policing Los Angeles Under a Consent Decree: A Study of The Dynamics of Change at the LAPD](#), Harvard Kennedy School of Government, May 2009.

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



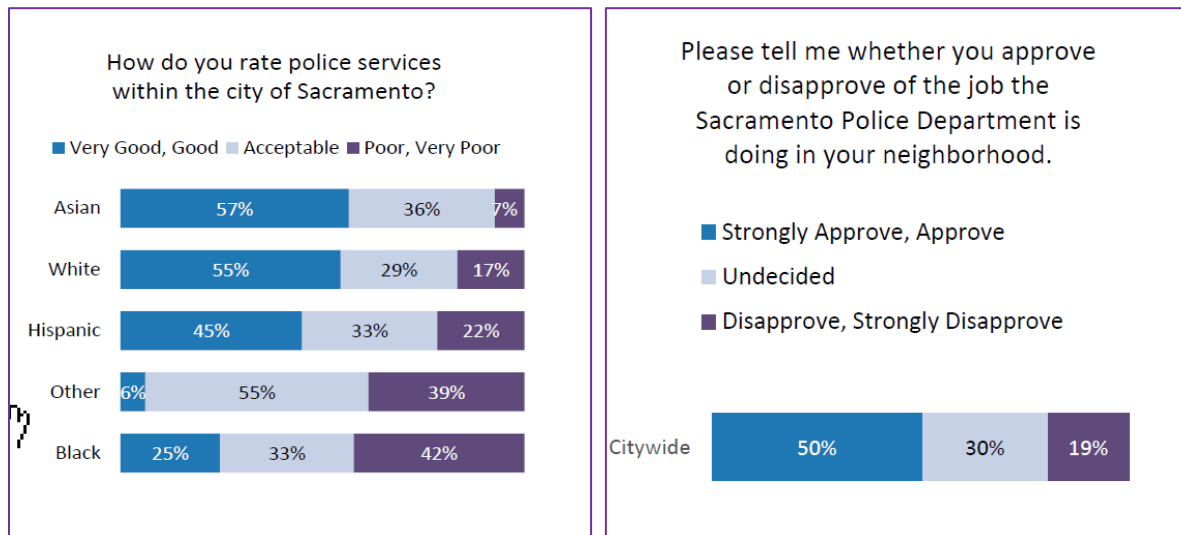
Source [Policing Los Angeles Under a Consent Decree: A Study of The Dynamics of Change at the LAPD](#)

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

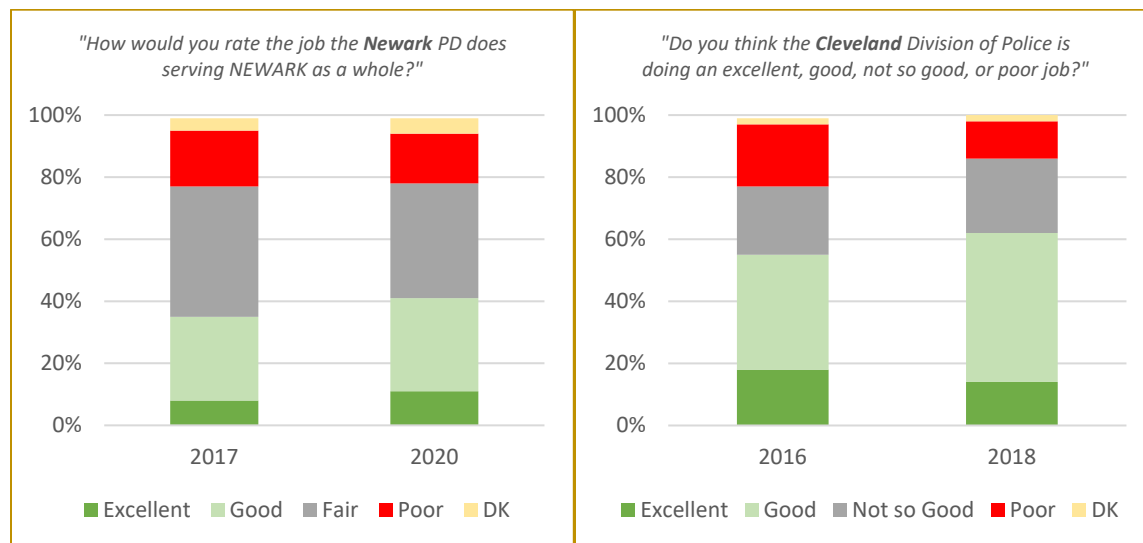


Source: Sid Martinez, Sacramento Community Survey, 2019: How Residents View the Sacramento Police Department, available here.

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

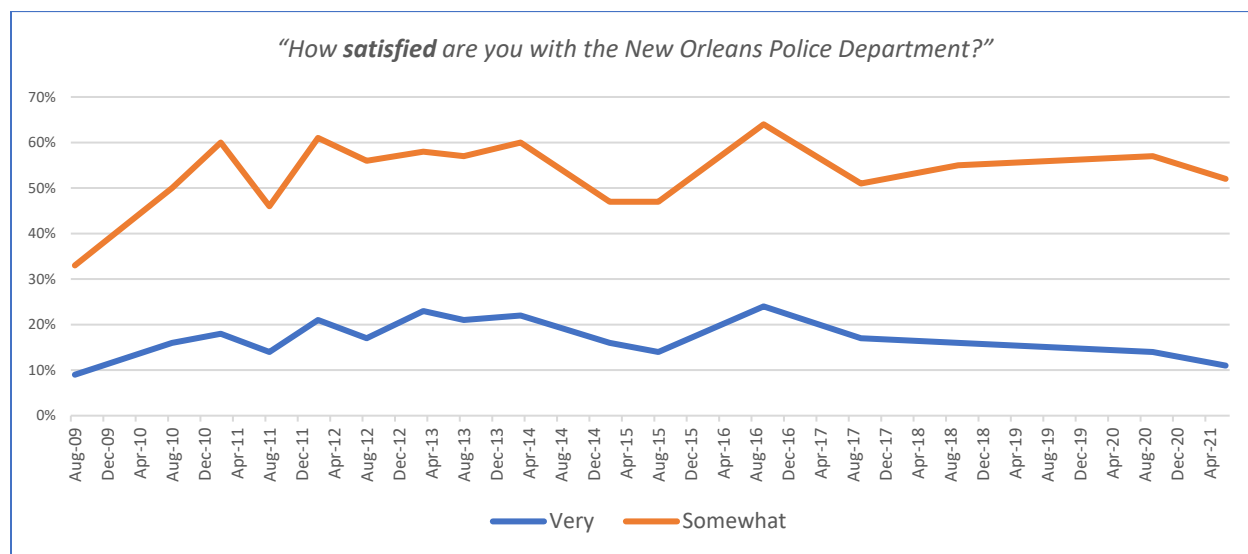


Continuous Improvement?

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 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

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.

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

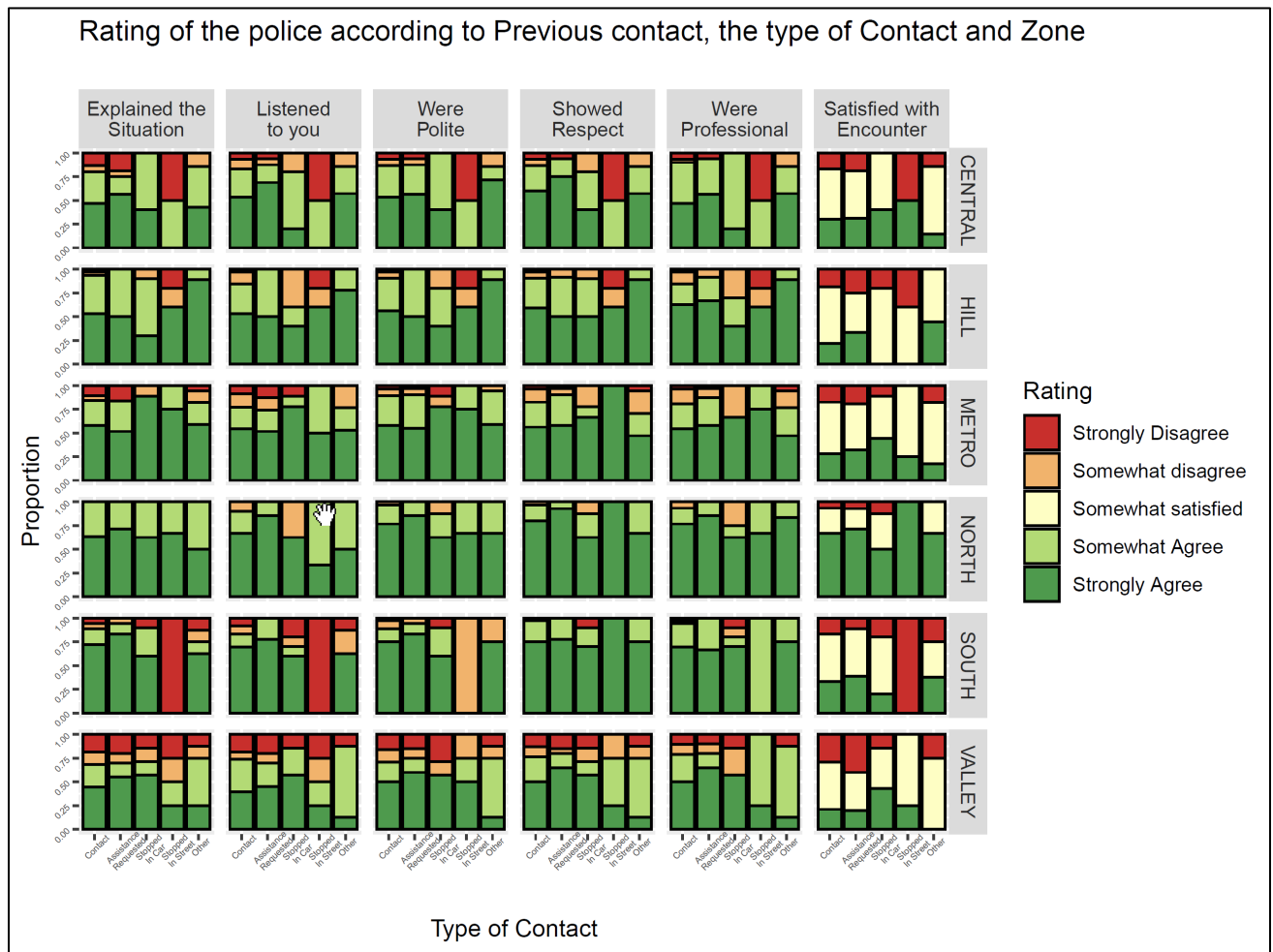
Favorable impressions of the encounters with the police were again strongest in the North Zone. No respondent from that zone in our survey reporting a direct contact with the police of any kind in the last 12 months strongly disagreed with the following statements: a) the police explained their actions to me; b) the police officer listened to what you had to say; c) the officers were police 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



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

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.

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

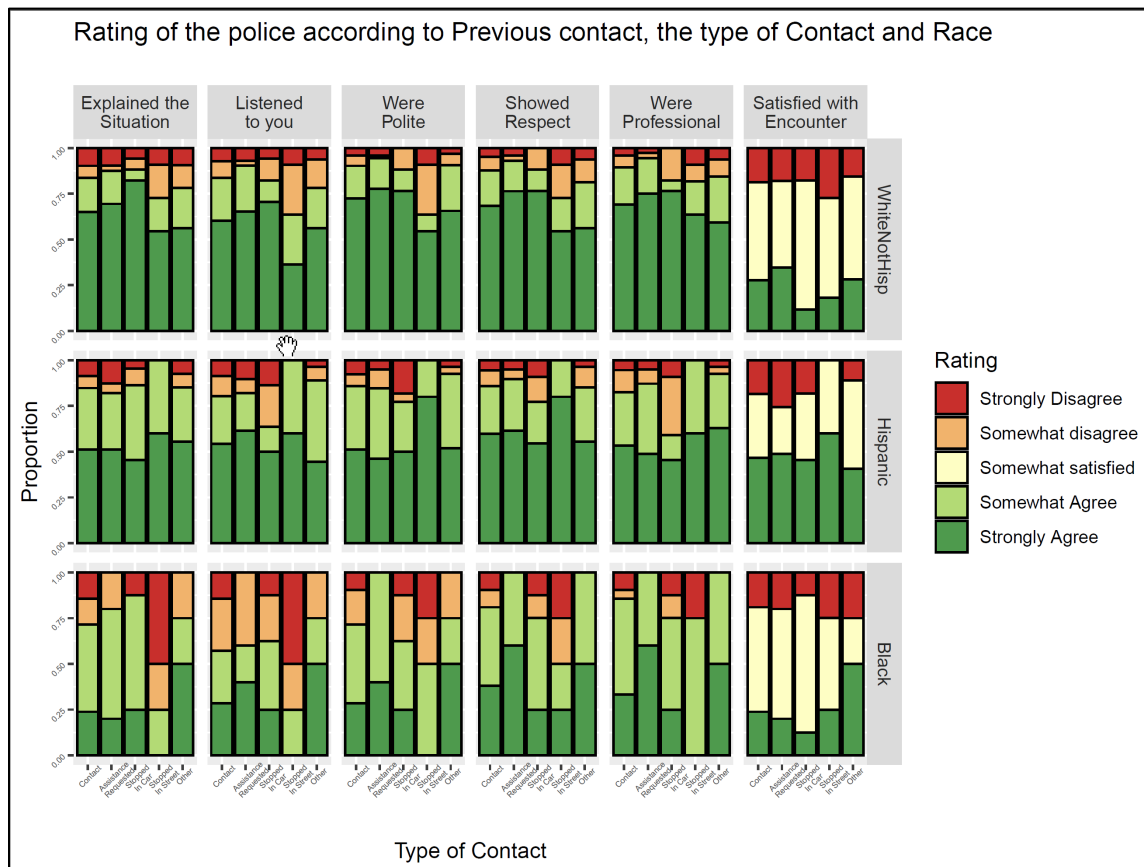


Figure 21 also highlights a second striking variation in evaluations of the police across members of different racial and ethnic groups: Hispanic residents were less likely than White residents to record favorable evaluations of their encounter with the police, despite having the most favorable impressions 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

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.

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



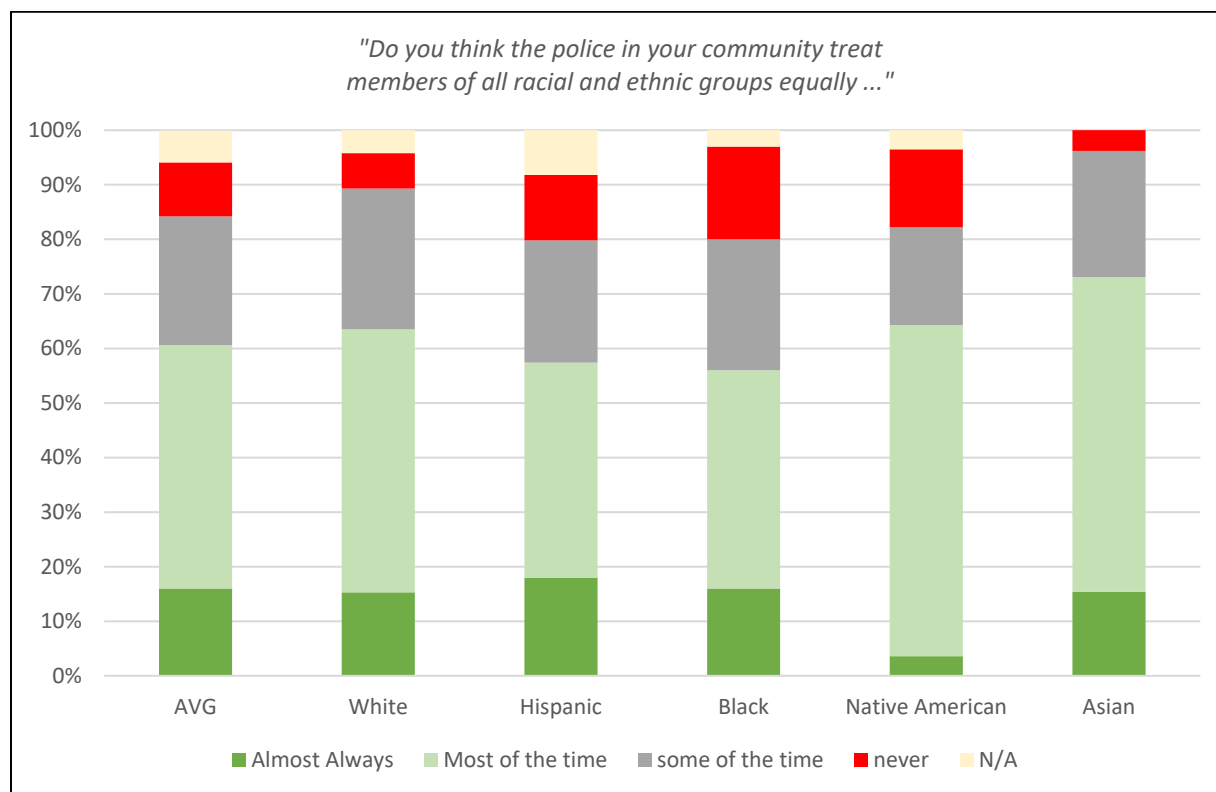
This grid facilitates closer attention to variation in residents' appreciation of their treatment by the police during and encounter by zone and ethnicity. It could guide discrete evaluations of police performance by zone and concentrate efforts to improve experiences of the police on specific aspects 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.

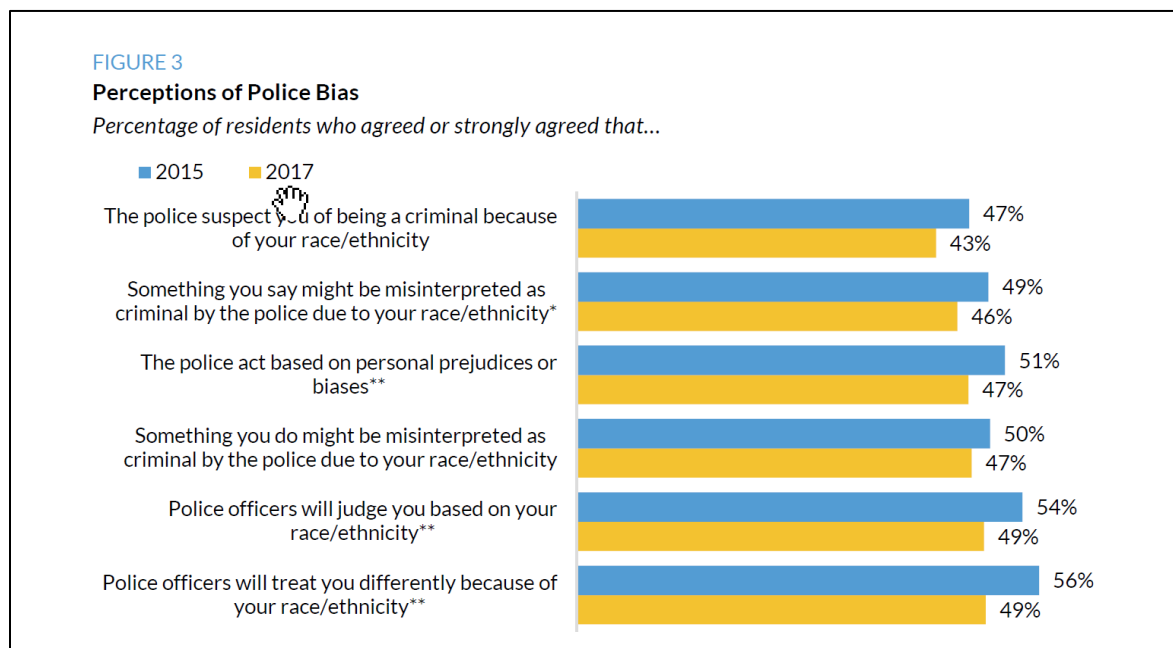
Figure 22. Perceptions of the frequency of equal treatment of members of all groups



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 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

11 The main 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.

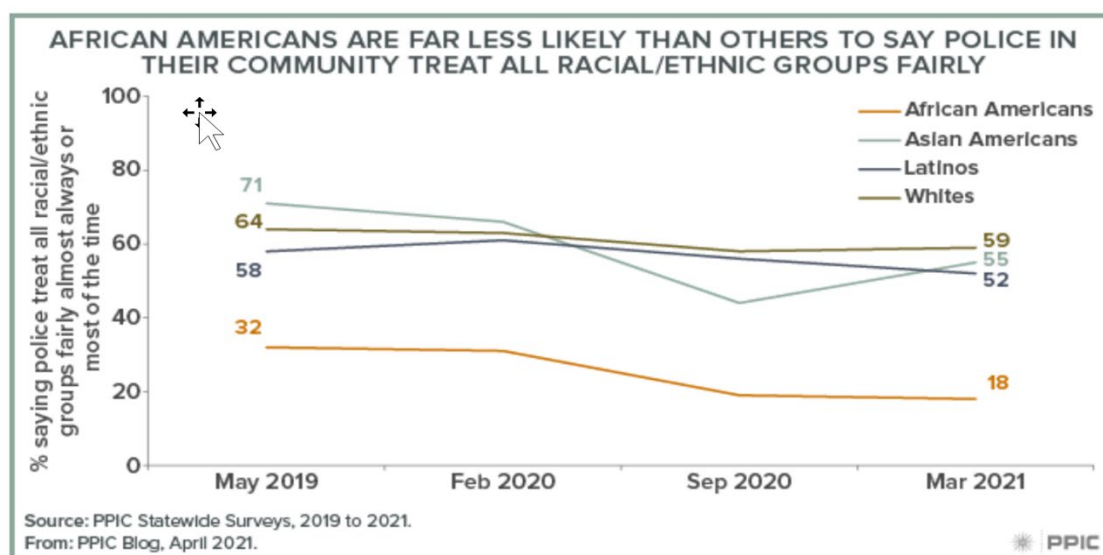
13 In 2016, 20 percent of respondents in Cleveland said the police were doing an “excellent” job treating all people equally regardless of race or ethnicity. A report on the results of that survey can be accessed here.

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



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

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.

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 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

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.”

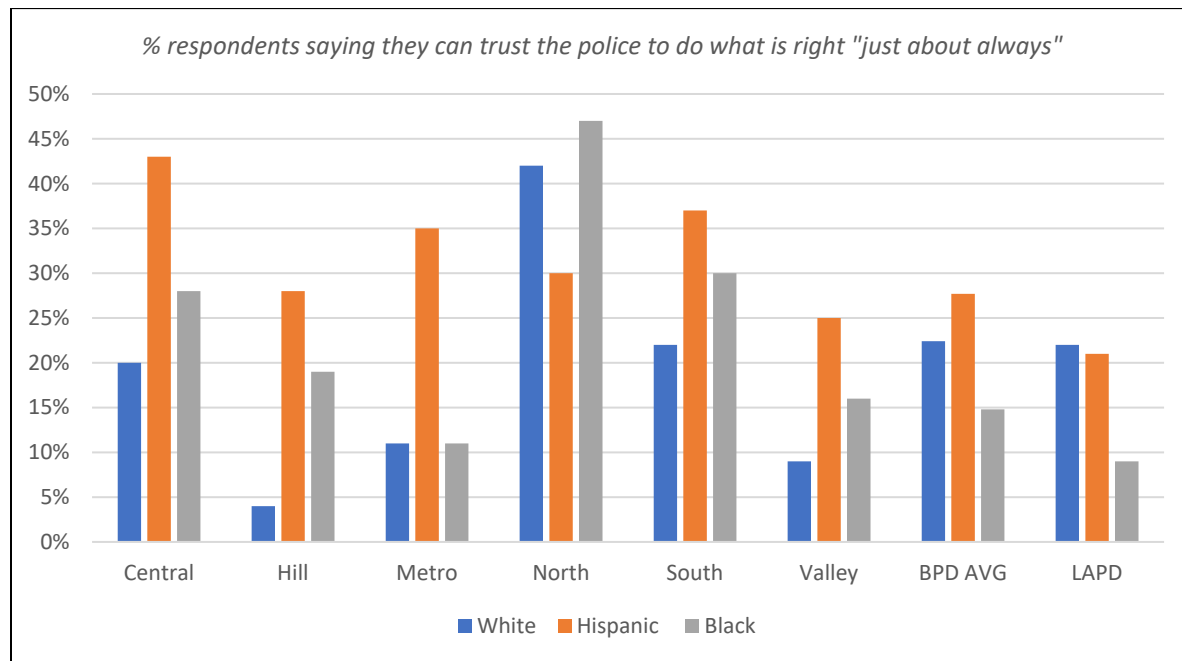
16 Most researchers insist that trust and confidence are profoundly different concepts, with trust widely understood as a feeling rooted in individual experience and relationships while confidence is considered a belief. Nevertheless, leading scholars in the United Kingdom claim that “overall, confidence 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.

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

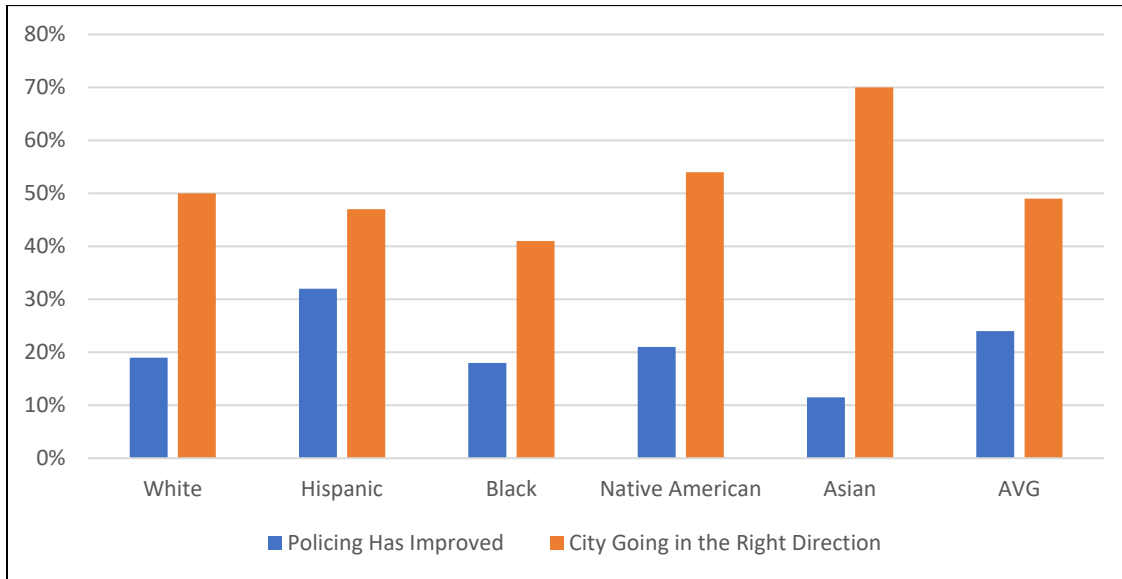


Section 6. The Future of Policing in Bakersfield

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.

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?”

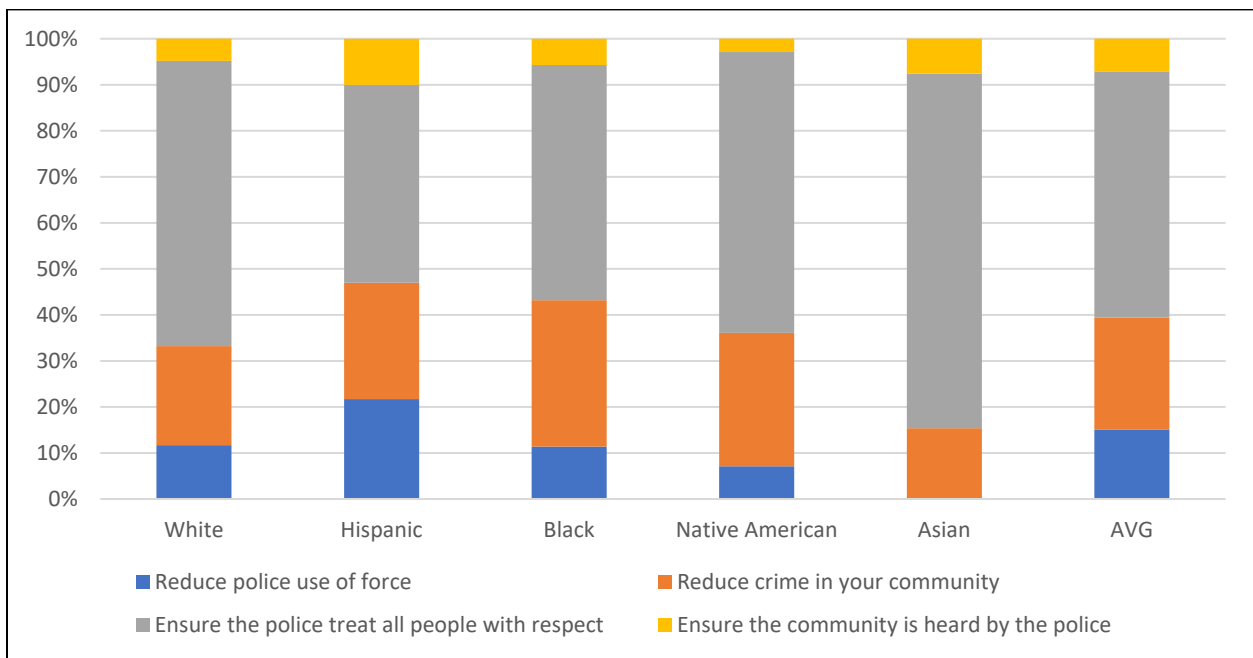
Figure 27. Perceptions about the Past and the Future



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.

Figure 28. Priorities for the Future of Policing



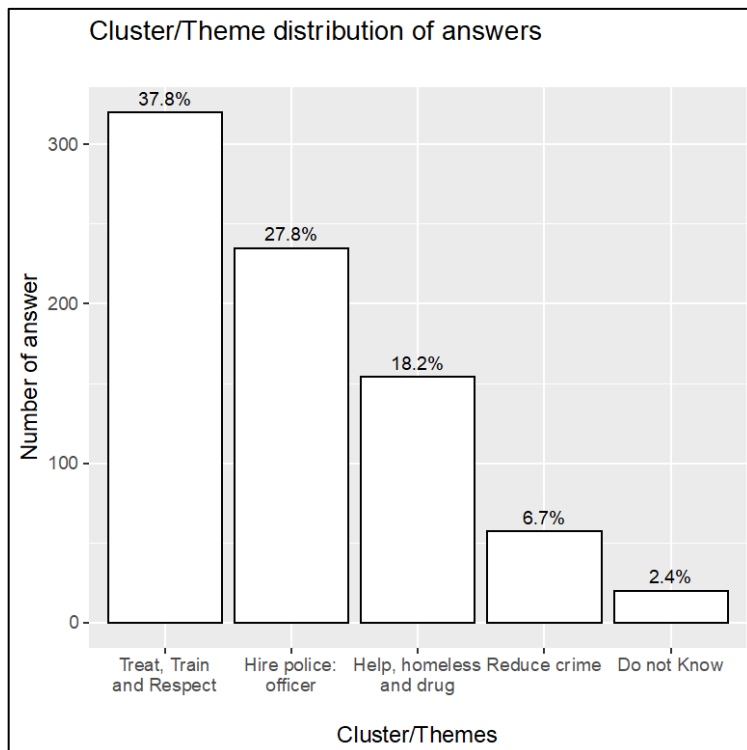
Research on hopes for the future in other domains suggests that people’s priorities for the future are highly conditioned by their present context. But we find it striking that there appears to be remarkable convergence in these findings across groups. It may be that the reasons for these choices may 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?”

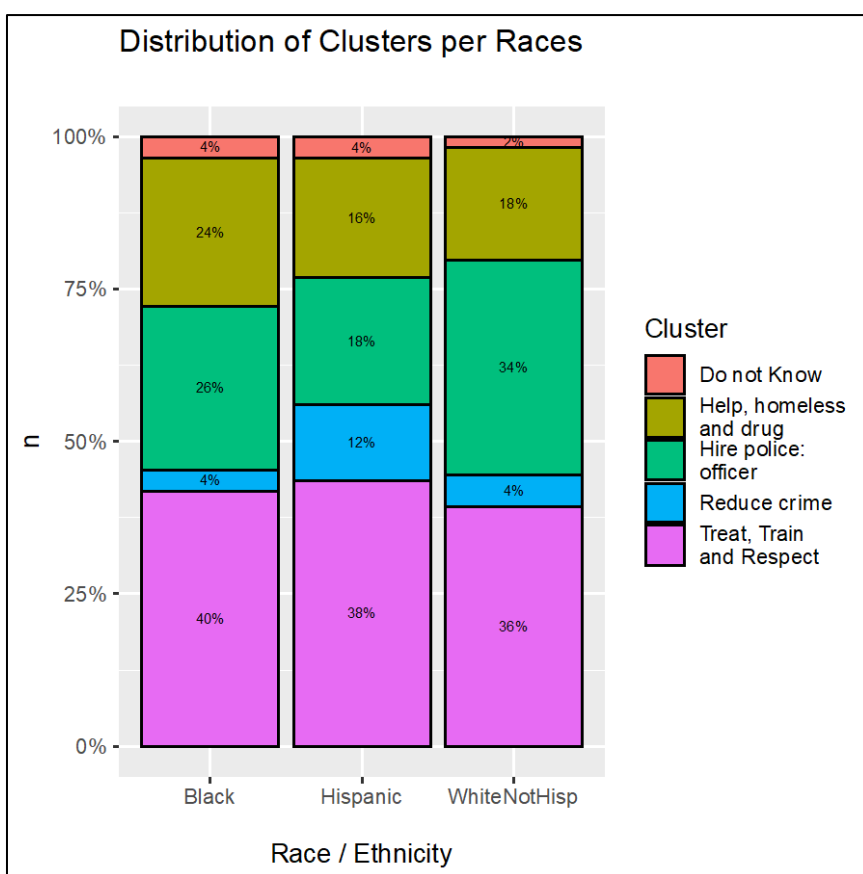
We converted the resulting statements into a data base and analyzed the relationships between the 100 most invoked words - those that appeared at least 6 times. We clustered the responses into five groups according to the frequency with which they appeared together using a statistical method called “Ascending 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?

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

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>

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
	<i>Victims</i>	<i>Witnesses/ Neighbors</i>	<i>Voluntary</i>	<i>Involuntary</i>	<i>Involuntary</i>
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.

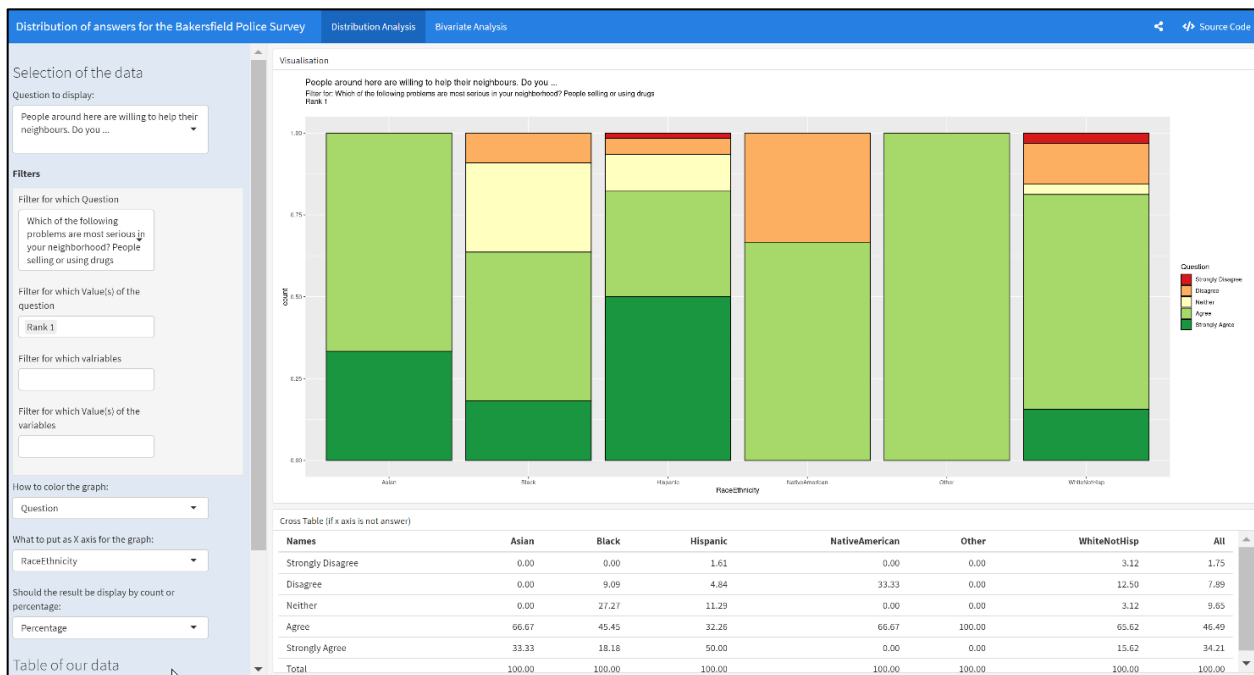
Figure 1.1. Top Responses to Select Questions, by Police Zone

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?
