



SOLANO COUNTY CIVIL GRAND JURY

2020-2021

Does Bias Infiltrate Solano County Law Enforcement?

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Solano County Civil Grand Jury 2020-2021

I. SUMMARY

The 2020-2021 Solano County Civil Grand Jury found that law enforcement in the county followed the guidelines defined by California statutory law, established through the Commission on Peace Officer Standards and Training (POST). As the Civil Grand Jury conducted its research, it found that operating in accordance with the POST guidelines is not enough. Solano County Law Enforcement must go further to ensure elimination of bias as well as safety and equity for the citizens of Solano County.

II. INTRODUCTION

The California state legislature established POST in 1959 to set selection and training standards for law enforcement. With that in mind, the 2020-2021 Solano County Civil Grand Jury launched into an investigation of law enforcement entities in the county. Acknowledging the inquiries already underway concerning the Vallejo Police Department, the Civil Grand Jury chose to defer to the more experienced investigators and not delve into Vallejo issues. Instead, the Civil Grand Jury focused its investigation on the other six cities in the county as well as the Solano County Sheriff's Department.

In response to charges of increased police brutality, the California State Legislature enacted California Penal Code section 13651. It became effective in January 2021. Sub-section (c) states: "the legislature finds and declares that changes to these job descriptions are necessary to allow peace officers to feel like the public can trust law enforcement and to implement problem-solving policing and intelligence-led policing strategies in contrast with reactive policing strategies."

III. METHODOLOGY

Interviewed:

- Benicia Police Department Personnel
- Dixon Police Department Personnel
- Fairfield Police Department Personnel
- Rio Vista Police Department Personnel
- Suisun Police Department Personnel
- Vacaville Police Department Personnel
- Solano County Sheriff's Department Personnel

Reviewed:

Benicia Police Department Policy
Dixon Police Department Policy
Fairfield Police Department Policy
Rio Vista Police Department Policy
Suisun Police Department Policy
Vacaville Police Department Policy
Solano County Sheriff's Department Policy

Websites:

Can Cops Unlearn Their Unconscious Biases? Tom James

<https://www.theatlantic.com/author/> (December 23, 2017).

<https://www.theatlantic.com/politics/archive/2017/12/implicit-bias-training-salt-lake/548996/>

Implicit bias training for police officers is big business. Meghan McCarty Carino

(June 2, 2020). <https://www.marketplace.org/2020/06/02/police-officers-implicit-bias-training/>

Recommendation for implementing a successful diversity training program for law enforcement . Lamar D. Griffin (July 30, 2019).

<https://minds.wisconsin.edu/bitstream/handle/1793/79339/Griffin,%20Lamar.pdf?isAllowed=y&sequence=1>

2021 Police and Law Enforcement Grants. Apex Officer. Alex Oliver.

<https://www.apexofficer.com/resources/grants>

Fair and Impartial Police Training. <https://fipolicing.com>

William H. Fry. <https://www.brookings.edu/research/new-census-data-shows-the-nation-is-diversifying-even-faster-than-predicted/>

<https://theintercept.com/2017/01/31/the-fbi-has-quietly-investigated-white-supremacist-infiltration-of-law-enforcement/>

<https://www.theguardian.com/us-news/2020/aug/27/white-supremacists-militias-infiltrate-us-police-report>

<https://www.brennancenter.org/ourwork/research-reports/hidden-plain-sight-racism-white-supremacy-and-far-right-militancy-law>

<https://openvallejo.org/2021/04/26/fbi-rebuffs-sheriffs-claim-it-cleared-deputies-of-extremist-ties/>

<https://openvallejo.org/2021/02/04/solano-deputies-vacaville-councilmember-promote-anti-government-militia/>

IV. STATEMENT OF FACTS

In California, law enforcement officers must undergo training both before they are sworn into a department and during their careers as officers. The training is codified in California state law in Penal Code sections 13500 through 13533. The Commission on Police Officer Standards and Training (POST) is established by the law to direct the required training. Penal Code section 13519.4 outlines the training prescribed concerning racial and cultural diversity. This training is required only every five years.

The Solano Civil Grand Jury found that all law enforcement agencies interviewed comply with all POST requirements. The administrations all agreed that this training should occur more often. They all felt this would be appropriate given the current discord in our local and state communities as well as our nation. Each police administrator expressed deep concern about the lack of trust in the community for law enforcement.

President Barak Obama established the Task Force on 21st Century Policing during his administration, which included ‘implicit-bias training’ but did not specify what that entailed. Unfortunately, that shortfall allowed each agency to decide what the training should look like and how success would be measured. The biggest problem in addressing possible biases is that unconscious biases are part of growing up in an atmosphere in which stereotypes are part of everyday life (the thinking we are exposed to as children influences how we interpret events and people around us). Researchers have found that people can consciously embrace fairness and equality, but on tests measuring subconscious tendencies, they still lean on stereotypes in profiling people they don’t know. Harvard University has devised a test designed to measure each individual’s subconscious biases. It can be found at <https://implicit.harvard.edu/implicit/takeatest.html>. The results can be surprising for those that do not feel they have any biases.

As the Solano County Civil Grand Jury conducted its investigation, it found that almost every administrator interviewed pointed to a lack of funding as the reason for inadequate bias and diversity training. Various resources are available to help fund diversity/bias training that have not been accessed.

Each of the local law enforcement administrations indicated that their staff undergoes diversity training as prescribed by POST. POST requires such training only every five years. Any other instruction that law enforcement officers experience tends to be less formal, i.e., informal discussions during meetings, conversations in the hallways, etc.

In his thesis for his Master of Science in Criminal Justice degree, Lamar D. Griffin, a graduate student at the University of Wisconsin-Platteville, stated, “implementing effective cultural training involves bringing under-represented people into the ranks of law enforcement.” He emphasized that an effective training program has to have the support of the command staff. Further, he pointed out that diversity training would be more effective with diverse command staff.

The community's lack of trust for law enforcement hampers hiring qualified under-represented people. The Task Force on 21st Century Policing report indicates that multiple negative contacts with law enforcement may discourage some citizens from becoming police officers or even identifying safety as a collaborative effort with law enforcement. The negative perception points to the importance of community policing. Each of the local law enforcement agencies understands that they must build trust in their community to encourage the belief that the law enforcement objective is to protect and serve. Administrations blame the restrictions brought on by COVID-19 for slowing down any progress their departments have made towards community policing. In addition, retaining under-represented people can be difficult. Some have a hard time adjusting to the culture of law enforcement.

A concern expressed by law enforcement was the implementation status of Penal Code section 13651(a) (PC§13651(a)) which requires "every police department, sheriff's office, or other entity that employs peace officers shall review the job description that is used in the recruitment and hiring of those peace officers and shall make changes that emphasizes community-based policing, familiarization between law enforcement and community residents, and collaborative problem-solving while de-emphasizing the paramilitary aspects of the job."

At the time of the interviews, law enforcement entities were at different phases of implementation of PC§13651(a). According to the Benicia Police Department Administration, that community has never had a military approach. They have eight hours every year of training in de-escalation techniques and crisis intervention. Dixon administration says the Dixon Police Department has not yet started working on job descriptions, indicating they have a more community-oriented approach; they are not a "hard charging" police department. At the time of the interview with the Civil Grand Jury, the Fairfield administration indicated its department had not yet started to look at the requirements of PC§13651(a). However, that department has stated that since then, they work collaboratively with the city's human resources department and a recruitment firm to help focus on community relations and partnerships as well as de-escalation techniques. The Vacaville administration says they have been working on it for some time. In 2016, they started to look for red flags indicating overt bias, racism, or extremism. The administrations feel they are more in line with today's thinking and have had a community policing model for as far back as the early 1990s. The Suisun City administration indicated that they base their policing model on community policing. They further specified that in hiring, that department preferred hiring Suisun City residents. The administration feels that as residents of the community, new hires are more likely to stay with the department longer and understand the community better.

Sheriff's Office administrators say they have spoken with the Solano County Human Resources Department on how to implement PC§13651(a). They are in the beginning stage of change. They also say they are not and never have been militaristic. They are more about community policing. The Solano County Sheriff's Department runs the Rio Vista Police Department and therefore has similar policies.

Almost every one of the smaller police departments cites limited funding as a reason for shortfalls in their training. Suisun City has issues maintaining trained staff because of the pay

disparity between its department and larger departments. An additional problem for Suisun City is that the department pays to send recruits to training but since they do not have a requirement on how long new recruits stay with that police department, they often lose them within a couple of years. Essentially, Suisun City is paying to educate recruits to work in other departments in the area.

All the law enforcement agencies investigated in this report accept lateral transfers from other departments when filling police officer vacancies. Officers desiring to transfer to a different agency have completed the evaluation of skills, knowledge, and abilities measured in entry-level examinations. The laterally transferring officers must have at least one year of experience, have graduated from a police academy, and possess a basic POST certification. Officers that laterally move into another department often integrate more quickly into that agency than inexperienced recruits.

On January 6, 2021, a rioting crowd stormed the Capitol building in Washington, D.C. while Congress performed its Constitutional duties. Subsequent investigations revealed that numerous law enforcement and former military members were among the insurrectionists. According to research by news organizations, including *The New York Times*, at least 30 people with law enforcement training have been tied to the events of the insurrection, which left five dead, including a Capitol Hill police officer.

Many law enforcement agencies including those in Solano County began to look at their staff to determine if their members were involved. This insurrection brought forward many questions, one of which was that of domestic terrorism in general and in our law enforcement ranks around the nation specifically.

In an August 2020 report, *Hidden in Plain Sight: Racism, White Supremacy and Far-Right Militancy in Law Enforcement*. Michael German wrote: “Investigations between 2016 and 2020 by FBI Analysts concluded that white supremacists and other right-wing extremists would ‘very likely seek affiliation with military and law enforcement entities in furtherance of their ideologies according to a confidential intelligence assessment issued in February 2020.” German is a retired FBI agent, scholar, and writer. He is currently a Fellow at the Brennan Center for Justice.

In 2006, the FBI warned, in writing, that white supremacists seek to infiltrate law enforcement. German further wrote: “Its [FBI] *2015 Counterterrorism Policy Guide* instructed agents conducting domestic terrorism investigations of white supremacists and far-right militias to modify their tactics because the subjects of these investigations often have ‘active links’ to law enforcement”.

An April 18, 2021 segment of *Sixty Minutes* investigated the Oath Keepers, an identified extremist group, and their role in the January 6 insurrection. A leader of the Oath Keepers in Arizona proudly proclaimed they have many members in police forces around their state.

Research organizations such as the *Blue Ribbon Panel on Transparency, Accountability and Fairness in Law Enforcement* and the *Plain View Project* have uncovered hundreds of federal, state, and local law enforcement officials participating in racist, nativist, and sexist social media

activity. Departments often know about these officers' activities, but those activities have only resulted in disciplinary action or termination if they trigger public concern.

On February 4, 2021, an *Open Vallejo* (an independent newsroom) article identified at least three Solano County Sheriff's Office members as posting Three Percenter imagery on their public social media pages. The Three Perceners are a loose-knit collection of far-right extremists characterized by anti-government, pro-gun views, and a willingness to defy the Federal Government violently. At least one person with Three Percenter ties has been charged in the January 6, 2021 storming of the Capitol in Washington, D.C. They are also linked, by the FBI, to other acts of domestic terrorism.

Solano County Sheriff's Office administrators stated they informally investigated the personnel named in the Open Vallejo article. They concluded that the individuals identified in the report were "pro-second amendment" but did not espouse far-right extremist ideology. They claimed that the FBI advised them no Sheriff's Office employees are on their "watch list" for involvement in any extremist organizations. However, the FBI has recently denied those claims, as they do not monitor individual members of extremist or white supremacy groups.

Most Solano County Police Department Administrations said that they did confirm, with the FBI, that the agency was not investigating any of their officers for involvement in the January 6, 2021 insurrection.

The Civil Grand Jury met with the administration of each law enforcement agency in Solano County (except Vallejo), including the Sheriff's Department, and enquired as to what, if anything, they are doing to ensure extremist ideology is not infiltrating their departments. They all advised the Civil Grand Jury that they very carefully vet applicants to their departments, but none actively monitor current employees. Each stated that the only way they would know of the need to investigate is if a citizen or co-worker makes them aware of the behavior that indicates extremist views.

V. FINDINGS AND RECOMMENDATIONS

FINDING 1 – The Solano County Civil Grand Jury found that local law enforcement agencies comply with the statutory requirements when providing training. However, bias training is only required and conducted every five years. Local law enforcement administrations agreed there is too much time between training sessions.

RECOMMENDATION 1 – County law enforcement agencies adopt a more frequent schedule of diversity and bias training over and above the current five-year requirement.

FINDING 2 – Most law enforcement administrations identified lack of adequate funding as an impairment to providing additional and/or more frequent training.

RECOMMENDATION 2a— Law enforcement administrations seek increased funding for diversity and bias training.

RECOMMENDATION 2b— Collaborate with other local law enforcement agencies in providing diversity and bias training.

FINDING 3 - More under-represented people need to be represented in decision making roles.

RECOMMENDATION 1—Law enforcement agencies promote more under-represented people to decision making positions.

FINDING 4 – California Penal Code section 13651(a) states: “Every police department, sheriff’s office, or other entity that employs peace officers shall review the job description that is used in the recruitment and hiring of those peace officers and shall make changes that emphasize community-based policing, familiarization between law enforcement and community residents, and collaborative problem solving, while de-emphasizing the paramilitary aspects of the job.” All administrators mentioned the general population’s lack of trust of law enforcement officers.

RECOMMENDATION 4a –Ensure that training de-emphasizes a paramilitary approach to policing.

RECOMMENDATION 4b – Use a collaborative approach with community organizations to problem solve.

FINDING 5 – For some Law enforcement agencies employee turnover is an issue.

RECOMMENDATION 5a – Suisun City increase the length of its employment contract to five years.

RECOMMENDATION 5b – Law enforcement agencies find ways to achieve pay equity in the county to limit turn over in smaller communities.

FINDING 6 – There are reports from the Federal Bureau of Investigation that extremist groups are infiltrating law enforcement agencies. While local law enforcement agencies investigate applicants as part of the vetting process, they rely on employee and citizen complaints to identify current staff social media postings for extremist ideology.

RECOMMENDATION 6a—Solano County law enforcement agencies monitor social media postings by current staff for extremist content.

RECOMMENDATION 6b— Law enforcement agency administrations keep up with the technology that their employees are using.

RECOMMENDATION 6c— Law enforcement agency administrations research and implement technology which assists in monitoring social media without violating first amendment rights.

REQUIRED RESPONSES

Benicia Police Department (All Findings and Recommendations except Recommendation 5a)

Dixon Police Department (All Findings and Recommendations except Recommendation 5a)

Fairfield Police Department (All Findings and Recommendations except Recommendation 5a)

Rio Vista Police Department (All Findings and Recommendations except Recommendation 5a)

City of Suisun Police Department (All Findings and Recommendations)

Vacaville Police Department (All Findings and Recommendations except Recommendation 5a)

Solano County Sheriff's Department (All Findings and Recommendations except Recommendation 5a)

COURTESY COPIES

FBI (Sacramento Field Office)

Solano County Board of Supervisors