

CIVILIAN COMPLAINTS

I. INTRODUCTION

In enacting the Racial and Identity Profiling Act (RIPA), the Legislature intended to collect and analyze civilian complaint data to help eliminate the harmful practice of racial and identity profiling and improve the relationship between law enforcement agencies (LEAs) and the communities they serve.¹ Accordingly, each year, the RIPA report highlights trends and data related to complaints submitted by members of the public to LEAs. This chapter examines complaint data reported by the 521 agencies that reported receiving civilian complaints in the 2025 calendar year (hereafter RIPA agencies), including the total number of complaints submitted in the 2025 calendar year, the number of complaints involving allegations of racial and identity profiling, and the reported outcome of those complaints. The complaint data shows trends within individual agencies by complaint type.

Additionally, this year, this chapter takes a detailed look at the complaint investigation process and discusses suggested best practices for conducting complaint investigations. This discussion is critical, given the extremely low rate at which complaints are sustained. As reported last year, only three out of the 1,552 racial or identity profiling complaints that reached a disposition in 2024 were sustained.² This trend persisted in 2025; only 14 of the 1,778 racial or identity profiling complaints that reached a disposition in 2025 were sustained. The Board remains concerned about this low number of sustained complaints. Thus, as part of this deeper examination into possible reasons for the low number of sustained complaints, this year's Report provides an overview of relevant California legal requirements, general principles, and suggested best practices for internal complaint investigations to help California LEAs ensure that they are conducting complaint investigations in an objective and transparent manner and arriving at appropriate dispositions for complaints. The Board encourages state and local LEAs to implement these best practices whenever possible to ensure that civilian complaints are properly and thoroughly investigated.

II. DATA ANALYSIS OF 2025 CIVILIAN COMPLAINTS

Each year, state and local LEAs across the state — including municipal and district police departments, county sheriff's departments, the California Highway Patrol, and law enforcement agencies of the University of California, California State Universities, California Community Colleges, District Attorney Offices, as well as K-12 school district police departments — submit civilian complaint data to the DOJ for analysis and assessment. The data reported by the 521 RIPA agencies that reported received a civilian complaint in 2025 is disaggregated below to identify the total number of complaints reported in 2025, the number and types of profiling allegations reported, the outcome of complaints, and a cross-year comparison showing the number of complaints reported by different agencies over time.

¹ April 21, 2015, Hearing of the Assembly Committee on Public Safety, AB 953 (Weber) – As Amended April 16, 2015.

² Racial and Identity Profiling Advisory Board, *Annual Report 2026* ("2026 RIPA Report"), <<https://oag.ca.gov/system/files/media/ripa-board-report-2026.pdf>> [as of XX, 2026].

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A. Aggregate Civilian Complaint Data Reported in 2025

In 2025, 521 agencies (hereafter referred to as RIPA agencies) submitted civilian complaints data, representing a decrease in the number of reporting agencies compared to 2024.³ Of the 521 RIPA agencies reporting, roughly 80 percent (418 agencies, or 80.23% of the 521 RIPA agencies that reported receiving a complaint) reported receiving one or more civilian complaints during 2025, while just under 20 percent of agencies (103 agencies, or 19.77%) did not receive any civilian complaints.⁴

Agencies that received complaints reported 16,291 complaints across three categories: non-criminal, misdemeanor, and felony. As in past years, the majority of complaints alleged non-criminal conduct (15,004 complaints, or 92.10% of the total 16,291 complaints reported in 2025), followed by complaints alleging a misdemeanor offense (985 complaints, or 6.05%). Complaints alleging a felony offense were the least common (302 complaints, or 1.85%).

LEAs are also required to submit data to the DOJ categorizing profiling complaint allegations into nine categories: age, physical disability, sexual orientation, race/ethnicity, mental disability, gender, religion, gender identity/expression, and nationality. In 2025, a total of 169 RIPA agencies reported receiving civilian complaints alleging racial or identity profiling (32.44% of all RIPA agencies or 40.43% of agencies receiving any complaints).⁵

In 2025, 521 agencies reported receiving a total of 16,291 civilian complaints in 2025. Approximately 12.91% of those complaints alleged racial or identity profiling, primarily on the basis of race or ethnicity.

These 169 agencies reported 2,103 complaints alleging racial or identity profiling, constituting 12.91 percent of the total complaints reported in 2025.⁶ While a complaint may contain multiple identity characteristics, all racial and identity complaints in 2025 only contained allegations regarding one identity characteristic.

Figure 1 displays the number of reported allegations that fell into each of the nine group types.

³ In 2024, 526 agencies reported civilian complaint data. (2026 RIPA Report, p. 98.) It should be noted that the total number of reporting agencies fluctuates from year to year for several reasons. For instance, some agencies are very small and do not have any complaints to report, while other agencies fail to submit data by the reporting deadline.

⁴ By comparison, in 2024 approximately 77.38 percent of agencies (407 agencies) reported receiving one or more civilian complaints, while 22.62 percent (119 agencies) reported that they did not receive any civilian complaints. (2026 RIPA Report, p. 98.)

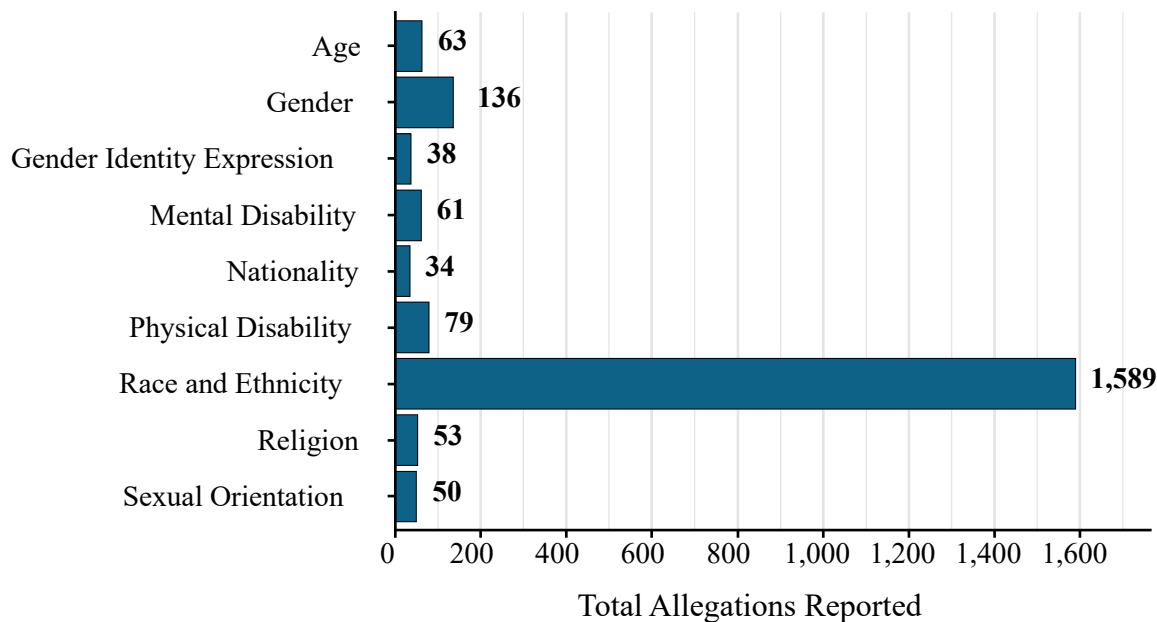
⁵ This represents a decrease in the number of agencies reporting racial or identity profiling complaints, compared to 2024. (See 2026 RIPA Report, p. 98 [173 agencies reported receiving a racial or identity profiling complaint in 2024].)

⁶ The number of racial or identity profiling complaints also decreased relative to 2024. (See 2026 RIPA Report, p. 98 [RIPA agencies reported receiving 2,282 profiling complaints in 2024, constituting 17.55% of the total complaints received that year].)

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Figure 1. Total Allegations of Racial and Identity Profiling Reported in 2025 Separated by Group Type



1. Dispositions of Civilian Complaints Reported in 2025

In addition to the number of complaints received, RIPA agencies must report the disposition (i.e., outcome) of those complaints to the DOJ. Complaint dispositions are categorized as: “Sustained,” meaning that the investigation disclosed sufficient evidence to prove the truth of the allegation in the complaint by a preponderance of evidence;⁷ “Exonerated,” meaning the investigation clearly established that the employee’s actions that formed the basis of the complaint were not a violation of law or policy; “Not Sustained,” meaning the investigation failed to disclose sufficient evidence to clearly prove or disprove the complaint’s allegation; and “Unfounded,” meaning the investigation clearly established that the allegation is not true.⁸

⁷ A preponderance of the evidence means that the evidence shows that the allegation is more likely true than not. In other words, it is more than 50 percent likely that the allegation is true.

⁸ Cal. Pen. Code § 13012, subd. (a)(5)(B).

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Agencies reported a total of 13,038 complaints that reached a disposition during the calendar year,⁹ representing a significant increase compared to 2024.¹⁰ Nevertheless, the complaint outcomes reported in 2025 were roughly similar to those reported in 2024. Among the 13,038 complaints that reached a disposition in 2025, 1,206 (9.25%) were sustained, 3,183 (24.41%) were exonerated, 1,349 (10.35%) were not sustained, and 7,300 (55.99%) were unfounded.¹¹

A total of 1,778 racial or identity profiling complaints reached disposition in 2025. As in 2024, the vast majority of these profiling complaints were deemed unfounded, while less than one percent were sustained.¹² Specifically, 14 profiling complaints that reached a disposition in 2025 (0.79%) were sustained, 139 (7.82%) were exonerated, 134 (7.54%) were not sustained, and 1,491 (83.86%) were unfounded. While the number of sustained complaints increased slightly compared to 2024 (from 3 complaints in 2024 to 14 complaints in 2025) and the number of complaints that were not sustained decreased slightly (from 166 complaints in 2024 to 134 complaints in 2025), the number of complaints that were exonerated increased (from 94 in 2024 to 139 in 2025), as did the number of complaints that were deemed unfounded (from 1,289 in 2024 to 1,491 in 2025).

Figure 2 displays the distribution of disposition types within the 2025 data for (1) all complaints that reached disposition and (2) complaints of racial and identity profiling that reached disposition.¹³

Complaint Dispositions

Sustained: Sufficient evidence to prove the truth of the allegation by preponderance of evidence

Exonerated: Clearly established that the actions were not a violation of law or policy

Not Sustained: Investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation

Unfounded: Clearly established that the allegation is not true

⁹ It is important to note that not every complaint reached disposition during the same year it was initially reported; therefore, it is possible that at least some complaints that appeared in the 2025 disposition categories were first reported in 2024 or earlier.

¹⁰ In 2024, RIPA agencies reported that a total of 9,745 complaints reached a disposition during the calendar year. (2026 RIPA Report, p. 99.)

¹¹ In 2024, approximately 9.64 percent of complaints (939 complaints) were sustained, 16.98 percent (1,655 complaints) were exonerated, 11.92 percent (1,162 complaints) were not sustained, and 61.46 percent (5,989 complaints) were deemed unfounded. (2026 RIPA Report, p. 99.)

¹² In 2024, a total of 1,552 racial or identity profiling complaints reached a disposition during the calendar year. Of those, just 3 (0.19%) were sustained, 94 (6.06%) were exonerated, 166 (10.70%) were not sustained, and 1,289 (83.05%) were deemed unfounded. (2026 RIPA Report, p. 99.)

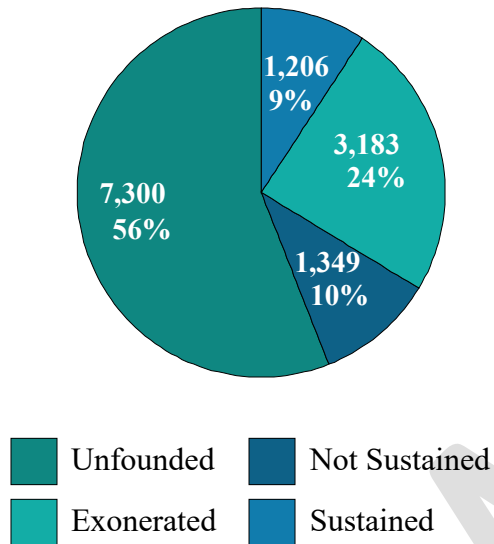
¹³ For an agency-level breakdown of how many profiling complaints reached each disposition type in 2025, see [Appendix Table X](#).

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Figure 2. Disposition Distribution of 2025 Complaints¹⁴

Total Complaints Reaching a Disposition in 2025



Racial and Identity Complaints Reaching a Disposition in 2025

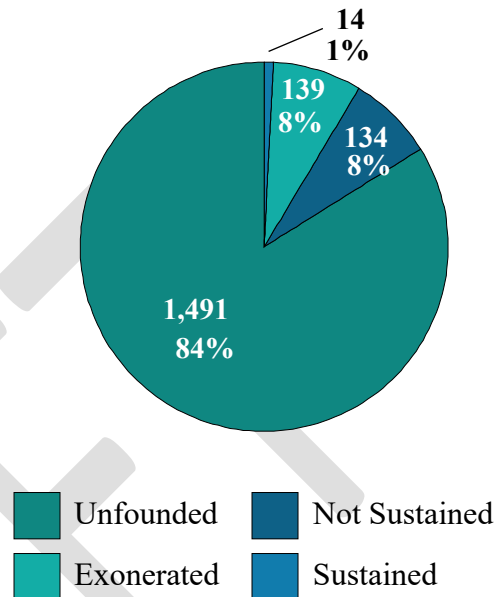


Table 1 below shows the distribution of all complaint dispositions since RIPA's inception, while Table 2 shows the distribution of profiling complaint dispositions over the same time period.

Table 1. Total Complaint Dispositions Over Time (2016-2025)

<u>Year</u>	<u>Total Complaints Reaching Disposition</u>	<u>Sustained</u>	<u>Not Sustained</u>	<u>Exonerated</u>	<u>Unfounded</u>
2025	13,038	1,206 (9%)	1,349 (10%)	3,183 (24%)	7,300 (56%)
2024	9,745	939 (9.64%)	1,162 (11.92%)	1,655 (16.98%)	5,989 (61.46%)
2023	15,525	1,069 (6.89%)	1,129 (7.27%)	6,133 (39.50%)	7,194 (46.34%)
2022	8,002	696 (8.6%)	903 (11.3%)	1,904 (23.8%)	4,509 (56.3%)

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<u>Year</u>	<u>Total Complaints Reaching Disposition</u>	<u>Sustained</u>	<u>Not Sustained</u>	<u>Exonerated</u>	<u>Unfounded</u>
2021	10,490	992 (9.5%)	1,076 (10.3%)	3,496 (33.3%)	4,926 (47%)
2020	9,878	933 (9.4%)	996 (10.1%)	3,313 (33.5%)	4,636 (46.9%)
2019	8,723	971 (11%)	922 (11%)	2,529 (29%)	4,301 (49%)
2018	8,488	919 (10.8%)	1,094 (12.9%)	2,308 (27.2%)	4,167 (49.1%)
2017	7,942	807 (10.2%)	1,701 (21.4%)	1,897 (23.9%)	3,537 (44.5%)
2016	7,748	911 (11.8%)	1,744 (22.5%)	1,381 (17.8%)	3,712 (47.9%)

Table 2. Profiling Complaint Dispositions Over Time (2016-2025)

<u>Year</u>	<u>Profiling Complaints Reaching Disposition</u>	<u>Sustained</u>	<u>Not Sustained</u>	<u>Exonerated</u>	<u>Unfounded</u>
2025	1,778	14 (1%)	13 (8%)	139 (8%)	1,491 (84%)
2024	1,552	3 (0.19%)	166 (10.7%)	94 (6.06%)	1,289 (83.05%)
2023	1,240	4 (0.32%)	93 (7.50%)	86 (6.94%)	1,057 (85.24%)
2022	1,098	9 (0.8%)	84 (7.7%)	112 (10.2%)	893 (81.3%)
2021	713	13 (1.8%)	83 (11.6%)	130 (18.2%)	487 (63.8%)
2020	729	14 (1.9%)	80 (11%)	132 (18.1%)	503 (69%)
2019	955	19 (2%)	97 (10%)	123 (13%)	716 (75%)
2018	751	10 (1.3%)	99 (13.2%)	91 (12.1%)	551 (73.4%)

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<u>Year</u>	<u>Profiling Complaints Reaching Disposition</u>	<u>Sustained</u>	<u>Not Sustained</u>	<u>Exonerated</u>	<u>Unfounded</u>
2017	659	10 (1.5%)	77 (11.7%)	96 (14.6%)	476 (72.2%)
2016¹⁵	N/A	N/A	N/A	N/A	N/A

B. Cross-Year Comparison of Complaint Data by Agency

A cross-year comparison can aid in monitoring complaint patterns in individual LEAs, along with any changes in complaint procedures that may correlate with observed changes in complaint patterns. Additionally, it is important to note that complaint procedures are handled differently in each LEA and there is not a uniform definition of civilian complaint. As such, there are many reasons for differences in the numbers of complaints between LEAs and across years.

Figures 3 through 8 display the total number of complaints and the total number of complaints alleging racial and identity profiling submitted by all RIPA reporting agencies in Waves 1 through 3, across five years. Given that Wave 4 is over 400 agencies, aggregate cross-year comparisons are provided in the body of this section and the individual agency counts are provided in an appendix table.

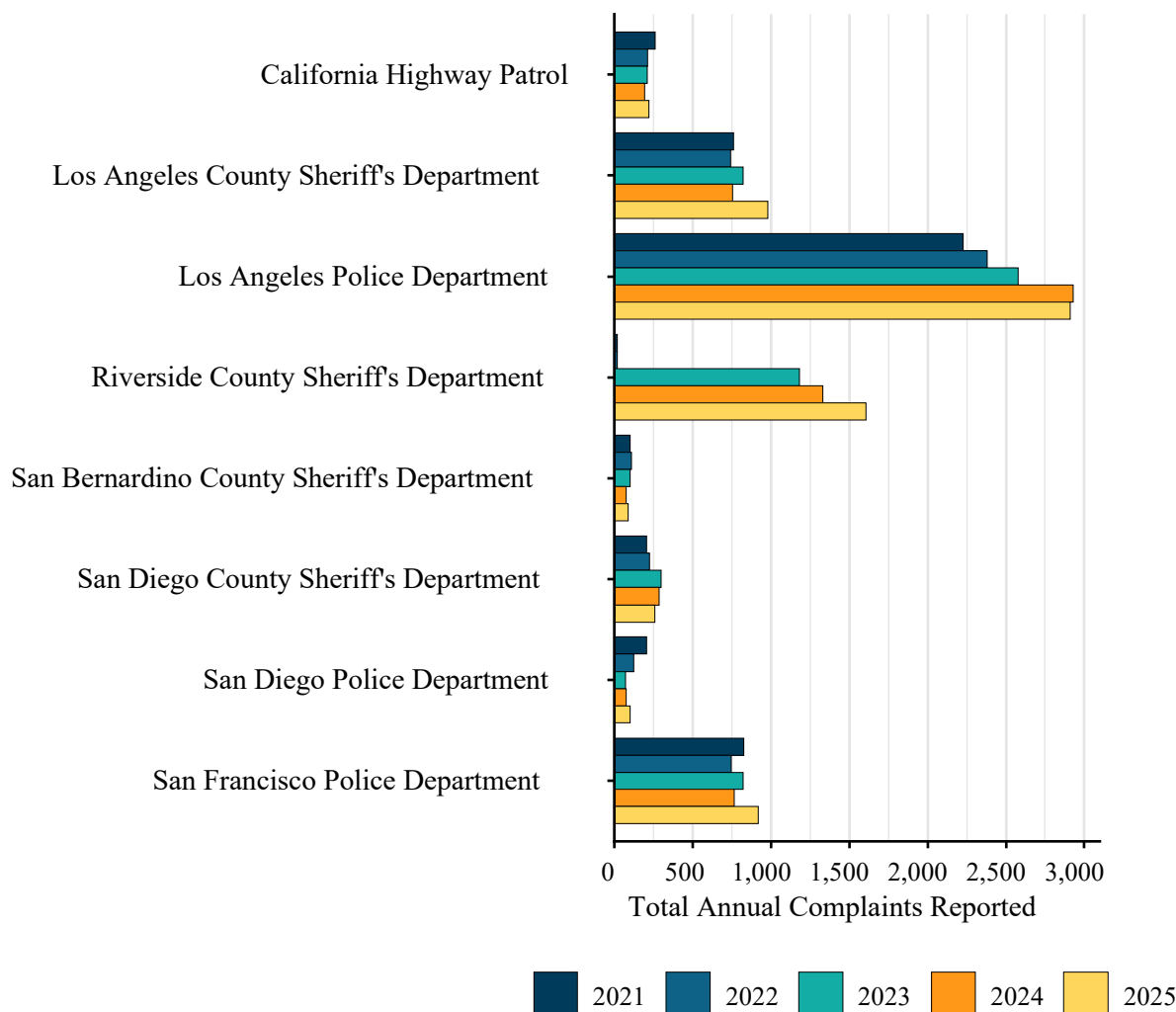
1. Wave 1 Agency Total Complaints Reported (2021-2025)

In 2025, Wave 1 agencies reported 7,080 civilian complaints. This constituted a 10.45 percent increase relative to the total civilian complaints reported in 2024 (6,410 complaints), a 16.52 percent increase from 2023 (6,076 complaints), a 55.47 percent increase from 2022 (4,554 complaints), and 53.85 percent increase from 2021 (4,602 complaints).

Six out of eight agencies experienced an increase in the number of civilian complaints reported between 2024 and 2025. The agency that experienced the largest increase was the Los Angeles County Sheriff's Department (30.01%, from 753 complaints in 2024 to 979 complaints in 2025), whereas San Diego County Sheriff's Department experienced the largest relative decrease (9.79%, from 286 complaints in 2024 to 258 complaints in 2025).

¹⁵ No RIPA data was collected in 2016 regarding the number or disposition of profiling complaints.

Figure 3. Wave 1 Total Annual Complaints Reported 2021-2025



a. Wave 1 Total Racial and Identity Profiling Complaints (2021-2025)

Figure 4 displays the total number of racial and identity profiling complaints reported by Wave 1 agencies from 2021 to 2025. The total number of racial and identity profiling complaints reported was 1,309 in 2025, which is a 14.56 percent decrease from 2024 (1,532 complaints), a 54.55 percent increase from 2023 (847 complaints), an 88.62 percent increase from 2022 (694 complaints), and a 60.02 percent increase from 2021 (818 complaints).

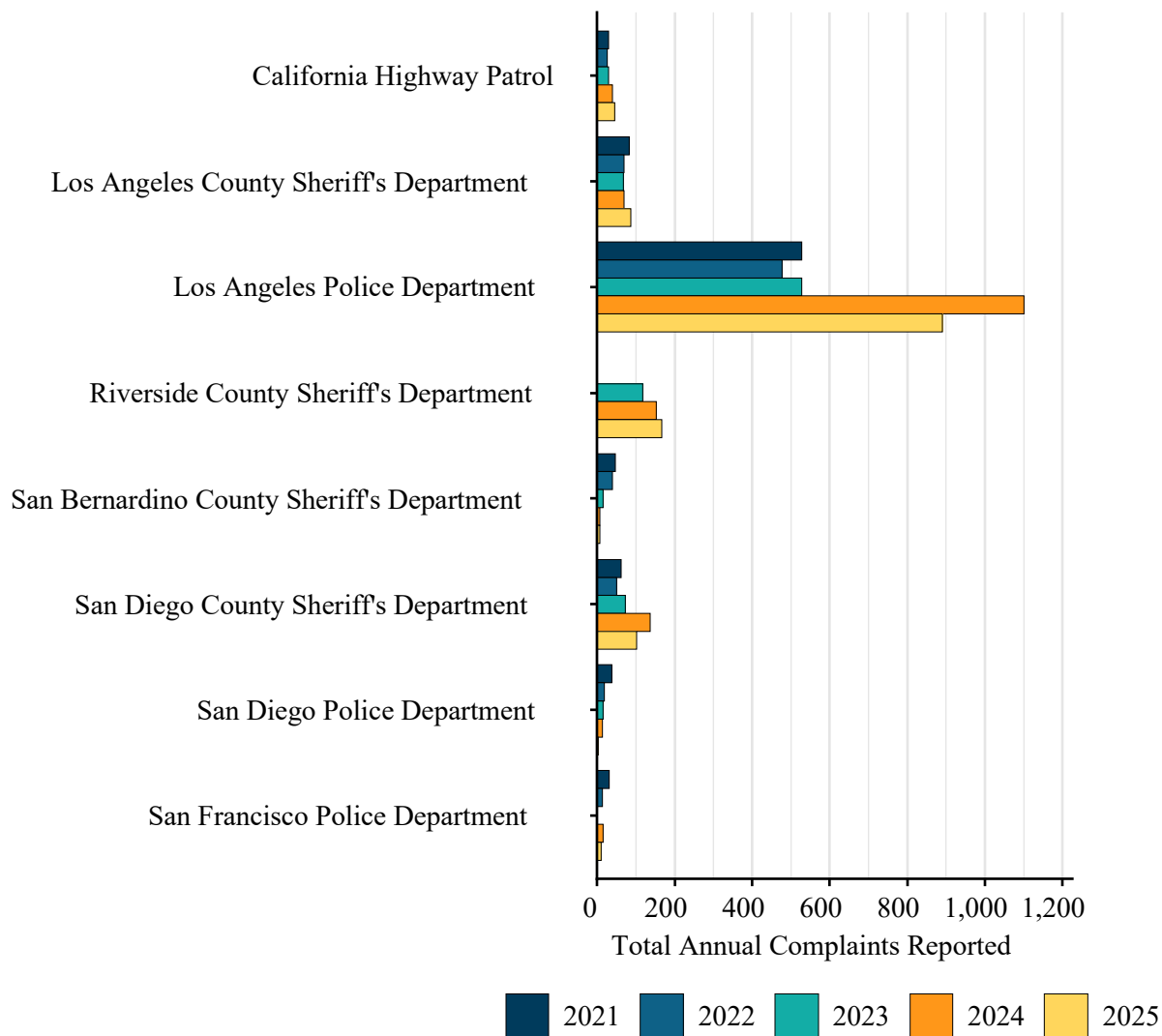
During the 2025 calendar year, half of Wave 1 agencies (4 out of 8) experienced a reduction in the number of racial and identity profiling complaints reported between 2024 and 2025. The San Diego Police Department had the largest relative decrease (76.92%, from 13 complaints in 2024

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to 3 complaints in 2025). Los Angeles County Sheriff's Department had the largest relative increase (26.09%, from 69 complaints in 2024 to 87 complaints in 2025).

Figure 4. Wave 1 Total Racial and Identity Profiling Complaints Reported 2021-2025



2. Wave 2 Agency Total Complaints Reported (2021-2025)

Wave 2 agencies reported 3,257 complaints in 2025, representing a 157.06 percent increase from 2024 (1,267 complaints), a 1.24 percent decrease from 2023 (3,298 complaints), a 123.39 percent increase from 2022 (1,458 complaints), and an 89.91 percent increase from 2021 (1,715 complaints).

Oakland Police Department was unable to report complaint data within the reporting timeframe for 2022 and 2024 due to a cyberattack. Since 2024 totals for Wave 2 agencies do not include

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Oakland PD, percent change is not directly comparable. In 2025, Oakland PD reported 1,987 total complaints, accounting for 61.01 percent of complaints for Wave 2 agencies. When excluding Oakland PD data to make 2025 and 2024 more comparable, Wave 2 agencies saw a 0.24 percent increase from 1,267 complaints in 2024 to 1,270 in 2025.

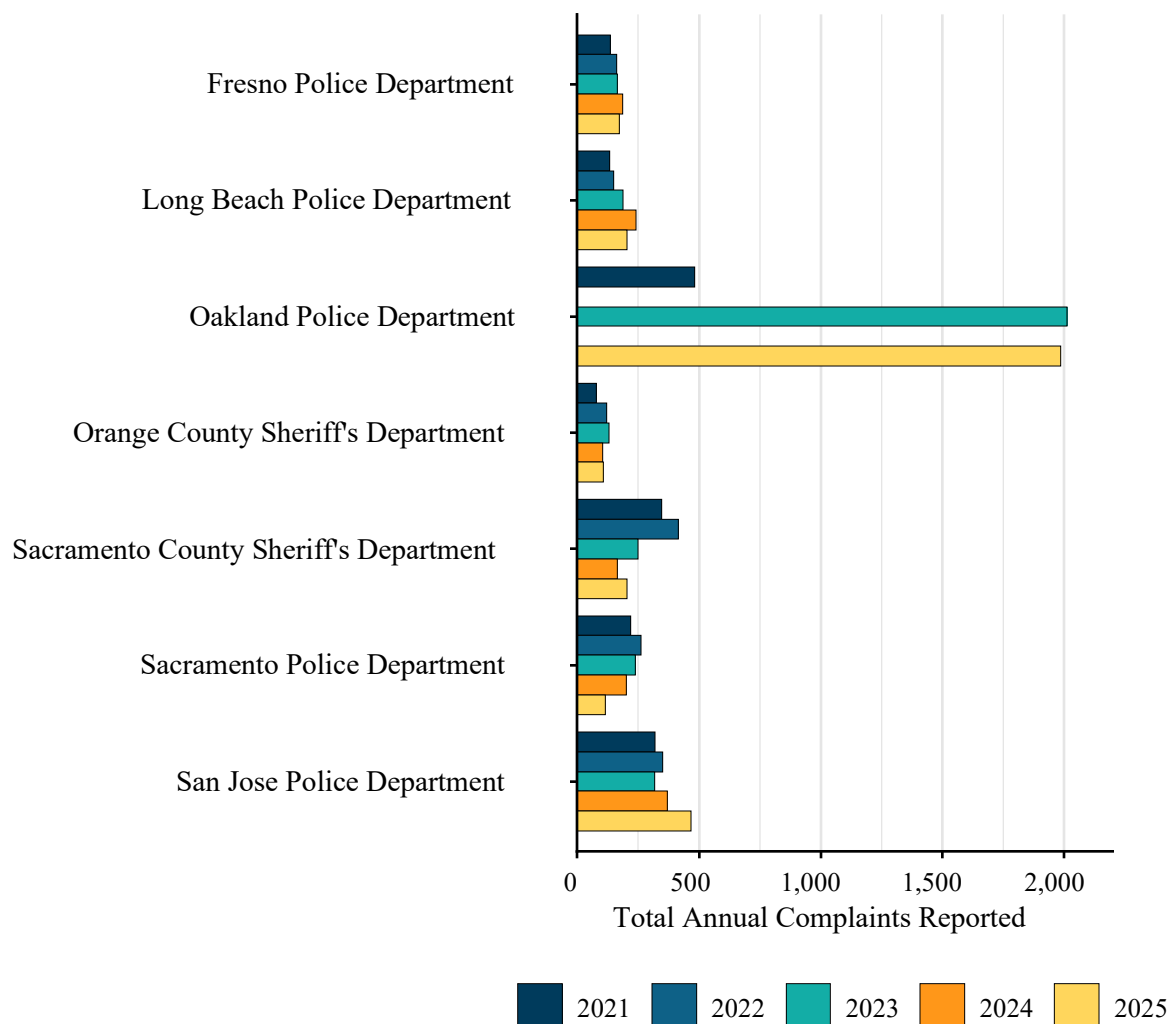
Half of Wave 2 agencies (3 out of 6)¹⁶ experienced an increase in the total number of civilian complaints reported between 2024 and 2025. The agency that experienced the largest relative increase was the San Jose Police Department (26.49%, from 370 complaints in 2024 to 468 complaints in 2025). Sacramento Police Department experienced the largest relative decrease (43.07%, from 202 complaints in 2024 to 115 complaints in 2025).

¹⁶ Oakland Police Department was unable to report civilian complaint data for 2022 and 2024 within the reporting timeframe due to a cyberattack.

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Figure 5. Wave 2 Total Complaints Reported 2021-2025



a. Wave 2 Racial and Identity Profiling Complaints (2021-2025)

Wave 2 agencies reported a 41.61 percent increase in racial and identity profiling complaints from 2024 to 2025 (from 137 complaints in 2024 to 194 in 2025). This also marks an increase in racial and identity profiling complaints relative to 2023 (up 44.78% from 134 complaints). However, this represents a 76.36 percent increase from 110 complaints in 2022 and a 6.28 percent decrease from 207 complaints in 2021.

Because Oakland PD was unable to submit data in 2022 and 2024, percent change between years is not directly comparable. In 2025, Oakland Police Department reported 26 racial and identity profiling complaints, accounting for 13.40% of racial and identity profiling complaints for Wave 2 agencies (194 complaints total). When excluding Oakland PD data to make 2024 and 2025

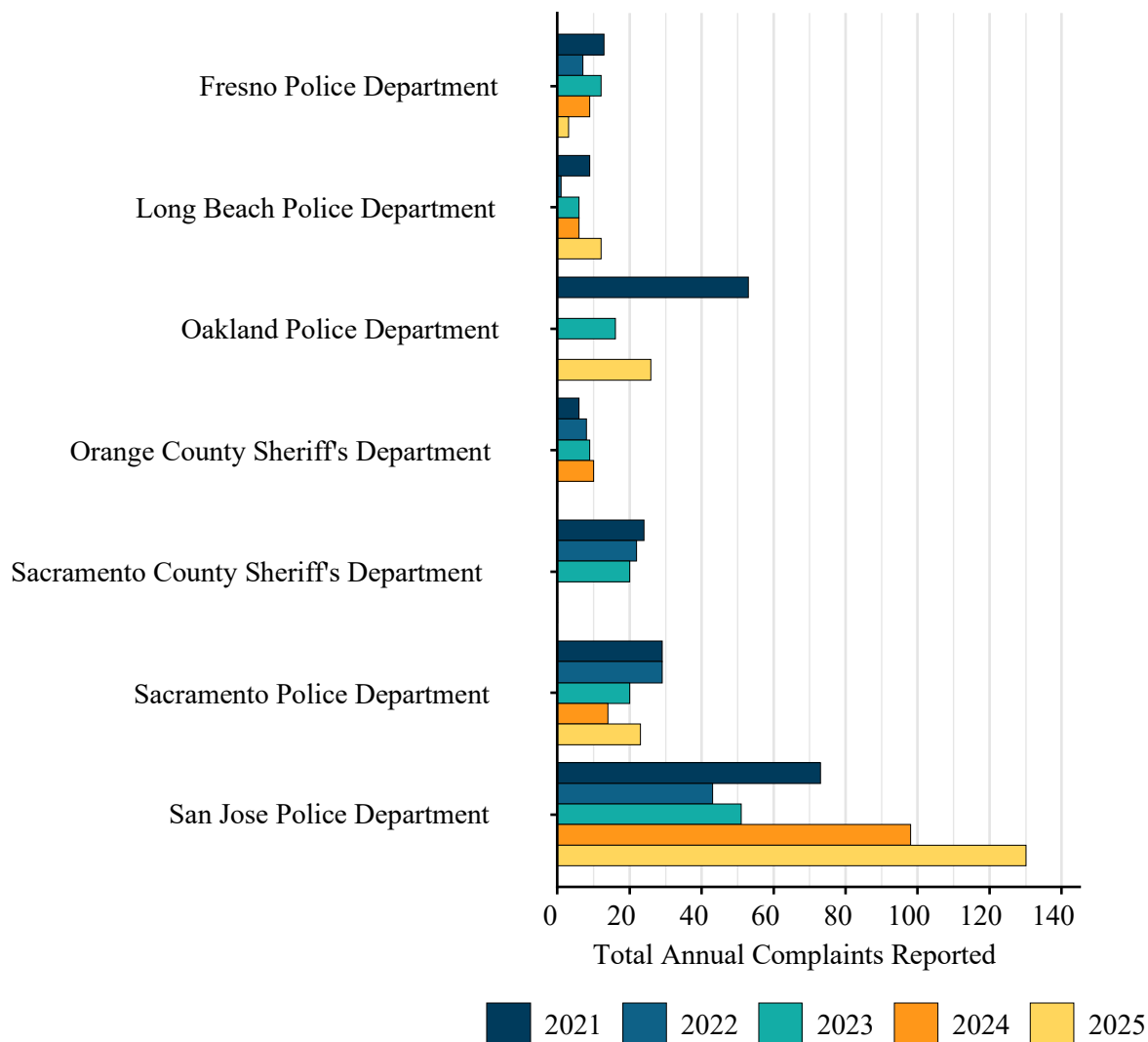
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more comparable, Wave 2 agencies saw a 22.63 percent increase from 137 complaints in 2024 to 168 in 2025.

Half of Wave 2 (3 of 6)⁷ agencies reported an increase in the number of racial and identity profiling complaints between 2024 to 2025. The Long Beach Police Department experienced the largest relative increase (100.00%, from 6 complaints in 2024 to 12 complaints in 2025). The Orange County Sheriff's Department experienced the largest relative decrease (100.00%, from 10 complaints in 2024 to 0 complaints in 2025).

Figure 6. Wave 2 Total Racial and Identity Profiling Complaints Reported 2021-2025



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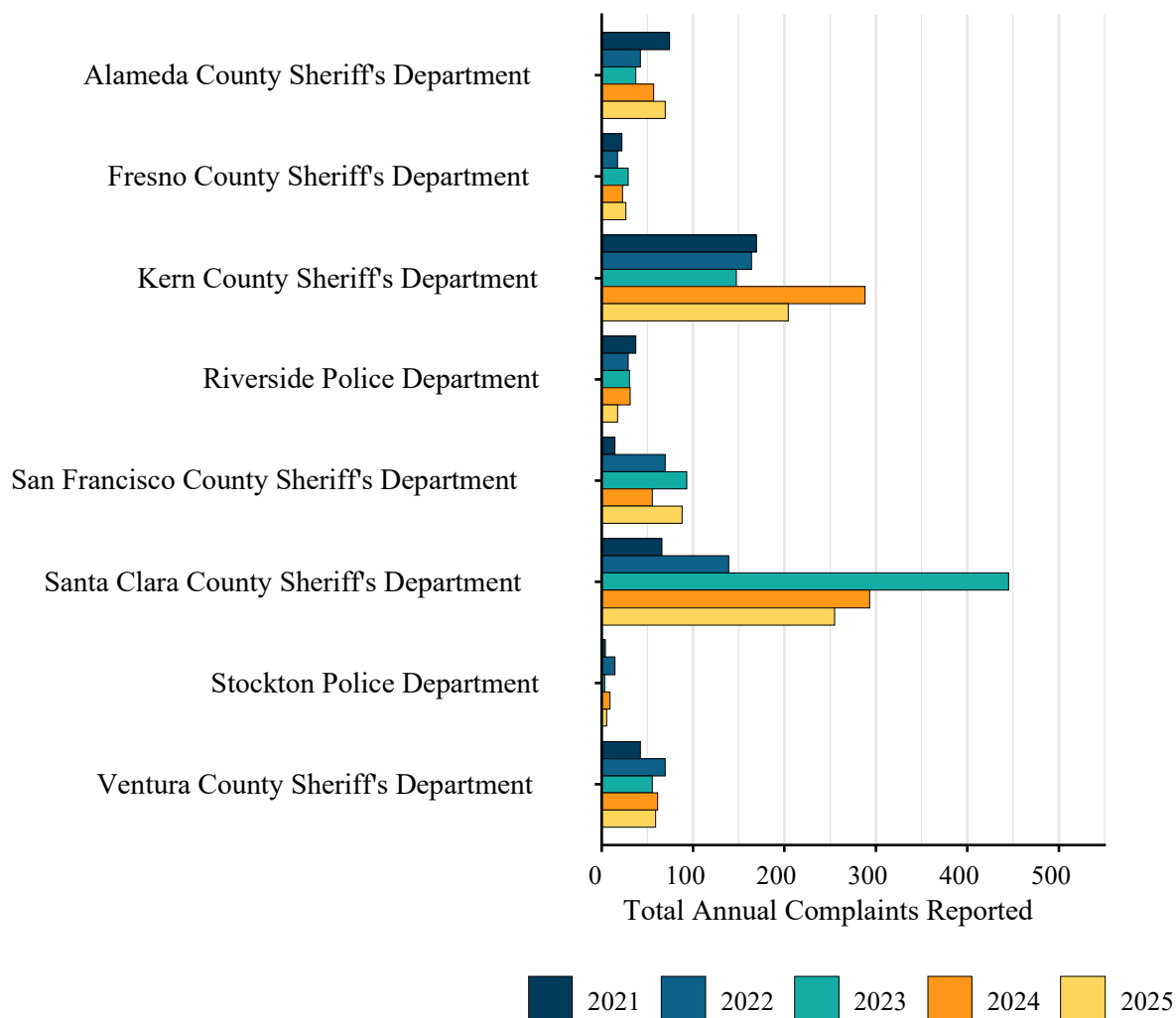
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3. Wave 3 Agency Total Complaints Reported (2021-2025)

Wave 3 agencies reported 723 complaints in 2025. This was an 11.51 percent decrease from 2024 (817 complaints), a 13.83 percent decrease from 2023 (839 complaints), a 33.15 percent increase from 2022 (543 complaints), and a 68.93 percent increase from 2021 (428 complaints).

Of the eight Wave 3 agencies, more than half (5 of 8) experienced a decrease in the total number of civilian complaints reported between 2024 and 2025 while the remaining three experienced an increase in total civilian complaints. The agency that experienced the largest decrease was the Riverside Police Department (45.16%, from 31 complaints in 2024 to 17 complaints in 2025). The San Francisco County Sheriff's Department experienced the largest relative increase (60% from 55 complaints in 2024 to 88 complaints in 2025).

Figure 7. Wave 3 Total Complaints Reported 2021-2025



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a. Wave 3 Racial and Identity Profiling Complaints (2021-2025)

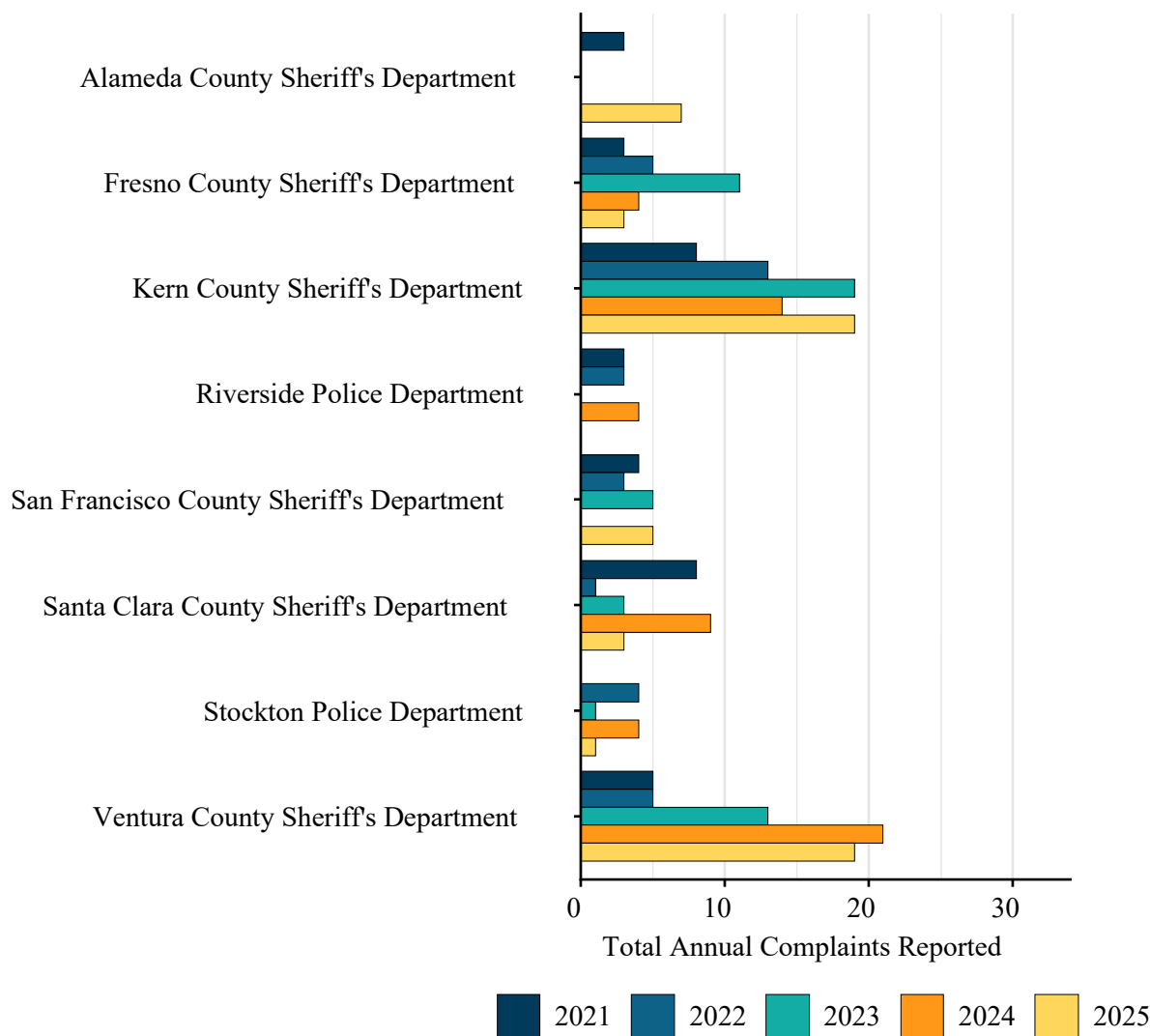
Wave 3 agencies reported 57 racial and identity profiling complaints in 2025, a 1.79 percent increase compared to 2024 (56 complaints), a 9.62 percent increase from 2023 (52 complaints), and a 67.65 percent increase from both 2022 and 2021 (each year had 34 total racial and identity profiling complaints).

Three of the eight Wave 3 agencies experienced an increase in racial and identity profiling complaints between 2024 and 2025. The agency with the largest relative increase was Kern County Sheriff's Department (35.71%, from 14 complaints in 2024 to 19 complaints in 2025). Riverside Police Department reported a 100.00 percent decrease in racial and identity profiling complaints (from 4 complaints in 2024 to 0 complaints in 2025). Alameda County Sheriff's Department reported 0 complaints in 2024 and 7 complaints in 2025, and San Francisco County Sheriff's Department reported 0 complaints in 2024 and 5 complaints in 2025.

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Figure 8. Wave 3 Total Racial and Identity Profiling Complaints Reported 2021-2025



4. Wave 4 Agency Total Complaints Reported (2021-2025)

Wave 4 agencies reported 5,231 complaints in 2025. This was a 15.99 percent increase from 2024 (4,510 complaints), a 23.61 percent increase from 2023 (4,232 complaints), a 45.14 percent increase from 2022 (3,604 complaints), and a 56.29 percent increase from 2021 (3,347 complaints).¹⁷ The agency with the largest relative increase was Nevada County Sheriff's Department (18 complaints in 2024 and 101 complaints in 2025). The agency with the largest

¹⁷ The number of Wave 4 agencies exceeds 400. Accordingly, complaint counts for all Wave 4 agencies cannot be displayed within a single graphic in the body of this report. Instead, the cross year total complaint and racial and identity complaint totals for individual agencies are contained within [Appendix Tables XX and XX](#).

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relative decrease in complaints was Hayward police department (66 complaints in 2024 and 19 complaints in 2025).

a. Wave 4 Racial and Identity Profiling Complaints (2021-2025)

Wave 4 agencies reported a 2.51 percent decrease in racial and identity profiling complaints from 2024 to 2025 (from 557 complaints in 2024 to 543 complaints in 2025). This also constitutes a relative increase from the three preceding years: a 45.97 percent increase from 2023 (372 complaints), a 37.47 percent increase from 2022 (395 complaints), and a 47.55 percent increase from 2021 (368 complaints). The agency with the largest relative increase was Berkeley Police Department (14 complaints in 2024 and 42 complaints in 2025). The agency with the largest relative decrease was Torrance Police Department (96 complaints in 2024 and 27 complaints in 2025).

The Board will continue to monitor reporting agencies' complaint data and recommends that agencies adopt policies that allow for a more robust and effective complaint process. The Board also emphasizes its past recommendation, which has not yet been adopted, that the Legislature add a uniform definition of civilian complaint to Penal Code section 832.5 to fix this gap in state law.¹⁸ More information on best practices and policies regarding complaints is provided below.

III. ANALYSIS OF SUSTAINED COMPLAINTS (2016-2025)

Last year, the Board expressed concern with the extremely low number of sustained complaints reported by RIPA agencies. As reported last year, out of the 1,552 racial or identity profiling complaints that reached a disposition in 2024, only three (0.19%) were sustained.¹⁹ As reported above, this trend continued in 2025—just 14 (0.79%) of the 1,778 profiling complaints that reached a disposition in 2025 were sustained. This extremely low number of sustained complaints of racial and identity profiling is significant because it contrasts with the overall sustained rate of complaints in California (9.25%), which is fairly consistent with national-level estimates from prior years. For example, a 2016 study examining civilian complaints from eight U.S. cities found that 10.9% of the complaint allegations investigated by the cities were sustained.²⁰ Previously, in 2006, a nationwide survey by the Bureau of Justice Statistics and the Office of Community Oriented Policing Services (COPS) found that 8% of citizen complaints

¹⁸ See Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at p. 179, <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026]; Racial and Identity Profiling Advisory Board, *Annual Report 2022*, at pp. 227, 229 <<https://oag.ca.gov/system/files/media/ripa-board-report-2022.pdf>> [as of XX, 2026]; Racial and Identity Profiling Advisory Board, *Annual Report 2020*, at pp. 65-66 <<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2020.pdf>> [as of XX, 2026].

¹⁹ Racial and Identity Profiling Advisory Board, *Annual Report 2026*, at p. 100, <<https://oag.ca.gov/system/files/media/ripa-board-report-2026.pdf>> [as of XX, 2026].

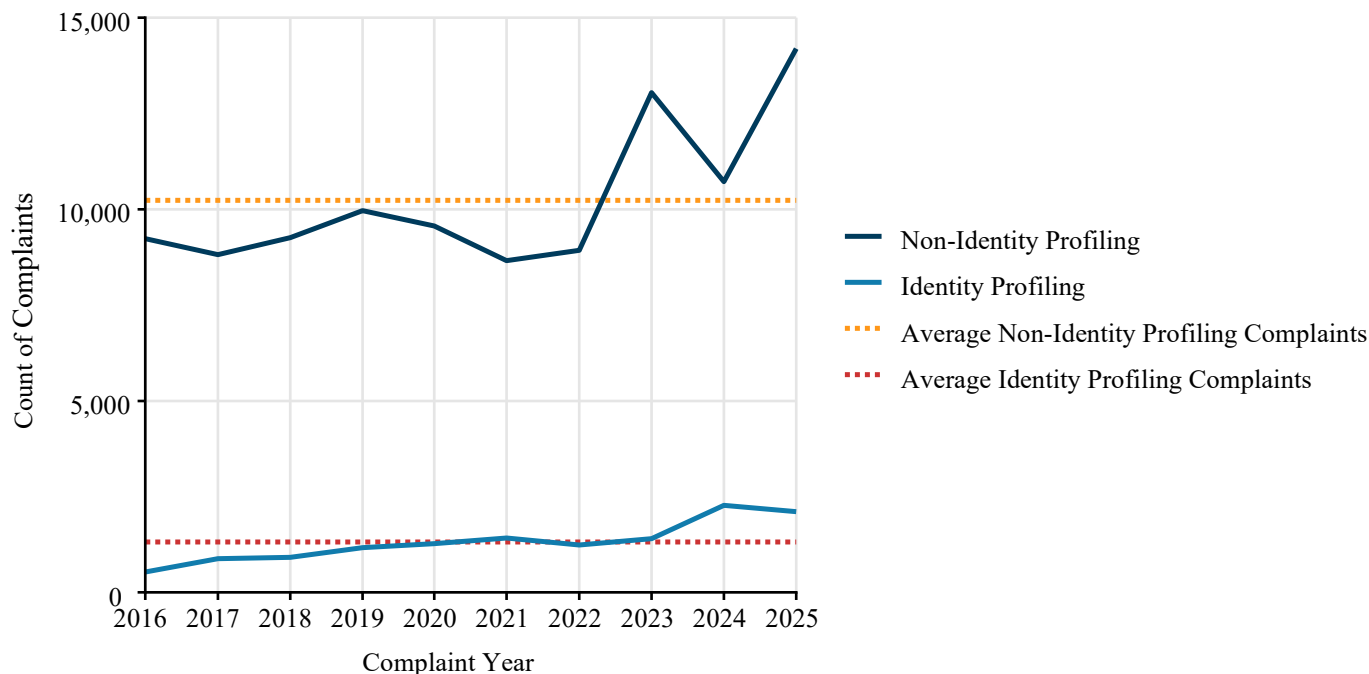
²⁰ Terrill and Ingram, *Citizen Complaints against the Police: An Eight-City Examination* (2016) Police Quarterly 19(2): 150–179, 159 <https://www.researchgate.net/publication/341488764_Citizen_Complaints_Against_the_Police_An_Eight_City_Examination> [as of XX, 2026].

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about officer use of force were sustained across all large state and local LEAs (defined as agencies with over 100 sworn officers).²¹

Figure 9. Number of Non-Identity Profiling and Identity Profiling Complaints Over Time (2016-2025)



As such, this year, the Board hopes to examine what factors may be contributing to the low number of sustained racial and identity complaints. However, the data elements provided in the RIPA civilian complaint dataset make such analyses difficult or impossible. The dataset only includes counts of complaints by agency, rather than information about individual complaints and agency complaints processes. Therefore, a comprehensive investigation into what factors may be contributing to this low number of sustained complaints is not possible with the current data. However, the RIPA complaint data separates *identity complaints* (representing racial or identity profiling complaints) from *non-identity complaints* (representing all other complaints reported by an agency that are not racial or identity profiling complaints). While not a perfect benchmark, as identity complaints are different from non-identity complaints, comparing the dispositions of these two complaint categories provides some context to understand the disposition patterns seen with identity complaints.

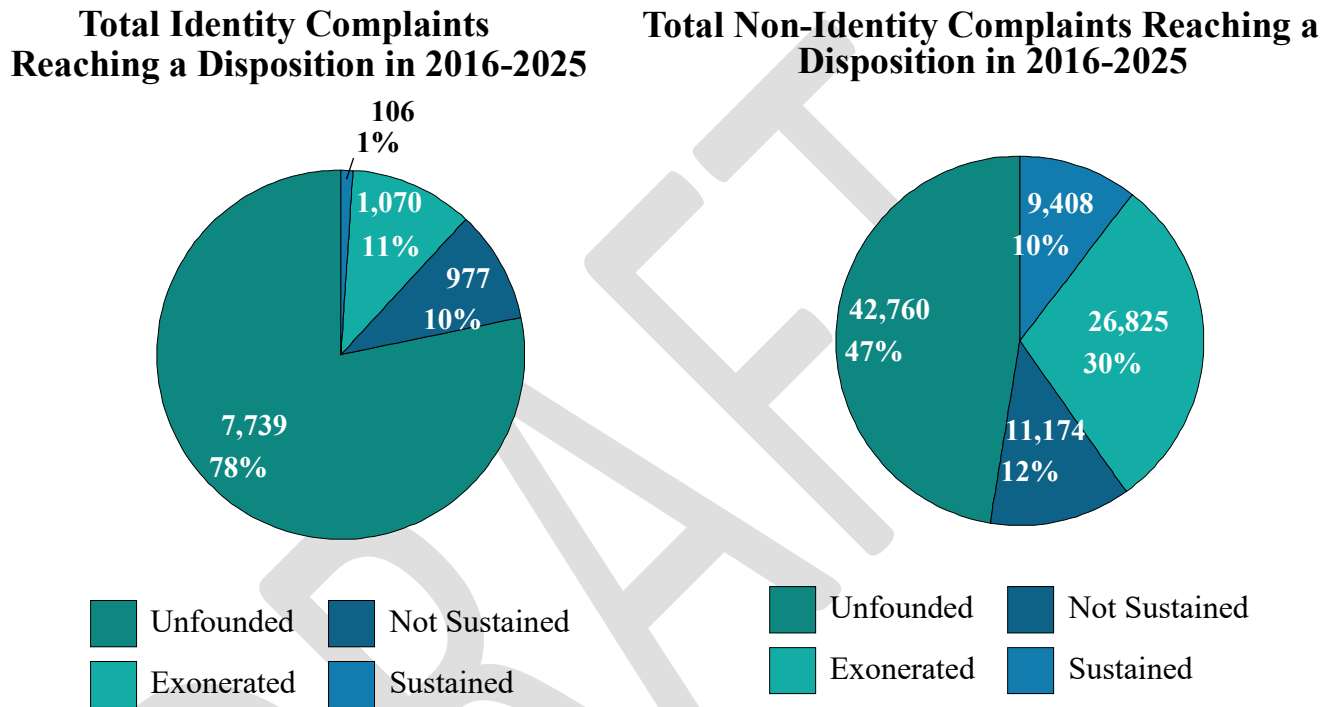
²¹ Hickman, *Citizen Complaints about Police Use of Force* (2006) U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics <<https://bjs.ojp.gov/content/pub/pdf/ccpuf.pdf>> [as of XX, 2026]. According to the report, during 2002, large law enforcement agencies received 26,556 citizen complaints about police use of force, and 94% of those complaints had a final disposition at the time of data collection for the report. Among use of force complaints having a final disposition, 34% were not sustained, 25% were unfounded, 23% resulted in officers being exonerated, and 8% were sustained.

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This analysis compares the disposition rates of identity complaints to the disposition rates of non-identity complaints. The complaints included in this analysis are all complaints that reached a disposition between 2016-2025.²² From 2016 to 2025, there were 100,059 total complaints that reached a disposition. As noted above, there are four types of complaint dispositions: sustained, exonerated, unfounded, and not sustained.²³

Figure 10. Comparison of Identity and Non-Identity Complaint Dispositions Over Time (2016-2025)²⁴



²² All years have been combined into one analysis because the CCAPO data does not provide information on when the complaint was filed. There may be important differences between the complaint types that, for instance, cause one category to take longer to investigate, thus making year to year comparisons difficult.

²³ Unfounded: The action complained of did not occur, or the employee accused was not involved.

Exonerated: The action complained of did occur, but was justified, lawful, and/or proper.

Not Sustained: The investigation failed to confirm the validity of the allegation.

Sustained: The action complained of occurred, and it was improper, unlawful, or unacceptable.

²⁴ Percentages may not add up to 100% due to rounding.

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Results show that identity complaints are sustained at a rate of almost 10 times less than the rate of non-identity complaints. Although sustained complaints are the primary subject of this investigation, the rest of the complaint types are presented in the table for comparison. Identity complaints are exonerated at a rate of almost three times less than the rate of non-identity complaints. Identity complaints are deemed to be not sustained at a rate of almost 1.3 times less than non-identity complaints. On the other hand, identity complaints are deemed unfounded almost twice as frequently as non-identity complaints. Though there are differences between identity complaints and non-identity complaints disposition rates, sustained complaints share the largest difference in this analysis. Figure 10 presents the rates of each disposition type by type of complaint.

These results suggest that there are statistically significant differences in complaint dispositions for identity complaints compared to non-identity complaints, although the strength of the relationship is weak to moderate, as the complaints process is complex,²⁵ and the analyses only account for one variable in an analysis examining differences in disposition types. Overall, based on the limited data available, identity complaints are more likely to be deemed unfounded and less likely to be sustained, exonerated, and not sustained than non-identity complaints.²⁶

Importantly, we cannot ascertain *why* the differences exist between identity complaint types. The RIPA civilian complaint data only provides counts, not more detailed complaint information. As such, there are many variables not accounted for in this analysis, such as agency information and procedures, complaint policy information, and complaint information. However, this analysis indicates that the disposition rates for identity complaints significantly differ from disposition rates of non-identity complaints.

IV. LEA COMPLAINT INVESTIGATIONS

The low number of sustained racial and identity profiling complaints raises a number of questions about law enforcement internal complaint processes. These questions cannot be answered by the limited available data and a comprehensive inquiry into what factors may be contributing to this low number of sustained complaints is not possible with the current data. For example, while the low number of sustained racial and identity profiling complaints could indicate that less misconduct is occurring, it could also indicate issues with the methods RIPA

²⁵ The complexity of the complaint process may be due to various factors, including different complaint process across agencies and a lack of a uniform definition of civilian complaints, which may lead to differences in the number of complaints are reported by RIPA agencies. Additionally, there are many factors that could influence complaint disposition that are not recorded in the CCAPO data, such as information about the complainant, the complaint, the officer involved, evidence, etc.

²⁶ Standardized residuals measure how much each cell in the table is contributing to the overall difference between the observed counts and the counts we would expect if there was no relationship between complaint type and disposition type, what direction the difference is in (occurring more often or less often), and whether this contribution is statistically significant. In this analysis, the standardized residuals indicated all cells deviated significantly from their expected values. Unfounded disposition status was observed more often than expected for racial and identity profiling complaints, while all other disposition statuses were observed less often than expected for racial and identity profiling complaints.

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agencies are using to receive, investigate, and adjudicate complaints.²⁷ As one example, the low number of sustained complaints could indicate that RIPA agencies are not taking complaints of racial and identity profiling seriously and fully investigating them because they do not see a problem with certain conduct by officers, or they are not recognizing signs of bias in officers' conduct. It could also indicate that agencies are not using appropriate procedures for receiving and investigating such complaints. The data also does not indicate whether LEAs are regularly conducting internal audits to ensure that the low number of sustained complaints is not due to disregard for certain types of complaints or improper or ineffective investigation procedures.²⁸

In light of the differences in the ways agencies receive, process, record, investigate, and adjudicate complaints, it is difficult to use the sustained rate as an indicator of an effective complaint process as there is no standardized process.²⁹ While California law requires agencies to report the four traditional categories of dispositions for complaints, some agencies may also use additional categories of complaint dispositions or record other unique outcomes.³⁰ Agencies may also be using different procedures for investigating similar types of complaints, resulting in differing outcomes for the same types of complaints. There are also limitations on how RIPA data may be used to draw conclusions regarding the low number of sustained complaints. As noted above (Section III, *supra*), the RIPA civilian complaints dataset only includes counts of complaints by agency, rather than information about individual complaints and agency complaints processes. Some researchers have also warned that complaint data must be interpreted with caution and may be an inappropriate indicator of an effective complaint process.³¹ For example, the total number of complaints recorded by an agency may impact the sustained rate. A higher number of complaints recorded will necessarily depress the percentage of sustained complaints by increasing its denominator.³² On the other hand, a lower number of

²⁷ For example, racial bias in complaint processes can impact the dispositional outcome of complaints. A 2020 study, which examined whether the race and ethnicity of the individual filing a police misconduct allegation predicts the complaint disposition, found that when compared to a sustained outcome, Black complainants are 4.7 times more likely to receive a not sustained outcome, 3.6 more likely to receive an unfounded outcome, and 4.2 times more likely that their misconduct allegation will culminate in the exoneration of the police officer. Study results also showed that a Hispanic complainant was 1.6 times less likely to achieve a favorable outcome in their case alleging misconduct by a police officer. Stolzenberg, *The Effect of a Complainant's Race and Ethnicity on Dispositional Outcome in Police Misconduct Cases in Chicago* (2020), *Race and Justice*, Vol. 10(1) 43-61, <https://www.academia.edu/64466880/The_Effect_of_a_Complainant_s_Race_and_Ethnicity_on_Dispositional_Outcome_in_Police_Misconduct_Cases_in_Chicago> [as of XX, 2026].

²⁸ As discussed in the Accountability chapter, robust and comprehensive internal auditing procedures are critical to an effective and responsive LEA, and to ensuring its officers are addressing the needs of the communities they serve.

²⁹ See Hickman, *Citizen Complaints about Police Use of Force* (2006) U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics, at p. 4 <<https://bjs.ojp.gov/content/pub/pdf/ccpuf.pdf>> [as of XX, 2026].

³⁰ See Hickman, *Citizen Complaints about Police Use of Force* (2006) U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics, at p. 4 <<https://bjs.ojp.gov/content/pub/pdf/ccpuf.pdf>> [as of XX, 2026].

³¹ See Vitoroulis, McElhiney, and Perez, *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices* (2021) U.S. Dept. of Justice, Community Oriented Policing Services, at p. 137 <<https://www.govinfo.gov/content/pkg/GOVPUB-J36-PURL-gpo159161/pdf/GOVPUB-J36-PURL-gpo159161.pdf>> [as of XX, 2026].

³² See Vitoroulis, McElhiney, and Perez, *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices* (2021) U.S. Dept. of Justice, Community Oriented Policing Services, at p. 137 <<https://www.govinfo.gov/content/pkg/GOVPUB-J36-PURL-gpo159161/pdf/GOVPUB-J36-PURL-gpo159161.pdf>> [as of XX, 2026].

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complaints recorded will result in a higher sustained rate when calculated.³³ The total number of complaints received by an agency may be dependent on the accessibility of an agency's complaint intake process and how the agency processes complaints when they are received.³⁴ The sustained rate may also depend on differences in how agencies handle complaints.³⁵ For example, some agencies may forward low-level complaints to the officer's command for informal resolutions, thus excluding them from being counted as a formal complaint and investigation. The sustained rate for some agencies may also be based on the number of allegations sustained rather than the number of complaints sustained.³⁶

Given these limitations, this year's Report focuses primarily on best practices and legal requirements for LEAs' internal investigation processes for complaints alleging racial and identity bias. The following subsections discuss the California laws governing LEA complaint investigation processes; identify some key principles that should guide all complaint investigations; and discuss suggested best practices and legal requirements for internal investigations of racial and identity profiling complaints. These principles and suggested best practices are intended to help ensure that LEAs are not disregarding complaints of racial and identity profiling and, instead, are thoroughly, transparently, and objectively investigating these complaints and arriving at the appropriate dispositions. While these best practices may help guide agencies in developing more effective complaint investigation procedures, the Board also encourages further independent research into the cause for the low number of sustained racial and identity profiling complaints and the further development of best practices for addressing any deficiencies in agencies' investigation processes that may be contributing to the low number of sustained dispositions of bias related complaints.

A. Complaint Investigation Policies and Practices

There are several California laws that apply to complaint investigations by LEAs. Penal Code section 832.5 requires each department or agency in the state that employs peace officers to establish a procedure to investigate complaints by members of the public against personnel of these departments or agencies and make a written description of the procedures available to the public. The California Law Enforcement Accountability Reform (CLEAR) Act³⁷ and its implementing regulations provide requirements for investigations of complaints alleging that an officer has engaged in membership in a hate group, participated in any hate group activity or

³³ See Vitoroulis, McElhiney, and Perez, *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices* (2021) U.S. Dept. of Justice, Community Oriented Policing Services, at p. 137 <<https://www.govinfo.gov/content/pkg/GOVPUB-J36-PURL-gpo159161/pdf/GOVPUB-J36-PURL-gpo159161.pdf>> [as of XX, 2026].

³⁴ See Vitoroulis, McElhiney, and Perez, *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices* (2021) U.S. Dept. of Justice, Community Oriented Policing Services, at p. 137 <<https://www.govinfo.gov/content/pkg/GOVPUB-J36-PURL-gpo159161/pdf/GOVPUB-J36-PURL-gpo159161.pdf>> [as of XX, 2026].

³⁵ See Vitoroulis, McElhiney, and Perez, *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices* (2021) U.S. Dept. of Justice, Community Oriented Policing Services, at p. 137 <<https://www.govinfo.gov/content/pkg/GOVPUB-J36-PURL-gpo159161/pdf/GOVPUB-J36-PURL-gpo159161.pdf>> [as of XX, 2026].

³⁶ See Vitoroulis, McElhiney, and Perez, *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices* (2021) U.S. Dept. of Justice, Community Oriented Policing Services, at p. 137 <<https://www.govinfo.gov/content/pkg/GOVPUB-J36-PURL-gpo159161/pdf/GOVPUB-J36-PURL-gpo159161.pdf>> [as of XX, 2026].

³⁷ See Cal. Pen. Code, §§ 13680-13683.

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advocated any public expressions of hate.³⁸ In addition, the California Public Safety Officers Procedural Bill of Rights Act (POBR), codified in Government Code sections 3300 - 3313, provides certain protections and rights to peace officers during investigations that can lead to punitive action. Assembly Bill 443 (AB 443) also required the Commission on Peace Officer Standards and Training (POST) to establish a definition of biased conduct for LEAs to use in any investigation into a bias-related complaint or an incident that involves possible indications of officer bias, and to determine if any racial profiling occurred.³⁹

Outside of these requirements, agencies have discretion to create their own civilian complaint process, including how to carry out complaint investigations. This discretion means that complaint investigation procedures may vary from agency to agency, ultimately resulting in differences in civilian complaint data.⁴⁰ For example, some agencies may view certain types of complaints as less serious and thus will not conduct full formal investigations of those complaints, while other agencies may conduct full investigations of similar complaints. Additionally, different investigation procedures could mean that a complaint that would be sustained in one agency is unsubstantiated in another, ultimately impacting the number of sustained complaints reflected in the RIPA data.

Despite California law prohibiting racial and identity profiling,⁴¹ and despite the fact that demonstration of bias can constitute grounds for decertification,⁴² based on a review of publicly available policies and procedures from 15 LEAs, none of these LEAs have created distinct procedures for investigating complaints alleging racial and identity bias and have no established metrics for arriving at the dispositions for complaints alleging bias.

This year, the Board reviewed Wave 1 and Wave 2 RIPA reporting agencies' publicly available policies and procedures related to biased policing and internal investigations of civilian complaints. The review was limited to what was available on each agency's website and the Board did not review any additional internal procedures that agencies may have that are not publicly available. This review revealed that, while Wave 1 and Wave 2 agencies generally have policies prohibiting biased policing and have general procedures for investigating civilian complaints as required under Penal Code section 832.5, these agencies do not appear to have publicly available investigation procedures specifically focused on investigating biased conduct such as racial and identity profiling, including public documents that reflect criteria to guide investigators in determining whether bias influenced an officer's conduct. A lack of detailed procedures specifically for investigating biased conduct can lead to concerns that agencies may fail to identify signs of bias and may prematurely dismiss complaints alleging biased conduct or may arrive at incorrect dispositions for these complaints.

For example, in 2022, the California State Auditor issued a report summarizing its audit of the internal investigations of four California local LEAs. The audit concluded that, because of

³⁸ See Cal. Code Regs, tit. 11, §§ 999.300 et seq.

³⁹ Cal. Pen. Code § 13510.6. POST regulation establishing a definition of biased conduct became effective in January 2026. (See Cal. Code Regs, tit. 11, § 1022.) As discussed in previous RIPA reports, Senate Bill 2 (SB 2) provides that a peace officer's certification may be suspended or permanently revoked if the officer has engaged in serious misconduct, which includes demonstrating bias on the basis of certain protected characteristics. (Pen. Code § 13510.8, subd. (b); Cal. Code Regs., tit. 11, § 1205.) Demonstrating bias includes an officer engaging in racial profiling. (Cal. Code Regs., tit. 11, § 1205, subd. (a)(5).)

⁴⁰ See Racial and Identity Profiling Board, *Annual Report 2023*, at p. 179
<<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026].

⁴¹ Cal. Pen. Code, § 13519.4, subd. (f).

⁴² Cal. Pen. Code, § 13510.8, subd. (b)(5).

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deficiencies in the agencies' investigations, the agencies failed to recognize and address potentially biased conduct.⁴³ The audit reviewed a selection of five internal investigations at each agency. The audit found that none of the agencies reviewed had fully developed and implemented comprehensive efforts to address bias among their officers. Additionally, the four local LEAs reviewed at times failed to adequately investigate their officers' possibly biased conduct.⁴⁴ Many of the investigations were narrowly focused on blatant signs of bias, such as uttering racial slurs, but overlooked signs of implicit biases, relied heavily on officer's denials of bias, and did not account for how the officer's conduct reasonably appeared.⁴⁵

The audit also found that three agencies had prematurely dismissed a complaint alleging biased conduct.⁴⁶ The deficiencies in these agencies' investigations revealed that they lacked a sufficient framework for conducting investigations into biased conduct and sufficient guidance for investigators, including lacking a uniform definition for what constitutes biased conduct by officers and what factors investigators should weigh in assessing whether biased conduct had occurred.⁴⁷

The Board's review of Wave 1 and Wave 2 agencies' public investigative procedures revealed that some agencies, such as the San Francisco Police Department (SFPD), have acknowledged the importance of strengthening the ability of the Department to recognize bias by officers and respond appropriately. SFPD has developed a strategic plan to implement reforms aimed at

⁴³ Auditor of the State of California, *Law Enforcement Departments Have Not Adequately Guarded Against Biased Conduct* (Apr. 2022), at pp. 61-76 <<https://information.auditor.ca.gov/pdfs/reports/2021-105.pdf>> [as of XX, 2026].

⁴⁴ Auditor of the State of California, *Law Enforcement Departments Have Not Adequately Guarded Against Biased Conduct* (Apr. 2022), at p. 61 <<https://information.auditor.ca.gov/pdfs/reports/2021-105.pdf>> [as of XX, 2026].

⁴⁵ Auditor of the State of California, *Law Enforcement Departments Have Not Adequately Guarded Against Biased Conduct* (Apr. 2022), at p. 61 <<https://information.auditor.ca.gov/pdfs/reports/2021-105.pdf>> [as of XX, 2026]. For example, one investigation involved an incident with two officers arguing with a Black man about whether they had detained and searched him because he was Black. The officers made several statements indicating potential bias including telling the man that "You continually play the race card...It's fake," "You are a racist., and "[Martin Luther King] would be offended at what you're saying right now." The man filed a complaint alleging that the officers had engaged in racial profiling. However, the agency failed to conduct an analysis of whether bias influenced the officers' actions and instead simply asked the officers whether race had been a factor in their actions and then assessed whether their conduct had violated other policies. The agency found that the officers had no authority to search the man's car, arrest him, or tow his vehicle. However, as discipline, the officers only received letters of reprimand for making an unlawful arrest but did not receive any discipline or corrective action related to bias or professionalism. (*Id.* at p. 65-66.) In another investigation of an encounter between two officers and a member of the public, one officer made statements to the complainant that could reasonably be understood to be connected to his ethnicity, such as asking for the man's "papers" and mocking his complaints about the encounter as a "Telemundo special." During its investigation, the agency took the officers' explanations for these statements at face value and used flawed reasoning to conclude that the conduct had not been influenced by bias. For example, the agency acknowledged that the phrase "papers" has a context specific to immigration, but because the incident was not related to immigration, it dismissed the possibility that the officer—even unconsciously—might have used that term because of the complainant's ethnicity. The agency also concluded that the officer could not have been influenced by bias because he was of Mexican descent, had grown up watching novelas on television, and stated that they did not make the comments "with malice or in a demeaning manner." However, the agency did not consider how the comments reasonably appeared in the context in which they were made. (*Id.* at pp. 67-68.)

⁴⁶ Auditor of the State of California, *Law Enforcement Departments Have Not Adequately Guarded Against Biased Conduct* (Apr. 2022), at p. 69 <<https://information.auditor.ca.gov/pdfs/reports/2021-105.pdf>> [as of XX, 2026].

⁴⁷ Auditor of the State of California, *Law Enforcement Departments Have Not Adequately Guarded Against Biased Conduct* (Apr. 2022), at pp. 71-74 <<https://information.auditor.ca.gov/pdfs/reports/2021-105.pdf>> [as of XX, 2026].

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decreasing the prevalence of bias within the Department's police force, including reforms to its investigation processes.⁴⁸ The Board encourages all RIPA reporting agencies to likewise develop and implement plans for addressing and reducing biased conduct by officers, including developing specific protocols and procedures for investigating complaints of biased conduct, which include racial and identity profiling, and training investigators on these protocols and procedures.

While it may be difficult to determine the exact cause for the low number of sustained complaints reported by a particular LEA without an in-depth look at the agency's complaint process and dispositions over time, the aggregate low number of sustained complaints reported by all RIPA reporting agencies raises serious concerns about agencies' complaint processes. While the low sustained rate could indicate a strong relationship between the community and law enforcement or a lack of officer misconduct, it could also indicate issues with the complaint process.⁴⁹

B. General Principles for Internal Complaint Investigations

This subsection draws from current literature on internal complaint investigations, from within and outside the law enforcement context, and discusses some key general principles that should be incorporated into LEA complaint investigation procedures to help ensure that investigations are objective, transparent, and result in appropriate dispositions for complaints.

1. Independence

Researchers have noted that investigations of complaints — particularly of more serious complaints alleging officer misconduct, such as those alleging excessive use of force, and racial and identity profiling — may be perceived to lack independence and objectivity when they are conducted internally by the LEA employing the accused officer.⁵⁰ Given the low number of sustained complaints of racial and identity profiling across most agencies, members of the public may believe LEAs are not properly investigating these types of complaints. This perceived lack of independence coupled with the low number of sustained complaints may lead the public to lose trust in law enforcement due to a belief that internal investigations are biased in favor of protecting the implicated officer and that law enforcement agencies are not taking these types of

⁴⁸ See San Francisco Police Department, Bias-Free Policing Strategic Plan, <<https://www.sanfranciscopolice.org/bias-free-policing-strategic-plan>> [as of XX, 2026].

⁴⁹ See, e.g., Pryor et al., *A national study of sustained use of force complaints in law enforcement agencies* (2021) 64 J. Crim. Justice 101623, at p. 17 <<https://pmc.ncbi.nlm.nih.gov/articles/PMC8130906/pdf/nihms-1606337.pdf>> [as of XX, 2026] (“rather than indicate strong community-police relations, a low number of use of force complaints could indicate that the complaint process is not accessible to citizens”)

⁵⁰ Internal Affairs effectiveness may be hampered by a number of issues including unequal discipline for officers who have committed the same types of offenses, lengthy investigations, the code of silence among officers, the lack of public knowledge about police misconduct complaints and their dispositions, and the lack of a comprehensive data systems that may assist in collecting and assessing information on misconduct incidents. See U.S. Commission on Civil Rights, *Revisiting Who Is Guarding the Guardians?: A Report on Police Practice and Civil Rights in America* (Nov. 2000) <<https://www.usccr.gov/files/pubs/guard/ch3.htm>> [as of XX, 2026].

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complaints seriously.⁵¹ Loss of public trust can damage the legitimacy of law enforcement agencies and the integrity of officers.⁵²

To guard against this perceived bias and the loss of trust in the investigation process, some researchers have advocated for external investigations of serious complaints against law enforcement officers, including complaints alleging racial and identity profiling.⁵³ However, challenges such as funding constraints, resistance from law enforcement, and legal issues with access to confidential information can make it difficult to establish third-party investigations and oversight of the complaint process.⁵⁴

To prevent a perception of bias, researchers suggest that internal and external complaint investigations be conducted independently of the unit of the officer or officers implicated in the complaint.⁵⁵ Many LEAs have created Internal Affairs units to investigate allegations against officers.⁵⁶ These units are generally believed to have a degree of independence from the law enforcement hierarchy and culture that might otherwise undermine the ability to internally investigate.⁵⁷ However, there may still be a perception that Internal Affairs does not have sufficient independence since they are still part of the LEA and some investigations may require the investigation not only of an individual officer's conduct, but also the agency's practices or procedures that may have led to that conduct.⁵⁸ Internal investigations may thus create a perception of lack of objectivity.

⁵¹ See Katz, *Enhancing Accountability and Trust with Independent Investigations of Police Lethal Force* (Apr. 2015) 128 Harv. L. Rev. F. 235 <<https://harvardlawreview.org/forum/vol-128/enhancing-accountability-and-trust-with-independent-investigations-of-police-lethal-force/>> [as of XX, 2026].

⁵² See Katz, *Enhancing Accountability and Trust with Independent Investigations of Police Lethal Force* (Apr. 2015) 128 Harv. L. Rev. F. 235 <<https://harvardlawreview.org/forum/vol-128/enhancing-accountability-and-trust-with-independent-investigations-of-police-lethal-force/>> [as of XX, 2026].

⁵³ See e.g., Hopkins, *An Effective System for Investigating Complaints Against Police* (Aug. 2009) Victorian Law Foundation, at pp. 31 - 48 <<https://www.policeaccountability.org.au/wp-content/uploads/2014/03/An-effective-System-for-Investigating-Complaints-Against-Police.pdf>> [as of XX, 2026]; Police1, *For better misconduct investigations, use third parties* (Sept. 11, 2023) <<https://tinyurl.com/4kj5f7tc>> [as of XX, 2026] (advocating for a third-party investigation model).

⁵⁴ Police1, *For better misconduct investigations, use third parties* (Sept. 11, 2023) <<https://tinyurl.com/4kj5f7tc>> [as of XX, 2026].

⁵⁵ See McKenna Long & Alderidge LLP, *Guide to Conducting an Effective Internal Investigation* <https://www.acc.com/sites/default/files/resources/vl/membersonly/ProgramMaterial/19856_1.pdf> [as of XX, 2026].

⁵⁶ See, e.g., Los Angeles Police Department, Internal Affairs Division, <<https://www.lapdonline.org/office-of-the-chief-of-police/professional-standards-bureau/internal-affairs-division/>> [as of XX, 2026]; San Diego County Sheriff's Department, Policy and Procedure Manual, Procedure 3.2 Complaints Against Sheriff's Employees (rev. May 1, 2015), <<https://www.sdsheriff.gov/home/showpublisheddocument/10241/639184155077118416>> [as of XX, 2026]; Long Beach Police Department, Policy Manual 4.1.1.3 Complaint Procedure – Internal Affairs (June 22, 2026) <<https://citydocs.longbeach.gov/LBPDPublicDocs/DocView.aspx?id=131219&dbid=0&repo=LBPD-PUBDOCS&cr=1>> [as of XX, 2026].

⁵⁷ Hopkins, *An Effective System for Investigating Complaints Against Police* (Aug. 2009) Victorian Law Foundation, at p. 37 <<https://www.policeaccountability.org.au/wp-content/uploads/2014/03/VLF-REPORT-Effective-Investigation.pdf>> [as of XX, 2026].

⁵⁸ Hopkins, *An Effective System for Investigating Complaints Against Police* (Aug. 2009) Victorian Law Foundation, at pp. 35-36 <<https://www.policeaccountability.org.au/wp-content/uploads/2014/03/An-effective-System-for-Investigating-Complaints-Against-Police.pdf>> [as of XX, 2026].

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Where feasible and to help build trust and with the goal of impartiality, jurisdictions should consider establishing an independent, external review body that is institutionally, culturally, and politically independent of law enforcement, which can either conduct a separate independent investigation of serious complaints received by the agency, such as those alleging an officer engaged in racial or identity profiling, or provide independent reviews or audits of the agency's complaint investigations.⁵⁹ Independent third-party investigations of complaints help eliminate conflicts of interest, increase credibility, foster trust between law enforcement and communities, and free up internal resources for the LEAs.⁶⁰ A 2016 study into citizen complaint data from eight cities found that cities where law enforcement internal affairs units conducted investigations but had their dispositions reviewed by an external civilian oversight agency were significantly more likely to sustain complaints.⁶¹ On the other hand, agencies that permitted command-level investigation of civilian complaints significantly reduced the odds of a sustained finding of officer wrongdoing.⁶² In the 2026 RIPA Report, the Board discussed in more detail the importance of external oversight bodies.⁶³

2. Thorough and Timely Investigations

LEAs should ensure that their complaint investigations are conducted in a thorough and timely manner. A thorough investigation should include gathering all relevant information required to achieve the purpose of the inquiry and should enable the adjudicator to make findings without resorting to assumption of the facts at issue.⁶⁴ Gathering sufficient facts and conducting a thorough investigation is essential for conducting an objective, fair, and thorough investigation and arriving at the appropriate disposition. The extent of a thorough investigation will depend on

⁵⁹ See Hopkins, *An Effective System for Investigating Complaints Against Police* (Aug. 2009) Victorian Law Foundation, at pp. 34, 49 <<https://www.policeaccountability.org.au/wp-content/uploads/2014/03/VLF-REPORT-Effective-Investigation.pdf>> [as of XX, 2026]; United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011) at p. 36 <https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf> [as of XX, 2026];

⁶⁰ Police1, *For better misconduct investigations, use third parties* (Sept. 11, 2023) <<https://tinyurl.com/4kj5f7tc>> [as of XX, 2026]; United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011) <https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf> [as of XX, 2026].

⁶¹ Terrill and Ingram, *Citizen Complaints against the Police: An Eight-City Examination* (2016) *Police Quarterly* 19(2): 150–179, at pp. 150, 173–174 <https://www.researchgate.net/publication/341488764_Citizen_Complaints_Against_the_Police_An_Eight_City_Examination> [as of XX, 2026].

⁶² Terrill and Ingram, *Citizen Complaints against the Police: An Eight-City Examination* (2016) *Police Quarterly* 19(2): 150–179, at pp. 173–174 <https://www.researchgate.net/publication/341488764_Citizen_Complaints_Against_the_Police_An_Eight_City_Examination> [as of XX, 2026].

⁶³ Racial and Identity Profiling Advisory Board, *Annual Report 2026*, at pp. 152 - 166 <<https://oag.ca.gov/system/files/media/ripa-board-report-2026.pdf>> [as of XX, 2026].

⁶⁴ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 29 <<https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-pl64-pub.pdf>> [as of XX, 2026].

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a variety of factors, including the seriousness and complexity of the case.⁶⁵ Investigators must use their good-faith professional judgement to determine when sufficient relevant evidence has been gathered and where collecting more information may be unnecessary.⁶⁶ Enforceable timelines for investigations are critical to ensure evidence is collected and retained as soon as possible.⁶⁷ Investigations should present no opportunities for the fabrication or distortion of testimony or evidence.⁶⁸

3. Transparent Decision Making

The Board has previously recommended that, to foster public trust and confidence in the complaint investigation process, LEAs should ensure that their complaint investigation process is accessible, comprehensible, and transparent to the public.⁶⁹ Agencies should be careful not to interpret an absence of complaints as a sign that police performance is meeting with overall satisfaction, but should evaluate whether a lack of complaints is due to a lack of faith in the agency's effective handling of complaints.⁷⁰ In order to establish, restore, or enhance public confidence in the complaint investigation process, agencies should disclose the number of complaints received, the nature of their complaints and their consequences, including the number of officers disciplined and criminally prosecuted.⁷¹

⁶⁵ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 27 <<https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-p164-pub.pdf>> [as of XX, 2026]; McKenna Long & Aldridge LLP, *Guide to Conducting an Effective Internal Investigation*, <https://www.acc.com/sites/default/files/resources/vl/membersonly/ProgramMaterial/19856_1.pdf> [as of XX, 2026].

⁶⁶ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 29 <<https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-p164-pub.pdf>> [as of XX, 2026]; *Guide to Conducting an Effective Internal Investigation*, McKenna Long & Aldridge LLP, <https://www.acc.com/sites/default/files/resources/vl/membersonly/ProgramMaterial/19856_1.pdf> [as of XX, 2026].

⁶⁷ Hopkins, *An Effective System for Investigating Complaints Against Police*, Victoria Law Foundation (Aug. 2009) at p. 54 <<https://www.policeaccountability.org.au/wp-content/uploads/2014/03/VLF-REPORT-Effective-Investigation.pdf>> [as of XX, 2026]; United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011) at p. 35 <https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf> [as of XX, 2026].

⁶⁸ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 27 <<https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-p164-pub.pdf>> [as of XX, 2026].

⁶⁹ See Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at pp. 179-194 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as XX, 2026].

⁷⁰ United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011) at p. 36 <<https://tinyurl.com/yckb5mx4>> [as of XX, 2026].

⁷¹ United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011), at pp. 36-37 <<https://tinyurl.com/yckb5mx4>> [as of XX, 2026]; see also Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at p. 185 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as XX, 2026].

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4. Internal Accountability

An LEA's complaints system should be assessed regularly, including intake of complaints and the investigation of complaints.⁷² As discussed further in the Accountability chapter, agencies should regularly audit the entire complaints system, including intake and investigation processes. Where feasible, audits should also be carried out by an external, independent body.⁷³

LEAs should also conduct periodic reviews of their complaint data, including their aggregate complaint data and individual complaints as needed, to identify the underlying causes of misconduct — such as a lack of training or supervision, or ambiguous laws and policies — that could lead to its recurrence by the same or different officers.⁷⁴ Complaint data can also be used to identify the areas where misconduct is most likely to occur and which officers are subject to an unusually high number of allegations.⁷⁵

C. Best Practices for Internal Complaint Investigations

The following section compiles, from currently available literature, suggested guidelines and best practices to assist law enforcement agencies in developing complaint investigation procedures to ensure that these investigations are conducted in a thorough, timely, objective, and transparent manner.

1. Who Should Investigate Complaints

Agencies should take all reasonable steps to ensure that their investigations are free from conflict of interest, bias, prejudice, or self-interest.⁷⁶ If administrative complaints are investigated internally by the agency, complaints against officers should not be investigated by the officer's immediate colleagues, both to avoid any conflict of interest and to ensure that the investigation is perceived by the public as unbiased and impartial.⁷⁷ If no other options are available, at a minimum, investigating officers should come from a different branch or region and a higher rank than the officer or officers under investigation.⁷⁸ For example, AB 655 regulations require that complaints alleging that an officer is a member of any hate group, participated in any hate group

⁷² United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011), at p. 36 <<https://tinyurl.com/yckb5mx4>> [as of XX, 2026].

⁷³ United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011), at p. 36 <<https://tinyurl.com/yckb5mx4>> [as of XX, 2026]; see also Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at pp. 190-192 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026].

⁷⁴ United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011), at p. 43 <<https://tinyurl.com/yckb5mx4>> [as of XX, 2026].

⁷⁵ United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011), at p. 43 <<https://tinyurl.com/yckb5mx4>> [as of XX, 2026].

⁷⁶ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 27 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026].

⁷⁷ United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011), at p. 41 <<https://tinyurl.com/yckb5mx4>> [as of XX, 2026]; Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at p. 187, <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026].

⁷⁸ United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011), at p. 41 <<https://tinyurl.com/yckb5mx4>> [as of XX, 2026]; see also Racial and Identity Profiling Advisory Board, *Annual Report (2023)*, at p. 187, <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026]; Thurnauer, *Best Practice Guide for Internal Affairs: A Strategy for Smaller Departments*, at p. 2, <<https://www.theiacp.org/sites/default/files/2018-08/BP-InternalAffairs.pdf>> [as of XX, 2026].

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activity, or advocated for public expressions of hate, that are referred to an investigative unit must be assigned to a team of investigators, and each assigned investigator must hold a higher rank than the subject of the complaint if the investigator is a member of the subject's employing agency and must not be the immediate supervisor of the subject of the complaint, unless the subject's immediate supervisor is the highest-ranking member of the subject's chain of command.⁷⁹

Most LEAs have an Internal Affairs unit that is responsible for investigating complaints against officers.⁸⁰ All internal administrative investigations of serious complaints, including allegations of racial and identity profiling, should be conducted by Internal Affairs if they are not conducted by an external, independent investigator or investigative body.⁸¹ These types of complaints should not be investigated at the unit level.⁸² Internal Affairs units generally have investigative expertise that chain-of-command investigators may not have. Having Internal Affairs investigate serious complaints provides increased consistency and quality and can reveal trends of investigative or leadership deficiencies that can be resolved through agency-wide training.⁸³ Agencies should have a policy that addresses any conflicts of interests that may occur during an internal investigation.⁸⁴

For purposes of independence (including from institutional politics and pressure), confidentiality, and direct and unfiltered discussion, the head of Internal Affairs should preferably report directly to the agency head.⁸⁵ If a direct reporting relationship is not feasible, the Internal Affairs commanding officer should nonetheless have prompt, unrestricted, and confidential access to all agency executives, including the agency head.

a. Selecting and Training Internal Affairs Investigators

LEAs should establish specific requirements for the selection of individuals to work in Internal Affairs. Prior investigative experience and/or a strong investigative background should be either required or a significant qualification to be selected.⁸⁶ Individuals selected for Internal Affairs should sign a confidentiality agreement that clearly states that it is misconduct for an Internal Affairs investigator to reveal investigative information to any person unless that person has an authorized right and need to know that information.⁸⁷

⁷⁹ Cal. Code Regs., tit. 11, § 999.306.

⁸⁰ U.S. Commission on Civil Rights, *Revisiting Who Is Guarding the Guardians?: A Report on Police Practice and Civil Rights in America* (Nov. 2000) <https://www.usccr.gov/files/pubs/guard/ch4.htm#_ftnref1> [as of XX, 2026].

⁸¹ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 31 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

⁸² U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 31 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

⁸³ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 32 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

⁸⁴ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 27 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

⁸⁵ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 32 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

⁸⁶ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 59 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

⁸⁷ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 60 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

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LEAs should provide ongoing training or professional development in investigation and Internal Affairs investigations, including training in effective interview techniques, development of case strategy, laws that apply to Internal Affairs investigations, and any other relevant subjects.⁸⁸ For complaints alleging biased officer conduct, investigators should be trained to recognize not only signs of explicit bias but also implicit biases that may have impacted the officer's actions.

Given the difficulty and potential psychological impacts of Internal Affairs work, agencies should consider limiting an investigator's time of service in Internal Affairs to prevent investigators from becoming biased, emotionally drained, or bored after extended stays in Internal Affairs.⁸⁹

2. How to Conduct Complaint Investigations

As a general principle, LEAs should receive, document, and investigate all complaints, particularly complaints of serious misconduct such as complaints alleging racial and identity bias by a law enforcement officer.⁹⁰ Any decisions not to proceed with a full investigation should be made by the commander of the Internal Affairs unit with a written explanation included in the file.⁹¹ Even if some complaints are lodged by frequent complainants whose previous complaints have been found to lack basis in fact, those complaints should not be summarily closed.⁹² Instead, the complaint should be reviewed by an Internal Affairs commander and may be closed if a preliminary investigation sufficiently establishes that the current complaint lacks a basis in fact or has duplicate facts to another complaint.⁹³

Complaint investigations should be completed in a timely manner,⁹⁴ both to foster transparency and public trust that complaints will be investigated promptly, and to take swift correct action to help prevent future misconduct from wayward officers.⁹⁵ Although LEAs with limited staff may

⁸⁸ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 60 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026].

⁸⁹ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 60 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026].

⁹⁰ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 27 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026]; Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at pp. 185, 187, <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026]; see, e.g., Vallejo Police Department, Vallejo PD Policy Manual, Policy 1011.2, <<https://www.myvallejo.com/vallejo-police-department-releases-draft-complaint-policy-for-public-feedback>> (requiring that all allegations or personnel misconduct be received and documented, fully and impartially investigated, and a disposition made based on a preponderance of the evidence) [as of XX, 2026].

⁹¹ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 29 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026].

⁹² U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 30 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026].

⁹³ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 30 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026].

⁹⁴ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 33 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026]; Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at pp. 183-184, <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026].

⁹⁵ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 33-34 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026]; Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at pp. 183-184 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026].

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need a longer time to complete an investigation, in all cases, the internal investigation should be completed before any applicable statute of limitations or other bar to officer discipline runs out.⁹⁶

When investigating any bias-related complaint or incident that involves possible indications of officer bias, LEAs are required to determine whether the conduct being investigated constitutes “biased conduct,” using the definition of biased conduct developed by POST.⁹⁷ POST regulation defines “biased conduct” as:

any conduct, including but not limited to, conduct online, such as social media use, engaged in by a peace officer in any encounter with the public, first responders, or employees of criminal justice agencies, as defined in Penal Code Section 13101, which is motivated by bias toward any person’s protected class or characteristic, as identified in Civil Code Section 51(b), whether actual or perceived. Biased conduct may result from implicit and explicit biases. Conduct is biased if a reasonable person with the same training and experience would conclude, based upon the facts, that the officers conduct resulted from bias towards that person’s membership in a protected class described in Civil Code Section 51(b). An officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct.⁹⁸

When investigating any complaint involving any law enforcement activity described in Penal Code section 13519.5, subdivision (e) (traffic or pedestrian stop, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest), the investigating LEA must determine if racial profiling occurred.⁹⁹

Standard lines of inquiry should be followed during investigations to determine what happened, including speaking with witnesses, reviewing relevant records and video evidence, and assessing the officer or staff member’s actions against operational policy and reasonable behavior.¹⁰⁰ In cases where there is little or no direct evidence available to support an allegation of biased conduct, investigators should look for and assess other evidence, including the officer’s

⁹⁶ For example, Government Code section 3304, subdivision (d)(1) prohibits punitive action or denial of promotion on grounds other than merit if the complaint investigation is not completed within one year of the agency’s discovery by a person authorized to initiate an investigation. During the pendency of an internal investigation, an agency may place involved officers on administrative leave should they be determined to pose a risk to themselves, the agency, or the community; if their presence becomes disruptive to the successful completion of the investigation; or if the agency determines that termination of the officer’s employment is likely. The U.S. DOJ guidelines recommend concluding investigations within 180 days. U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at pp. 33-34 <<https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-pl164-pub.pdf>> [as of XX, 2026].

⁹⁷ Penal Code § 13510.6, subd. (b).

⁹⁸ Cal. Code Regs., tit. 11, § 1022.

⁹⁹ Penal Code section 13519.5, subdivision (e) defines “racial or identity profiling” as the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description.

¹⁰⁰ Independent Police Complaints Commission, *IPCC guidelines for handling allegations of discrimination* (2015), at p. 38, <https://www.policeconduct.gov.uk/sites/default/files/documents/guidelines_for_handling_allegations_of_discrimination_updated.pdf> [as of XX, 2026].

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complaint history and patterns of behavior, a comparison of how the complainant was treated against a person in the same or similar situation who does not have the protected characteristic, and an assessment of any language used, including language used in any records relating to the incident or arising from the complaint investigation.¹⁰¹

a. Interviews of Civilian Complainants, Witnesses, and Officers

The literature suggests that complainant and witnesses should be interviewed by the investigator within 24 hours of filing the complaint, and preferably, within 24 hours of the incident to get information from the complainant and witnesses while it is still fresh in their minds.¹⁰² During investigative interviews, the agency should electronically record the live, word-for-word statements of all interviewees to avoid interpretive errors in recounting statements.¹⁰³ LEAs must follow all applicable laws when conducting interviews of complainants, witnesses, and law enforcement officers.¹⁰⁴

Questions asked during interviews should be open-ended and non-leading.¹⁰⁵ Investigators should receive ongoing training in interviewing and fact-finding techniques.¹⁰⁶

When interviewing complainants, investigators may ask why the person believed the officers words or actions were biased, if they felt that the officer made assumptions about them because of their protected characteristic and what those assumptions were, if they noted any differences in the way they were treated compared to others, whether they believe the officer acted

¹⁰¹ Independent Police Complaints Commission, *IPCC guidelines for handling allegations of discrimination* (2015), at p. 39, <https://www.policeconduct.gov.uk/sites/default/files/documents/guidelines_for_handling_allegations_of_discrimination_updated.pdf> [as of XX, 2026].

¹⁰² Thurnauer, *Best Practices Guide for Internal Affairs: A Strategy for Smaller Departments*, International Association of Chiefs of Police, at p. 5, <<https://www.theiacp.org/sites/default/files/2018-08/BP-InternalAffairs.pdf>> [as of XX, 2026]; see also Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at p. 184, <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026].

¹⁰³ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at pp. 34-35 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026] (noting that as a form of quality and integrity control, audits comparing electronic recordings with written statements should be conducted at least randomly, and an investigator whose written statements vary often or greatly from the electronic recordings should be trained or removed as an investigator to prevent significant harm to the agency's integrity and reputation); see also Thurnauer, *Best Practices Guide for Internal Affairs: A Strategy for Smaller Departments*, International Association of Chiefs of Police, at p. 5 <<https://www.theiacp.org/sites/default/files/2018-08/BP-InternalAffairs.pdf>> [as of XX, 2026]; Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at p. 188, <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026].

¹⁰⁴ The POBR provides specific parameters for how interrogations of officers may be conducted during an investigation that may lead to punitive action, including the time of day that the interrogation may be conducted, whether it may be conducted during the officer's off-duty time, informing the officer of who will be present during the interrogation, how the interrogation may be conducted, and the officer's right to a representation during an interrogation. See Gov. Code, § 3303.

¹⁰⁵ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 36 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026],

¹⁰⁶ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 36 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

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differently compared to other officers, whether the officer used any language that added to their concern, and what outcome they would like from the complaint process.¹⁰⁷

Involved officers should be directly questioned about their actions, including questions about why they took the actions they did, what assumptions or assessments they made and the reasons for those assumptions and assessments, and why the complainant might have felt discriminated against.¹⁰⁸ This questioning may also reveal whether the officer needs additional training or if there are broader organization-wide issues.¹⁰⁹

3. Documenting Investigations

LEAs should ensure that the documentation of their internal complaint investigations is thorough, complete, and comprehensive.¹¹⁰ Using standardized forms and formats may help with quality control, evaluating comprehensiveness and sufficiency of content, consistency, and recordkeeping.¹¹¹ At the least, the investigation should answer the questions posed to it by the allegations.¹¹² Further, the investigative report should provide the decision-maker with enough information to arrive at a well-based finding.¹¹³

Internal affairs should also track and maintain a chronological log of all internal investigation in order to preserve and maintain a history of the investigation and to keep track of various parts of the investigation.¹¹⁴ Logs allow supervisors to determine the effectiveness of investigators and helps other investigators take over a case if the original investigator is on leave or removed from the case.¹¹⁵

¹⁰⁷ Independent Police Complaints Commission, *IPCC guidelines for handling allegations of discrimination* (2015) at pp. 8-9, <https://www.policeconduct.gov.uk/sites/default/files/documents/guidelines_for_handling_allegations_of_discrimination_updated.pdf> [as of XX, 2026]; see also Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at p. 189 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026].

¹⁰⁸ Independent Police Complaints Commission, *IPCC guidelines for handling allegations of discrimination* (2015) at p. VIII, <https://www.policeconduct.gov.uk/sites/default/files/documents/guidelines_for_handling_allegations_of_discrimination_updated.pdf> [as of XX, 2026].

¹⁰⁹ Independent Police Complaints Commission, *IPCC guidelines for handling allegations of discrimination* (2015) at p. VIII, <https://www.policeconduct.gov.uk/sites/default/files/documents/guidelines_for_handling_allegations_of_discrimination_updated.pdf> [as of XX, 2026].

¹¹⁰ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 36 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026]; Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at p. 185, <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026].

¹¹¹ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 36 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026].

¹¹² U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 36 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026].

¹¹³ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014), at p. 36 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026].

¹¹⁴ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 37 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026].

¹¹⁵ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 37 <<https://tinyurl.com/yxwsmrfp>> [as of XX, 2026].

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4. Disposition of Complaints

Adjudicators within the LEA should use neutral and objective criteria, weigh evidence appropriately to distinguish strong evidence from questionable or less material evidence, and should not make presumptions that bias the findings of fact.¹¹⁶ The rationale for each complaint adjudication should be in writing, and clearly related to the conduct, the officer, and the agency's rules.¹¹⁷ In weighing evidence, facts revealing a pattern of conduct should be considered.¹¹⁸ Without contrary evidence, the greater the number of previous allegations of a substantially similar act, the more likely than not the current case should be sustained.¹¹⁹

LEAs should have a system or mechanism to ensure that any discipline is fair and consistent.¹²⁰ A penalty matrix can help ensure consistency, objectivity, and predictable penalties for misconduct and should include recommended ranges of discipline that allow the decision-maker to consider the totality of the circumstances in determining appropriate discipline.¹²¹

Once the adjudicator has reached a decision regarding the allegations, the complaint disposition must be classified for purposes of RIPA within the one of the following categories: (1) sustained; (2) not sustained; (3) exonerated; and (4) unfounded.¹²² Under California law, a "sustained" finding means that the investigation disclosed sufficient evidence to prove the truth of the allegation in the complaint by a preponderance of the evidence.¹²³ In other words, a complaint should be sustained when the evidence indicates that it is more likely than not that a violation occurred.

LEAs may sometimes choose to add additional internal disposition categories.¹²⁴ For agencies that use intelligent data systems to monitor employee conduct, internal disposition categories can increase the granularity of a tracking system's input, which in turn can help improve the quality of decisions based on it.¹²⁵ However, if an agency chooses to use case dispositions beyond the

¹¹⁶ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 52 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

¹¹⁷ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 52 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

¹¹⁸ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 52 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

¹¹⁹ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 52 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

¹²⁰ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 53 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

¹²¹ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 53 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

¹²² Cal. Pen. Code, § 13012, subd. (a)(5)(B); see also Racial and Identity Profiling Advisory Board, *Annual Report 2022*, at pp. 203, 228-229 <<https://oag.ca.gov/system/files/media/ripa-board-report-2022.pdf>> [as of XX, 2026];

Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at p. 189 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026]

¹²³ Cal. Pen. Code, § 13012, subd. (a)(5)(B)(i).

¹²⁴ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 50 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

¹²⁵ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 50 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

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four statutorily mandated categories, it should ensure that it only uses dispositions that have a clearly defined function in the agency's personnel processes.¹²⁶

Once a disposition is reached, agencies must provide complainants with written notification of the disposition within 30 days of the decision.¹²⁷ The Board previously recommended that complaints also be provided with a thorough explanation of the investigation outcome in order to foster a sense of trust and accountability between law enforcement and the community.¹²⁸

V. BOARD RECOMMENDATIONS

[Area for Board discussion—Below are potential recommendations for the Board's consideration]

The Board has a continued interest in exploring whether deficiencies in law enforcement procedures and processes may be contributing to the low number of sustained complaints of racial and identity profiling. However, there is currently limited research on this topic and limitations on how the RIPA data can be used to draw conclusions about the low number of sustained complaints of racial and identity profiling. Existing research also indicates that sustained rates may be an inappropriate indicator of the effectiveness of an agency's complaint processes. The Board makes the following recommendations to encourage further research and analysis of this important issue.

1. While there are some published best practices for law enforcement internal civilian complaint investigations, many of the best practices the Board reviewed are not focused on investigating complaints alleging biased conduct, such as racial and identity profiling, which may require separate considerations than other complaint investigations. The Board encourages independent researchers to develop further best or effective practices for investigating complaints of racial and identity profiling.
2. The Board also encourages researchers to examine current data collected by law enforcement agencies and to take a closer look at law enforcement agencies' internal complaint investigation processes to identify possible deficiencies in these processes that may be contributing to low sustained rates for racial and identity profiling complaints.
3. The Board further recommends that law enforcement agencies develop training for internal investigators on how to assess whether bias impacted an officer's conduct.
4. *[Other recommendations?]*

¹²⁶ U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2014) at p. 50 <<https://tinyurl.com/yxwsmrpf>> [as of XX, 2026].

¹²⁷ Cal. Pen. Code, § 832.7, subd. (f)(1)).

¹²⁸ Racial and Identity Profiling Advisory Board, *Annual Report 2023*, at pp. 189-190, <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2026].

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VI. VISION FOR FUTURE REPORTS

[Content in development based on future Board discussion]

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