

EXPANDED COURSE OUTLINE  
REGULAR BASIC COURSE  
LEARNING DOMAIN 42  
CULTURAL DIVERSITY/DISCRIMINATION

**Effective date of outline: APRIL 1, 2019**

**I. LEARNING NEED**

Peace officers need to recognize and respect the complexities of cultural diversity to develop skills necessary for identifying and responding to California's changing communities.

**LEARNING OBJECTIVES**

**A. Define the terms:**

1. Culture
  - a. Refers to a complex group of shared characteristics including beliefs, values, ways of thinking, behaviors, customs, or traditions
2. Cultural diversity
  - a. The representation or existence of individuals with distinctly different group affiliations within one organization, community, state, nation, or other social system

**B. Describe personal, professional, and organizational benefits of valuing diversity within the community and law enforcement organizations**

1. Personal
  - a. Enhanced officer safety
  - b. Increased personal and ethical satisfaction
  - c. Career survival
2. Professional
  - a. Improved quality of service provided
  - b. Enhanced community support and improved public trust
  - c. Reduced tension between officers and specific cultural groups
  - d. Increased access to and cooperation with members of the community
  - e. Improved compliance with the letter and spirit of the law
3. Organizational
  - a. Improved morale, effectiveness, and professionalism
  - b. Positive impact on law enforcement's image within the community
  - c. Reduction in the number of complaints against officers
  - d. Reduction in personal and agency exposure to claims and litigation

- C. Explain the historical and current cultural composition of California
  - 1. Definitions
  - 2. Acculturation and assimilation
  - 3. Never been a homogeneous society
  - 4. Leads the nation in the number of inhabitants born in other states or countries

## II. LEARNING NEED

Peace officers need to become aware of stereotyping that could lead to prejudicial viewpoints and unlawful acts of discrimination.

### LEARNING OBJECTIVES

- A. Define the term stereotype
  - 1. Is a preconceived or over-simplified generalization involving negative or positive beliefs about another group
- B. Discuss the dangers of relying on stereotypes to form judgments or to determine actions
  - 1. Result in making a judgment (positive or negative) based on those perceived differences
  - 2. Can be factually incorrect
- C. Define the term prejudice
  - 1. Is a prejudgment or point of view about a person or group of individuals that is usually formed before the facts are known
- D. Define the term discrimination
  - 1. Is an action or behavior that is prompted or based on prejudiced thought
  - 2. It includes differential treatment based on an unsubstantiated or unfair categorization.

- E. Define the term racial profiling, including the:
1. Conceptual definition
    - a. Certain races are more likely to engage in criminal activity, e.g., drug dealing, armed robbery, car theft, computer crime, domestic violence, terrorism, etc
  2. Legal definition
    - a. The practice of detaining the suspect based on a broad set of criteria which casts suspicion on the entire class of people without any individualized suspicion on the particular person being stopped. (Penal Code Section 13519.4(d))
- F. Discuss the legal considerations peace officers should take into account related to racial profiling, including:
1. California Penal Code section 13519.4
    - a. Restates existing obligations imposed by the Fourth and Fourteenth Amendments to the United States Constitution
  2. Fourth Amendment
    - a. Unreasonable detentions or searches and seizures,
    - b. Reasonable suspicion or probable cause
  3. Fourteenth Amendment
    - a. Apply the law equally
    - b. Individualized suspicion cannot be based on race unless race was provided as a specific descriptor
  4. Current case law
    - a. Whren vs. United States
  5. Criminal profiling vs. racial profiling
    - a. Criminal profiling is a legitimate practice based on articulable behaviors or characteristics that can be analyzed
    - b. Racial profiling occurs when race alone is used to predict criminality
- G. Discuss the impact of racial profiling on the:
1. Individual citizens
    - a. One's perception is one's reality
    - b. Perception of Law Enforcement
  2. Community
    - a. Perception of Law Enforcement
    - b. Willingness to become involved
  3. Officer
    - a. Affect credibility
    - b. Compromise officer safety
    - c. Impede criminal investigations due to lack of community support

4. Criminal justice system
  - a. Jurors who have been affected by racial profiling
  - b. A negative perception of law enforcement
  - c. Officer credibility issues which can result in refusals to file by the prosecution

H. Discuss landmark events in the evolution of civil and human rights

1. Initial drafting of the United States Constitution
2. Displacement of Native American Indians
3. Mexican/American War
4. Civil War
5. Women's Suffrage
6. Internment of American citizens of Japanese descent
7. Federal and state Civil Rights legislation
8. Americans With Disabilities Act

I. Define key indices peace officers should recognize and respect that make up evolving culture among a community

1. Experience
2. History
3. Heritage

J. Discuss the obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow officers

1. Penal Code Section 13519.4
2. Obligation not to racial profile and to report situations when discrimination or racial profiling by law enforcement is observed

III. LEARNING NEED

Peace officers must recognize that one of the most reliable strategies for successful contacts with individuals from differing cultural, racial, or ethnic backgrounds is to treat all individuals and groups with dignity and respect.

## LEARNING OBJECTIVES

- A. Explain strategies for effective communication within a diverse community, including:
  - 1. Verbal communication
    - a. Bilingual officers
    - b. Be patient.
    - c. Speak slowly and clearly at a normal volume.
    - d. Understand the meaning of “yes”
    - e. Face the person they are addressing
    - f. Use short, simple sentences.
    - g. Speak with the appropriate person
    - h. Use gestures, actions, or written text to aid understanding
  - 2. Active listening
    - a. Deliberate and conscious concentration
    - b. Remain open minded, unbiased and ethical.
    - c. Listen carefully to the context of the message.
    - d. Ask the individual to slow down or repeat the message if necessary.
    - e. Interpret the message by considering how and why it was said.
    - f. Act appropriately
  - 3. Nonverbal communication
    - a. Gestures
    - b. Facial expressions
    - c. Body positioning
    - d. Eye contact
  
- B. Describe positive officer behaviors during contacts with members of a cross-cultural community
  - 1. Criteria to evaluate are a mixture of perceptions and objective measures
    - a. Use of time and equipment
    - b. Level of response
    - c. Officer behavior
    - d. Problem solving and conflict resolution
  - 2. Different cultural backgrounds may differ in their understanding of the “legality”
  - 3. Varying dimensions of diversity exist among members of the same culture
    - Make a conscious effort to recognize and challenge their own stereotypes
    - Capitalize on the availability of resources
    - Recognize and learn about specific cultural, racial, and ethnic groups
  - 4. Look for opportunities to educate the community
  - 5. Establish cultural building blocks between officers and members of the community

C. Discuss articles of faith that can be interpreted as a weapon including:

1. Identification of the article
2. Proper handling of and respect for the article

#### IV. LEARNING NEED

Peace officers need to have a lawful basis for recognizing criminal acts as hate crimes and understand the impact of such crimes on victims and communities.

#### LEARNING OBJECTIVES

A. State the legal definition of a hate crime based on the Penal Code

1. Any act of:
  - a. intimidation, harassment, physical force, or threats of physical force,
2. Directed against any:
  - a. person, or family, or their property or advocate,
3. Motivated either in whole or in part by hostility to their real or perceived
  - a. ethnic background, national origin, religious belief, gender, age, disability, or sexual orientation,
4. With the intention of causing fear and intimidation

B. Classify the crime and the elements required to arrest for:

1. Desecrating religious symbols
  - a. Penal Code Section 11411- felony
2. Interfering with religious freedom
  - a. Penal Code Section 11412- felony
3. Terrorizing another
  - a. Penal Code Section 11413 - felony
4. Interfering with an individual's civil rights
  - a. Penal Code Section 422.6 - misdemeanor
  - b. Protected Class: race, color, religion, ancestry, national origin, disability, gender, or sexual orientation.
  - c. Definition of willfully
  - d. Enhanced penalty

C. Explain the legal rights and remedies available to victims of hate crimes based on federal law and civil code

1. Federal criminal statutes
    - a. 18 USC Section 241 - Conspiracy to interfere with civil rights
    - b. 18 USC Section 241 - Forcible interference with civil rights
    - c. 18 USC Section 242 - Forcible interference with civil rights under color of authority
    - d. 42 USC Section 3631 - Willful interference with civil rights under the Fair Housing Act
    - e. 42 USC 1981 and 1982 - Civil Rights Act of 1866
    - f. 42 USC Section 1985(3) - Conspiracy to deprive any person or class of persons of equal protection of the laws
    - g. 42 USC Section 3617 - Interference, coercion, or intimidation in violation of the Fair Housing Act
  2. State civil statutes
    - a. Civil Code Section 51.7 - Ralph Civil Rights Act
    - b. Civil Code Section 52.1 - Bane Civil Rights Act
    - c. Many Ralph Act violations are also violations of the Bane Civil Rights Act
- D. Describe the impact of hate crimes on victims, the victims' families, and the community
1. Reactions
    - a. Bitterness
    - b. Helplessness/frustration
    - c. Anger
    - d. Fear
    - e. Prolonged emotional trauma
  2. Distrust between groups,
  3. Disharmony among communities, and
  4. Tension between communities and law enforcement agencies
- E. Discuss the indicators of hate crimes
1. Bigotry
  2. Motivation
  3. Specific intent
  4. When the criminal act involves specific:
    - a. Individuals
    - b. Residences
    - c. Places of worship
    - d. Religious or ethnic organizations
    - e. Businesses
  5. Acts of vandalism
  6. Presence of graffiti
  7. Threatening telephone calls

- F. Explain considerations when investigating and documenting incidents involving possible hate crimes
1. Collection and preservation of evidence substantiating that a hate crime occurred
    - a. Photographs of injuries, graffiti, vandalism, drawings, tattoos, etc.
    - b. Physical evidence
    - c. Interviews
    - d. With victims,
    - e. Witnesses, and
    - f. Potential suspects
  2. Documentation

## V/ LEARNING NEED

Peace officers need to have an understanding of what constitutes sexual harassment, how to respond to sexual harassment in the workplace, and the legal remedies available through the sexual harassment complaint process.

### LEARNING OBJECTIVES

- A. State the legal definition of sexual harassment
1. Definition of sexual harassment
  2. Unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  3. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
  4. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual.
  5. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive working environment
- B. Discuss the federal and state laws dealing with sexual harassment to include:
1. Title VII
    - a. Title VII of the 1964 Civil Rights Act
    - b. EEOC
    - c. Make an award to the complaining party
    - d. Issue the complaining party a right to sue letter
  2. Government Code Section 12940 et. seq.
    - a. Unlawful practices in the workplace
    - b. Illegality of sexual harassment
    - c. PC 13519.7 - Sexual harassment in the workplace



3. Concept of Quid Pro Quo
  - a. Latin meaning “this for that”
  - b. Submission to, or rejection of, sexual advances is explicitly or implicitly made a condition of employment
  
4. Concept of hostile work environment
  - a. Sexually harassing conduct
  - b. Which is so pervasive as to interfere with job performance,
  - c. Which conduct may or may not be directed at the complainant
  - d. Stereotypical Roles
  
5. Current case law
  - a. Ellison vs Brady
  - b. Harris V. Forklift Systems,
  - c. Farley v. American Cast Iron Pipe Co.
  - d. Faragher v. City of Boca Raton
  - e. Farmers insurance vs. Santa Clara County
  
- C. Explain the legal remedies available to a victim of sexual harassment
  1. FEHA - DEFH
  2. California Worker’s Compensation Law
  3. Federal civil rights law – EEOC
  4. Cause of action
  5. Make Award or Issue Right to Sue letter
  
- D. Describe behaviors that constitute sexual harassment, including:
  1. Verbal
    - a. Repeated, unsolicited, derogatory comments or slurs
    - b. Continued requests for social or sexual contact
    - c. Discussion of sexual exploits
    - d. Sexually patronizing comments
    - e. Commenting on body parts
    - f. Telling vulgar or sexist jokes
    - g. Making obscene or suggestive sounds or gestures
    - h. Questioning a person’s sexual practices
    - i. Requesting employees wear sexually suggestive or demeaning clothing
    - j. Threats to intimidate a person, including failure or refusal to provide timely backup, a loss of assignment job status

2. Physical
  - a. Impedes normal movement when directed at an individual
  - b. Unwelcome touching
  - c. Physically assaulting a person
3. Visual
  - a. Sexually offensive computer software, posters,
  - b. Cartoons, pictures, drawings, magazines, or objects
4. Written material
  - a. Notes or greeting cards
  - b. Love letters
  - c. Unwanted invitations
  - d. E-mail
5. Sexual favors
  - a. Requested as part of performance evaluation
6. Threats
  - a. Of loss of employment/bad evaluation
  - b. Retaliation for reporting
7. Hostile work environment
  - a. Court ruled does not have to incur monetary loss
8. Force
  - a. Criminal Complaint

- E. Explain the mandated sexual harassment complaint process guidelines
1. Advise subject to desist, that you find it offensive
  2. If behavior continues report immediately to supervisor, or chain of command which ever feel more comfortable
  3. Take notes as if a criminal complaint
- F. State the protections that exist to prevent retaliation against anyone submitting a sexual harassment complaint
1. Required to prevent and/or stop retaliation
- G. Describe the methods for responding to sexually offensive or unwanted behavior
1. When appropriate, recipients of perceived sexual harassment may inform the harasser that the conduct is unwelcome, offensive, and should cease, but are not legally required to do so.
  2. Where the complainant is uncomfortable with confrontation, contact any supervisor, manager, department head, or their equivalent.

## VI. REQUIRED LEARNING ACTIVITIES

- A. Given a diagnostic instrument, questionnaire, personal inventory or equivalent method, students will participate in a learning activity that requires self-assessment to determine their own level of cultural sensitivity and experience in interrelating with cultural groups.
1. The learning activity should provide the student with an opportunity to determine their current level of experience in dealing with cultural groups
  2. The learning activity should also serve as a starting point for an instructor-facilitated classroom discussion and/or small group discussions which address perceptions, experiences, fears, and stereotypes concerning contact with cultural groups

Discussion may include, but is not limited to cultural stereotypes, ethno phobia, homophobia, xenophobia, gender bias, and media impact on cultural perceptions

- B. Given a minimum of three POST-developed video re-enactments depicting law enforcement contacts with cultural groups, or an equivalent number of simulations, scenarios or video representations provided by the presenter, the student will participate in an instructor-led discussion evaluating the appropriateness and professional quality of the contact. Among the issues which must be addressed are:
1. Any positive or negative behaviors demonstrated by contacting officers
  2. The apparent perception of the cultural group regarding the contact
  3. Presence or absence of cultural stereotyping
  4. The level of cultural understanding demonstrated by the officers
  5. The legality of the contact and subsequent actions of the contacting officers
  6. The professional, personal, and organizational impact of the contact, either positive or negative
  7. Cultural group history, customs, religious conventions, core values, or other perceptions material to the contact

Presentation of the video re-enactments, simulations, or scenarios may be done collectively or may be interspersed throughout the instructional block at the discretion of the instructor.

- C. Given a minimum of four POST-developed video re-enactments depicting possible sexual harassment, or an equivalent number of simulations, scenarios, or video representations provided by the presenter, the student will participate in a facilitated discussion which addresses the following:
1. Any behaviors which are illegal, as defined by federal or state sexual harassment laws
  2. Professional, personal, and organizational impacts of the incident
  3. Legal and administrative consequences of the behaviors observed
  4. Whether or not state sexual harassment reporting guidelines apply to the situation
- D. Given a minimum of two POST-developed video re-enactments or written descriptions of possible hate crimes, or an equivalent material provided by the presenter, the student will participate in a facilitated discussion which addresses the following:
1. Whether or not the incident constituted a hate crime under the law
  2. Impact of the incident on victims, their families and the community
  3. Effectiveness of the law enforcement response
  4. Legal rights of, and remedies available to the victim(s)
- E. The student will participate in a series of learning activities from the POST-developed *Instructor's Guide to Learning Activities for Leadership, Ethics and Community Policing (December 2005)* or other comparable sources. At a minimum, each activity or combination of activities must address the following topics:
1. The impact racial profiling may have had on them as individuals or their community
  2. Concerns the students may have as to how racial profiling will affect them in the field
  3. Clarification of the myths and realities of racial profiling
  4. The concept of individualized suspicion as it pertains to probable cause
  5. How the history of the community can affect the way they view law enforcement today
  6. Law enforcement's obligation to various cultures within the community
  7. What law enforcement must do to increase trust with the community
  8. Law enforcement's obligation to respond to and report incidents of discriminatory or biased practices by fellow officers
  9. The importance of applying leadership during contacts with persons from diverse cultures as it pertains to profiling, ethics and community policing

F. Given three POST-develop video re-enactments depicting possible racial profiling; students will participate in a facilitated discussion and/or small group discussion which address the following:

1. Application of the 4<sup>th</sup> and 14<sup>th</sup> Amendments and current case law
2. Consensual contacts as it pertains to racial profiling
3. Importance of articulable characteristics or behaviors to develop probable cause

<u>Description</u>	<u>Hours</u>
POST Minimum Required Hours	16
Agency Specific Hours	<del>17</del> 3
Total Instructional Hours	<del>25</del> 19