

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

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
 - 2. Cultural diversity
- B. Describe personal, professional, and organizational benefits of valuing diversity within the community and law enforcement organizations
 - 1. Personal
 - 2. Professional
 - 3. Organizational
- C. Explain the historical and current cultural composition of California
 - 1. Past
 - 2. Present
 - 3. Future

71. 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. Pre-conceived or over generalization involving positive or negative beliefs
 - 2. Perceived to have specific behavioral traits/abilities
 - 3. Based solely on the individuals apparent membership in a group
- B. Discuss the dangers of relying on stereotypes to form judgments or to determine actions
 - 1. Making a judgment (negative or positive) based on perceived differences
 - 2. Characteristics of the group are accurate
 - 3. All members of the group share the same characteristics
- C. Define the term prejudice
 - 1. Processed, not static attitude
 - 2. Learned behavior
 - 3. Ways of thinking about others based upon; misconceptions, misunderstandings, and inflexible generalizations

- D. Define the term discrimination
 - 1. Action or behavior based on prejudice thought
 - 2. Differential treatment based on unsubstantiated categorization
 - 3. Effects of discrimination
- E. Define the term racial profiling, including the:
 - 1. Conceptual definition
 - 2. Legal definition
- F. Discuss the legal considerations peace officers should take into account related to racial profiling, including:
 - 1. California Penal Code section 13519.4
 - 2. Fourth Amendment
 - 3. Fourteenth Amendment
 - 4. Current case law
 - 5. Criminal profiling vs. racial profiling
- G. Discuss the impact of racial profiling on the:
 - 1. Individual citizens
 - 2. Community
 - 3. Officer
 - 4. Criminal justice system
- H. Discuss landmark events in the evolution of civil and human rights
 - 1. U.S. constitution
 - 2. Displacement of native Americans
 - 3. Mexican-American war
 - 4. Civil war
 - 5. Women's suffrage
 - 6. Internment of Japanese Americans
 - 7. Federal and state civil rights legislation
 - 8. Americans with disabilities act
 - 9. Legislation regarding sexual orientation
- I. Define key indices peace officers should recognize and respect that make up evolving culture among a community
 - 1. Beliefs/values
 - 2. Ways of thinking
 - 3. Behaviors, customs, and traditions
- J. Discuss the obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow officers
 - 1. 13519.5 CA PC – duty to report
 - 2. Departments policies
 - 3. Protect every citizens civil rights

72. 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
 - 2. Active listening
 - 3. Nonverbal communication
- B. Describe positive officer behaviors during contacts with members of a cross-cultural community
 - 1. Patience
 - 2. Treat with respect and dignity
 - 3. Remain ethical and apply certain behaviors consistent with all 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

73. 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. Acts of intimidation/harassment, physical force or threats directed against person, family, or property/advocates
 - 2. Motivated in part or whole by hostility to their real or perceived ethnicity, national origin, religious beliefs, gender, age, disability, or sexual orientation
 - 3. With intentions of causing fear or intimidation
- B. Classify the crime and the elements required to arrest for:
 - 1. Desecrating religious symbols
 - 2. Interfering with religious freedom
 - 3. Terrorizing another
 - 4. Interfering with an individual's civil rights
- C. Explain the legal rights and remedies available to victims of hate crimes based on federal law and Civil Code
 - 1. State laws
 - 2. Federal laws
 - 3. Civil action
- D. Describe the impact of hate crimes on victims, the victims' families, and the community

1. Individuals – bitterness, helplessness, frustration, anger, fear, and prolonged emotional trauma
 2. Community – distrust between groups and communities
 3. Tension between law enforcement agencies and communities when incidents are not handled properly or timely
- E. Discuss the indicators of hate crimes
1. Target(s)
 2. Acts of vandalism
 3. Presence of graffiti
 4. Threatening phone calls
- F. Explain considerations when investigating and documenting incidents involving possible hate crimes
1. Collection of evidence
 2. Victim/Suspect/witness interviews
 3. Other considerations/indicators
 4. Documentation

74. 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. Unwelcomed
 2. Personally offensive
 3. Creates an intimidating, hostile, or offensive work environment
- B. Discuss the federal and state laws dealing with sexual harassment to include:
1. Title VII
 2. Government Code Section 12940 et. seq.
 3. Concept of Quid Pro Quo
 4. Concept of hostile work environment
 5. Current case law
- C. Explain the legal remedies available to a victim of sexual harassment
1. State law
 2. California Fair Employment and Housing Act
 3. California's workers compensation law
 4. Federal (EEOC)
- D. Describe behaviors that constitute sexual harassment, including:
1. Verbal
 2. Physical
 3. Visual
 4. Written material

5. Sexual favors
 6. Threats
 7. Hostile work environment
 8. Force
- E. Explain the mandated sexual harassment complaint process guidelines
1. Departments general orders
 2. 1359.7 P.C. – Guidelines for peace officers
 3. 12950 Gov. Code – protects complainant and witnesses
- F. State the protections that exist to prevent retaliation against anyone submitting a sexual harassment complaint
1. 12950 protects against retaliation
 2. Department policies
- G. Describe the methods for responding to sexually offensive or unwanted behavior
1. When appropriate, inform the harasser that the conduct is unwelcomed, offensive, and should cease. Not legally required to do so
 2. Contact supervisor, manager, etc.
 3. Go to city or county, state, or federal external entity when perceived internal is not enough

75. 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 addresses the following:
 1. Application of the 4th and 14th 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.

Description	Hours
POST Minimum Required Hours	<u>16</u>
Agency Specific Hours	<u>2</u>
Total Instructional Hours	<u>18</u>