

# Racial and Identity Profiling Advisory Board

ANNUAL REPORT 2021

January 1, 2021

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DRAFT REPORT – PENDING EDITING AND REVIEW

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[Placeholder for Executive Summary]

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## RACIAL AND IDENTITY PROFILING ADVISORY (RIPA) BOARD

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**[Placeholder for Staff Acknowledgement and Additional Appreciations]**

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[Placeholder for Contents]

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[Placeholder for Letter from the Co-Chairs]

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[Placeholder for Introduction]

[Placeholder for Summary of This Year’s Report]

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## Analysis of 2019 Stop Data

In 2019, the 15 largest law enforcement agencies in California collected data on 3,992,074 stops and submitted these data to the California Department of Justice.<sup>1</sup> This year's data set was much larger than last year's data set for two reasons. First, the 2018 data consisted of Wave 1 (i.e. the eight largest agencies in California) agency data, whereas the 2019 data consists of Wave 2 (i.e. the 15 largest agencies in California) agency data. Second, while the 2018 data was collected for only a six-month period between July 1 and December 31, 2018, the 2019 data includes records collected for the entire year from January 1 to December 31, 2019. These differences are significant on both a qualitative and quantitative scale, and as a result, comparisons between data from these waves should be viewed with this in mind.

The regulations underlying RIPA data collection mandate that officers record the demographic information of stopped individuals as perceived by the officer, as well as a range of descriptive information designed to contextualize the reason for the stop, actions taken during the stop, and resolution of the stop. The purpose of collecting these data is to attempt to systematically document interactions with law enforcement and determine whether certain identity groups are subject to disparate treatment during stops.

It is important to note that individuals may self-identify their demographic characteristics differently than how an officer may perceive them. If officers engage in identity profiling, either by implicit or explicit bias, their actions are more likely to be informed by their own perceptions about an individual than by how that individual self identifies. This is the rational basis for collecting perception data.

For this year's report, the Board presents stop data analyses in three different sections. The first section provides a demographic breakdown of each identity group followed by their rates of experiencing stop outcomes. The second section attempts to create benchmarks by which to compare the stop data results and measure disparities. These benchmarks include comparisons to residential population data and tests for equality of outcomes at different points during the stop. These outcome-based tests explore the efficiency of searches, the impact of daylight on who is stopped, and the rates of force used by law enforcement. The third section extends the discovery-rate analyses to intersectional comparisons, specifically focusing on the intersections of race/ethnicity by gender and race/ethnicity by disability type. The Board understands that there is no perfect test and that disparate treatment can occur at any point during the course of a stop. Thus, the Board presents the results from several approaches in this report.

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<sup>1</sup> Government Code Section 12525.5(g)(2) defines a "stop" as any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control.

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## 1.1 Stop Data Demographics

### 1.1.1 Identity Demographics

Officers were required to collect perceived identity-related information on six key demographics: race/ethnicity, gender, age, lesbian-gay-bisexual-transgender (LGBT) identity, English fluency, and disability. Officers are not permitted to ask individuals to self-identify for RIPA stop data collection purposes. Thus, all demographic data in this report reflects the perceptions of officers and may differ from how some stopped individuals self-identify.

**Race/Ethnicity.** Officers perceived the highest proportion of individuals they stopped to be Hispanic (38.9%), followed by White (33.1%), Black (15.9%), Asian (5.7%), Middle Eastern/South Asian (4.7%) and all other groups (1.7%; includes 0.5% Pacific Islander, 0.2% Native American, and 0.9% Multiracial individuals). Officers may select multiple racial/ethnic categories per individual when recording stop data. All stopped individuals who were perceived to be part of multiple racial/ethnic groups were categorized as Multiracial, so as to avoid counting the same stopped individual in multiple racial/ethnic groups.

**Gender.** RIPA regulations contain five gender categories, including male, female, transgender man/boy, transgender woman/girl, and gender nonconforming.<sup>2</sup> A vast majority of stopped individuals were perceived as either (cisgender) male (71.2%) or (cisgender) female (28.6%), with all other groups collectively constituting less than 1 percent of the data.<sup>3</sup>

**Age.** Individuals perceived to be between the ages of 25 and 34 were stopped most often (32.3%), representing the peak of the age distribution. Individuals perceived to be below the age of 10 accounted for the smallest proportion (0.1%) of stopped individuals amongst all the age groups.<sup>4</sup>

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<sup>2</sup> These categories match those found in the regulations informing RIPA stop data collection. For the purposes of this report, “male” refers to cisgender males while “female” refers to cisgender females.

<sup>3</sup> Transgender man/boy (0.08%), transgender woman/girl (0.05%), gender non-conforming (0.06%)

<sup>4</sup> Stopped individuals whom officers reported perceiving to be less than 10 years of age constituted less than one for every 1,000 individuals stopped. However, the Department is currently exploring the possibility that, in some cases, officers may have (1) incorrectly recorded the age of these stopped individuals (i.e. typographical errors) or (2) recorded data in cases that are not reportable under Section 999.227 (b) of the RIPA regulations (i.e. recording data for young passengers not suspected of committing a violation whom also did not have reportable actions taken towards them).

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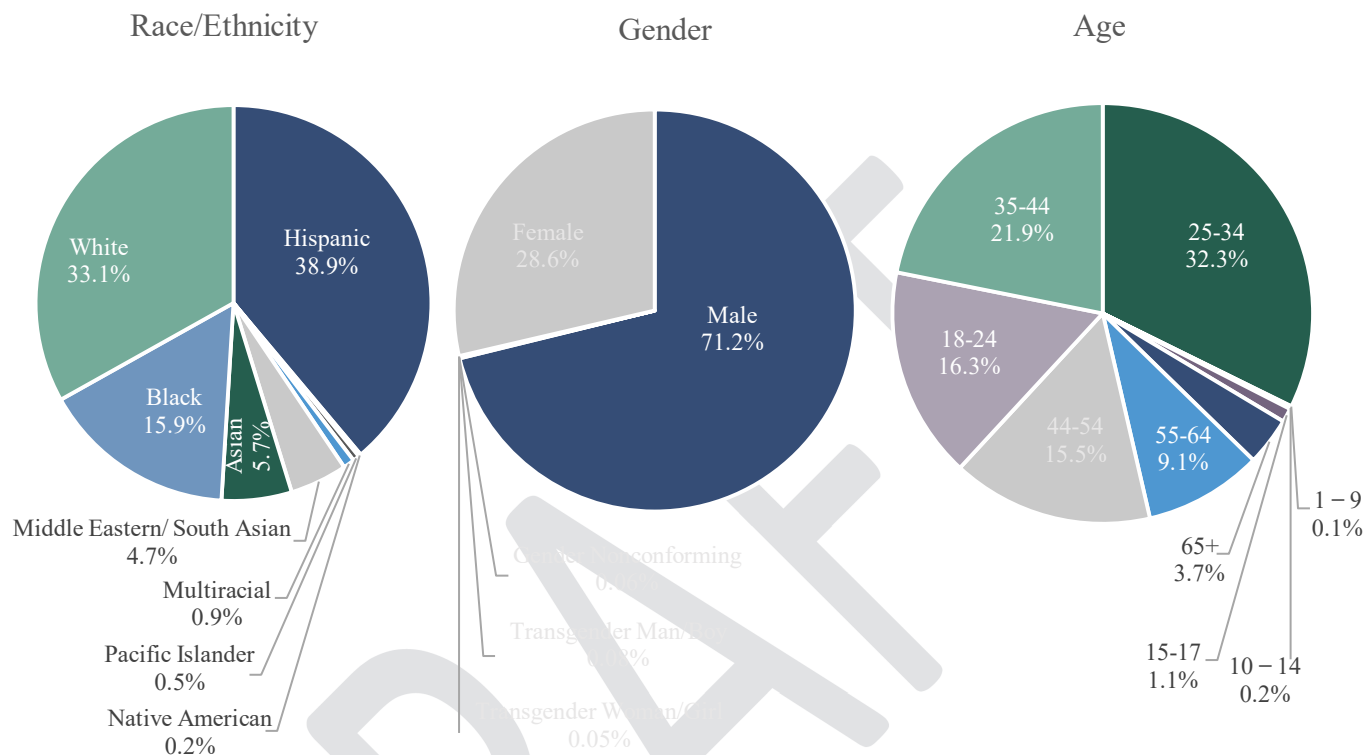
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Figure 1. Race/Ethnicity, Gender, and Age Distributions of 2019 RIPA Stop Data



**LGBT.** Stops of individuals perceived to be LGBT comprised less than 1 percent of the data.<sup>5</sup>

**Limited English Fluency.** Officers perceived approximately 4.1 percent of stopped individuals to have limited or no English fluency.

**Disability.** Officers perceived 1.1 percent of the individuals they stopped to have one or more disabilities. Of those perceived to have a disability, the most common disability reported by officers was mental health condition (63.3%).<sup>6</sup>

<sup>5</sup> Officers perceived 0.66% of stopped individuals to be LGBT.

<sup>6</sup> Individuals perceived to have multiple disabilities—including mental health conditions—are not included in this statistic.

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### 1.1.2 Primary Reason for Stop

Stop data regulations require officers to report the *primary* reason a stop was made. This means that officers may only report a single reason for stop. In instances where multiple reasons may apply, officers are instructed to select only the primary reason that informed their decision to initiate a stop.

The most common reason provided by an officer for a stop was a traffic violation (85.0%), followed by reasonable suspicion that the person was engaged in criminal activity (12.1%).<sup>7</sup> Reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is occurring, had occurred in the past, or is about to occur. Reasonable suspicion to detain is also established whenever there is any violation of law. Reasonable suspicion cannot be based solely on a hunch or instinct.<sup>8</sup> All other reasons collectively made up less than 3 percent of the data.<sup>9</sup>

**Race/Ethnicity.** Middle Eastern/South Asian individuals had the highest proportion of their stops reported as traffic violations (95.4%) and the lowest proportion of their stops reported as reasonable suspicion (4.0%). Black individuals had the lowest proportion of their stops be reported as traffic violations (74.7%) and the highest proportion of their stops reported as reasonable suspicion (21.0%) out of all of the race/ethnicity groups in the data.

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<sup>7</sup> Although officers may have reasonable suspicion when initiating stops for traffic violations, the regulations state that officers should not select the “reasonable suspicion” value when the primary reason for stop is a traffic violation. Instead, officers should select the “traffic violation” value as the primary reason for stop.

<sup>8</sup> It is important to note that “reasonable suspicion” is currently being used to capture stops where an officer suspects criminal activity, but also stops where officers initiate contact with a person for community caretaking purposes without suspecting them of engaging in criminal activity because no distinct value to indicate that an officer contacted a person for community caretaking purposes exists within the RIPA regulations. Approximately 4.9% of stops initiated for reasonable suspicion were due to community caretaking functions. Given the small percentage, community caretaking stops were not separated out from the reasonable suspicion stops. This designation in the regulations was not meant to suggest that homelessness and people with mental health conditions should be designated as engaging in criminal activity; rather, the DOJ is aware of this issue and working on a resolution.

<sup>9</sup> Other reasons for stop that the officer could report included consensual encounter resulting in a search (1.1%), mandatory supervision (0.7%), warrants/wanted person (0.7%), truancy (0.4%), investigation to determine whether student violated school policy (<0.1%), and possible violations of the Education Code (<0.1%).

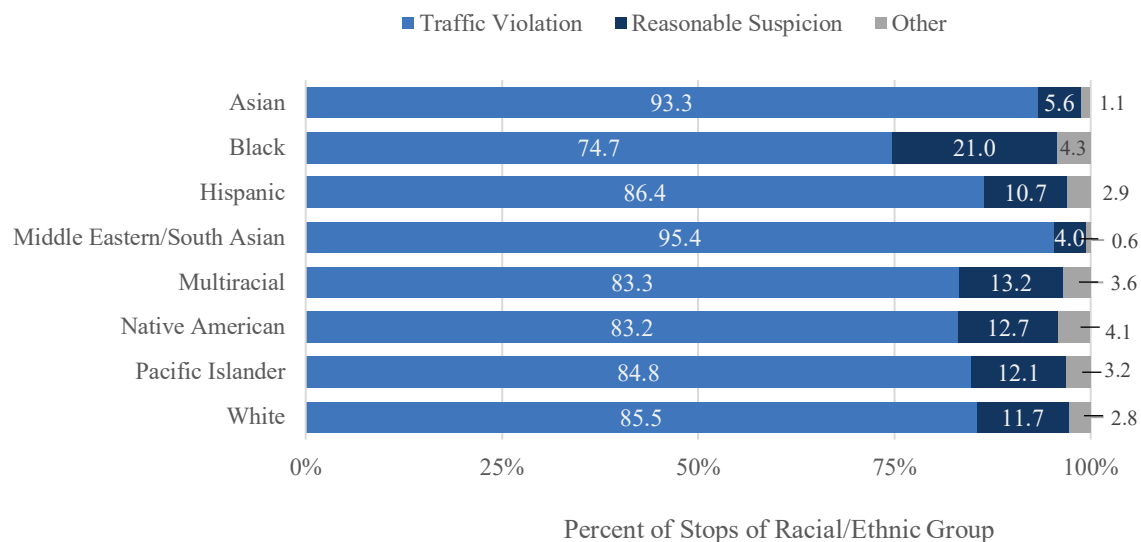
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Figure 2. Primary Reason for Stop by Race/Ethnicity



**Gender.** Females (cisgender) had the highest proportion of their stops reported as traffic violations (88.0%) and the lowest proportion of their stops reported as reasonable suspicion (9.9%). Transgender women/girls had the lowest proportion of their stops reported as traffic violations (35.3%) and the highest proportion of their stops reported as reasonable suspicion (56.9%).

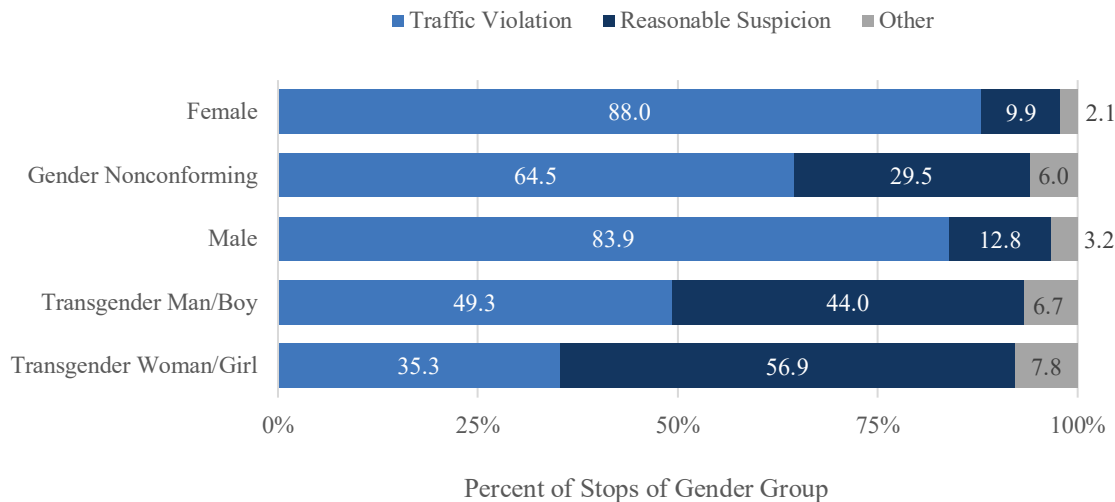
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Figure 3. Primary Reason for Stop by Gender



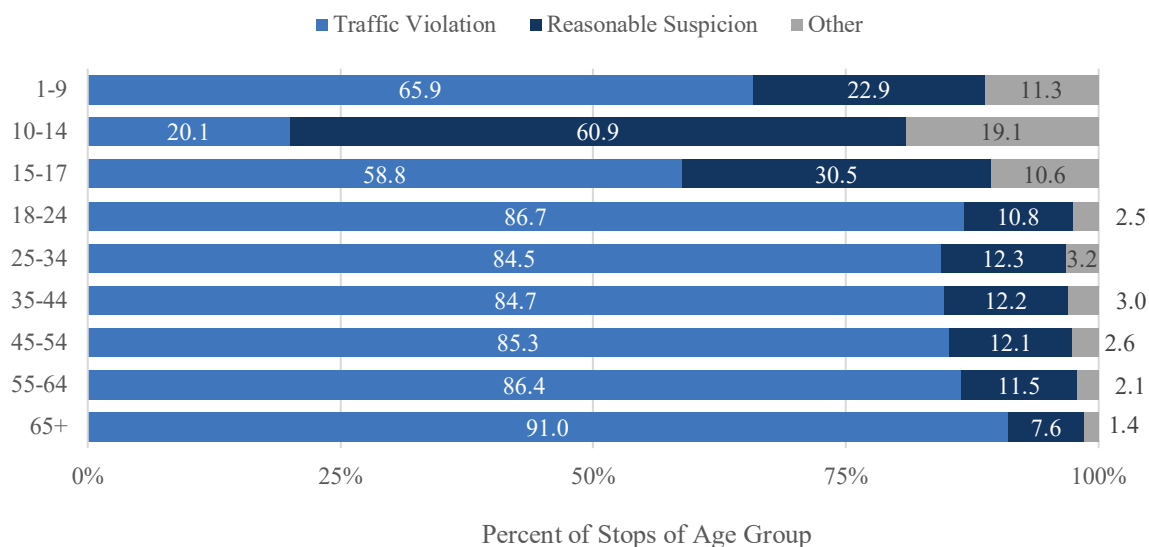
**Age.** People perceived to be 65 years or older had the highest proportion of their stops reported as traffic violations (91.0%) and had the lowest proportion of their stops reported as reasonable suspicion (7.6%). Individuals perceived to be between the ages of 10 and 14 had the lowest proportion of their stops reported as traffic violations (20.1%) and the highest proportion of their stops be reported as reasonable suspicion (60.9%).<sup>10</sup>

<sup>10</sup> The data shows an unexpected number of reported traffic violations for people too young to hold a provisional permit or driver's license. This may partially be explained by officers who (1) incorrectly recorded the age of the stopped individuals and (2) recorded data for passengers in the vehicles they stop. The Department is exploring avenues for addressing these potential issues.

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Figure 4. Primary Reason for Stop by Age Group



**LGBT.** Individuals perceived to be LGBT had a lower proportion of their stops reported as traffic violations (61.8%) and a higher proportion of their stops reported as reasonable suspicion (31.9%) than individuals who officers did not perceive to be LGBT (85.2% traffic violations and 11.9% reasonable suspicion).

**Limited English Fluency.** Individuals perceived to have limited English fluency had a lower proportion of their stops reported as traffic violations compared to individuals whom officers perceived to be fluent in English (83.1% and 85.1%, respectively). The opposite was true of reasonable suspicion stops where individuals perceived to have limited English fluency had a higher proportion of their stops reported under this category than individuals perceived to be English fluent (14.8% and 11.9%, respectively).

**Disability.** Stopped individuals perceived as having a disability had a lower proportion of their stops reported as traffic violations (18.8%) and a higher proportion of their stops for reasonable suspicion (69.4%) than those not perceived to have a disability (85.8% traffic violations and 11.4% reasonable suspicion).<sup>11</sup>

<sup>11</sup> For stopped individuals who were perceived to have a disability, officers initiated contact for community caretaking purposes 22.5 percent of the time, as compared to 0.3 percent of the time for individuals who officers did not perceive to have a disability. As mentioned previously, stops for community caretaking are captured in the reasonable suspicion data element. Therefore, it appears the way community caretaking contacts are captured within the RIPA data may partially account for why individuals perceived to have a disability have a much higher

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### 1.1.3 Calls for Service

RIPA regulations require that officers indicate if a stop was made in response to a call for service, radio call, or dispatch.<sup>12</sup> Officers reported making stops in response to calls for service approximately 5 percent of the time.<sup>13</sup>

**Race/Ethnicity.** Stops of Black individuals were in response to a call for service at the highest rate (8.4%) and Middle Eastern/South Asian individuals at the lowest rate (2.2%).

#### Key Terms

- Call for service – a stop made in response to a call for service, radio call or dispatch
- Officer-initiated – a stop *not* made in response to a call for service, radio call or

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proportion of their members reported as being stopped for reasonable suspicion than do stopped individuals not perceived to have a disability.

<sup>12</sup> An interaction that occurs when an officer responds to a call for service is only reported if it meets the definition of a “stop” as set forth in section 999.224, subdivision (a)(14) of the RIPA regulations. A call for service is not a reason for stop value under the RIPA regulations. Rather, officers indicate whether or not a stop was made in response to a call for service in addition to providing a primary reason for stop.

<sup>13</sup> Given that stops for traffic violations constitute a majority of the data, but are less prone to be made in response to a call for service, these analyses were also conducted while excluding data from stops where officers indicated that the primary reason for the stop was a traffic violation. Please see [APPENDIX TABLE] for all statistics.

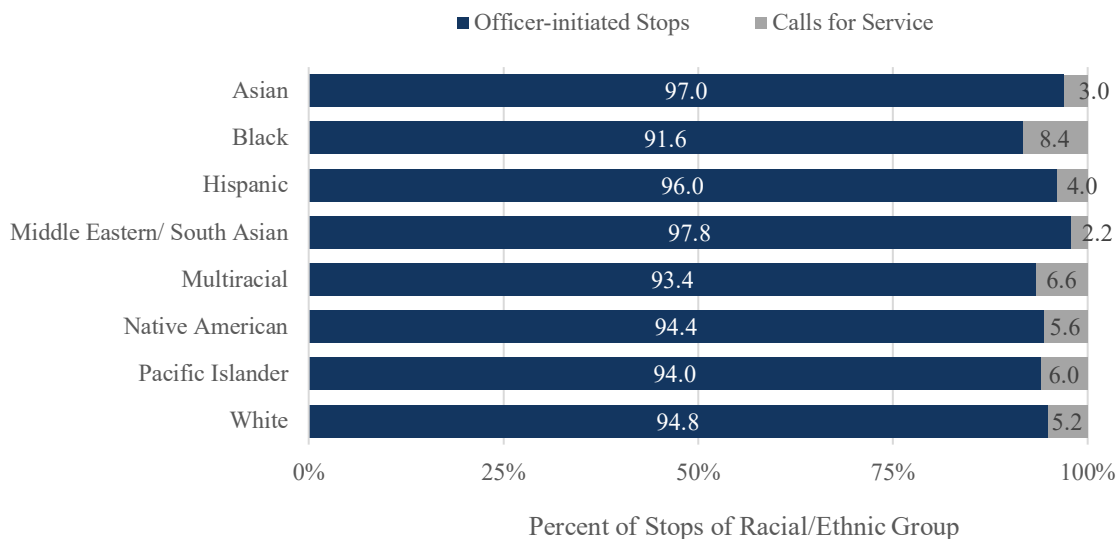
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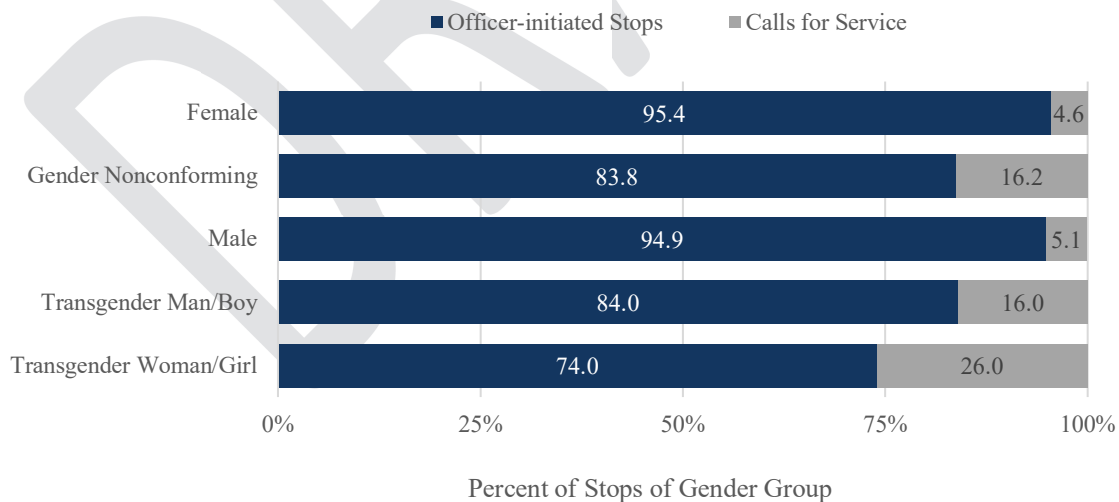
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Figure 5. Call for Service Status by Race/Ethnicity



**Gender.** Stopped individuals perceived to be transgender women/girls had the highest rate of being stopped in response to a call for service (26.0%) while stopped individuals perceived to be female had the lowest rate (4.6%).

Figure 6. Call for Service Status by Gender




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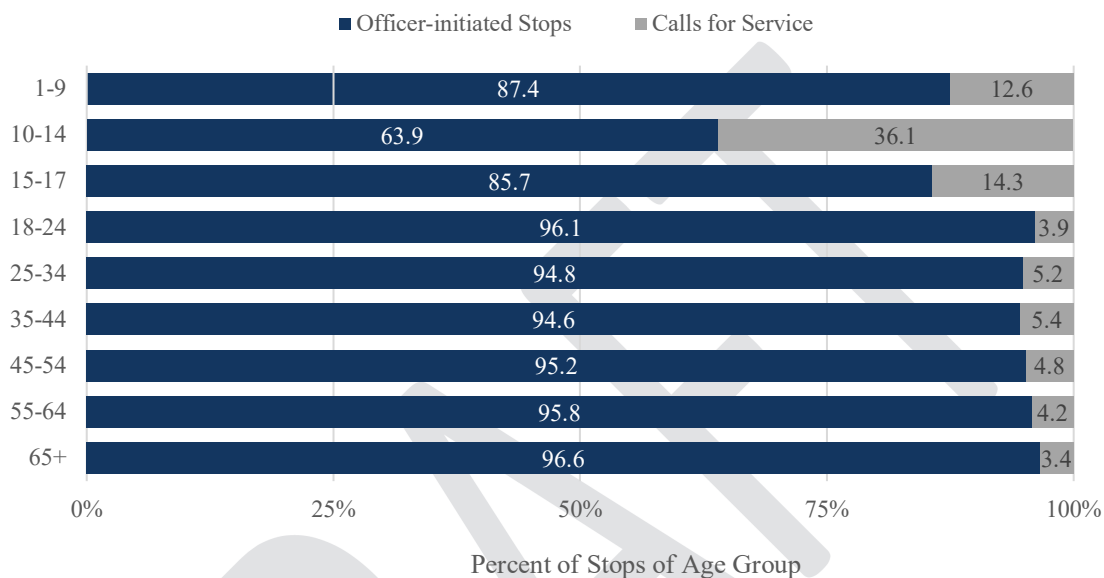
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**Age.** Stopped individuals perceived to be between the ages of 10 and 14 had the highest rate of being stopped in response to a call for service (36.1%) whereas people aged 65 or higher had the lowest rate (3.4%).

Figure 7. Call for Service Status by Age Group



**LGBT.** Stopped individuals perceived as LGBT had a higher rate (15.4%) of being stopped in response to a call for service than individuals whom the officers did not perceive to be LGBT (4.9%).

**Limited English Fluency.** Stopped individuals whom officers perceived to have limited or no English fluency had a higher rate of being stopped in response to a call for service (6.4%) compared to English fluent individuals (4.9%).

**Disability.** Stopped individuals perceived as having a disability had a substantially higher rate of being stopped in response to a call for service (47.9%) compared to those whom officers did not perceive to have a disability (4.5%).

#### 1.1.4 Actions Taken During Stop by Officers

Officers can select up to 23 different actions taken during the stop. Each stopped individual may have multiple reported actions taken towards them by law enforcement in a single stop. Overall, an average of 0.5 actions were taken by officers during a stop and actions were taken on 19.0%

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of stopped individuals.<sup>14</sup> This indicates that officers did not report any reportable actions taken on most of the stops they conducted. The average number of actions taken by officers during only those stops where actions were reported was 2.5. The average number of actions taken during stops was also calculated for each identity group and can be found in the Appendix.<sup>15</sup>

Across all stops, the most common action taken by officers was a search of property or person (11.3%), followed by curbside or patrol car detention (10.2%), handcuffing (8.4%), and verbally ordered removal from a vehicle (3.9%).<sup>16</sup> Each other action was reported on less than 2 percent of stopped individuals.<sup>17</sup>

**Race/Ethnicity.** Compared to other races/ethnicities, stopped Black individuals had the highest rate of being searched (20.5%), detained on the curb or in a patrol car (17.8%), handcuffed (14.1%), and removed from a vehicle by order (7.7%). Middle Eastern/South Asian individuals who were stopped had the lowest rate for each of these actions (ranging between 1.3 and 3.6%).

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<sup>14</sup> Please see the 2019 RIPA Stop Data Dashboard at [OpenJustice.doj.ca.gov](https://OpenJustice.doj.ca.gov) to see breakdowns by identity group for all other actions taken during stops, including those where no actions were taken. [NOTE: this dashboard is still under development at the time when this draft is being distributed. The Department hopes to have the dashboard published by the time the RIPA report is published.]

<sup>15</sup> Please see [APPENDIX TABLE] for all descriptive statistics.

<sup>16</sup> Searches of person or property are captured in separate data fields and were combined for this analysis. Curbside and patrol car detainments are also recorded in distinct data fields and were combined.

<sup>17</sup> Other actions include: person removed from vehicle by physical contact (0.2%), field sobriety test (1.5%), canine removed from vehicle or used to search (<0.1%), firearm pointed at person (0.4%), firearm discharged (<0.1%), electronic control device used (<0.1%), impact projectile discharged (<0.1%), canine bit or held person (<0.1%), baton or other impact weapon (<0.1%), chemical spray (<0.1%), other physical or vehicle contact (0.4%), person photographed (0.5%), asked for consent to search person (2.7%), received consent to search person (80.0%), asked for consent to search property (1.7%), received consent to search property (71.2%), property seized (0.8%), vehicle impounded (1.2%), written statement (<0.1%), or none (81.0%).

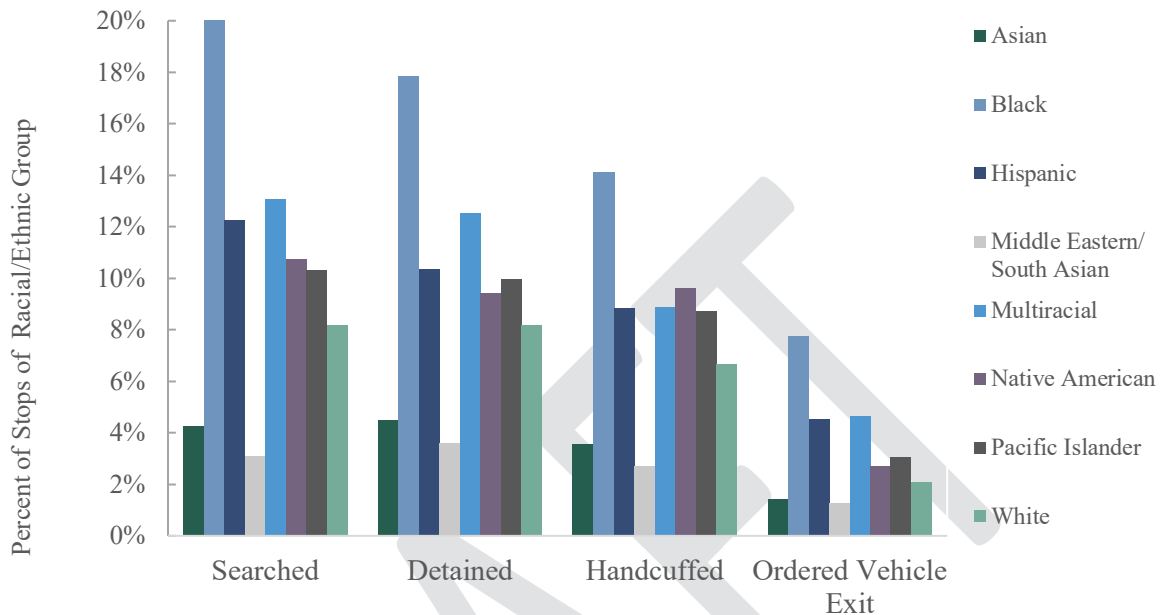
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Figure 8. Actions Taken During Stop by Race/Ethnicity



**Gender.** Stopped individuals perceived as transgender women/girls had the highest rate of being searched (32.6%), detained on the curb or in a patrol car (36.1%), and handcuffed (33.7%); gender-nonconforming individuals had the highest rates of being removed from a vehicle by order (11.7%). Stopped individuals perceived as females had the lowest rate for each of these actions (ranging from 2.6 to 7.4%).

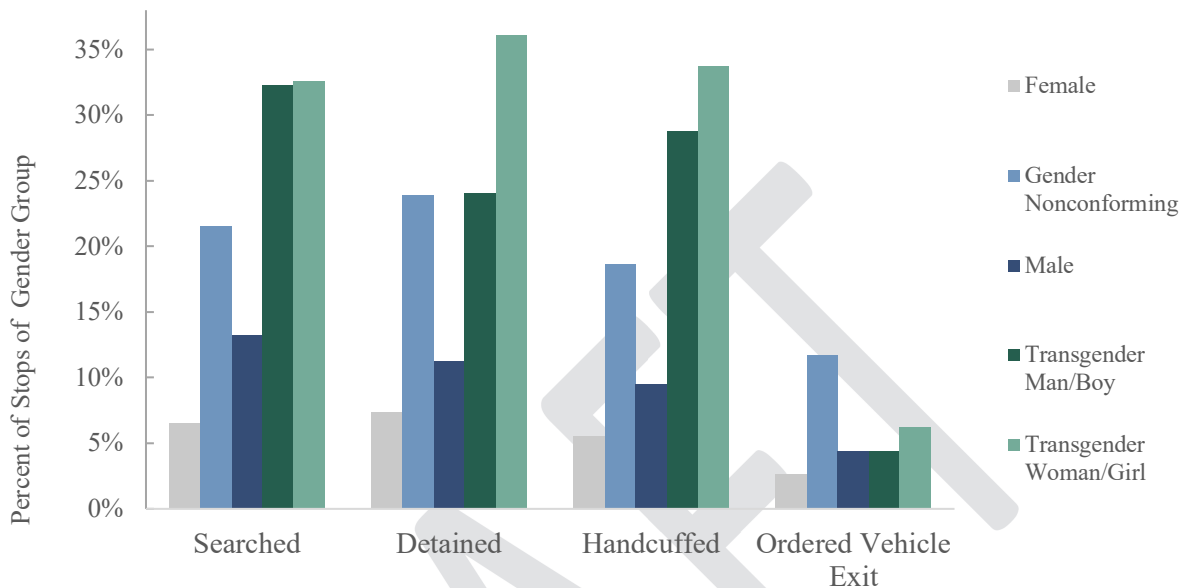
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Figure 9. Actions Taken During Stop by Gender



**Age.** Stopped individuals perceived to be between the ages of 10 and 14 had the highest rate of being searched (34.7%), detained on the curb or in a patrol car (33.6%), and handcuffed (30.2%), while those between 15 and 17 had the highest rates of being removed from a vehicle by order. Those age 65 or higher consistently had the lowest rate for each of these actions (ranging from 0.9 to 4.5%).

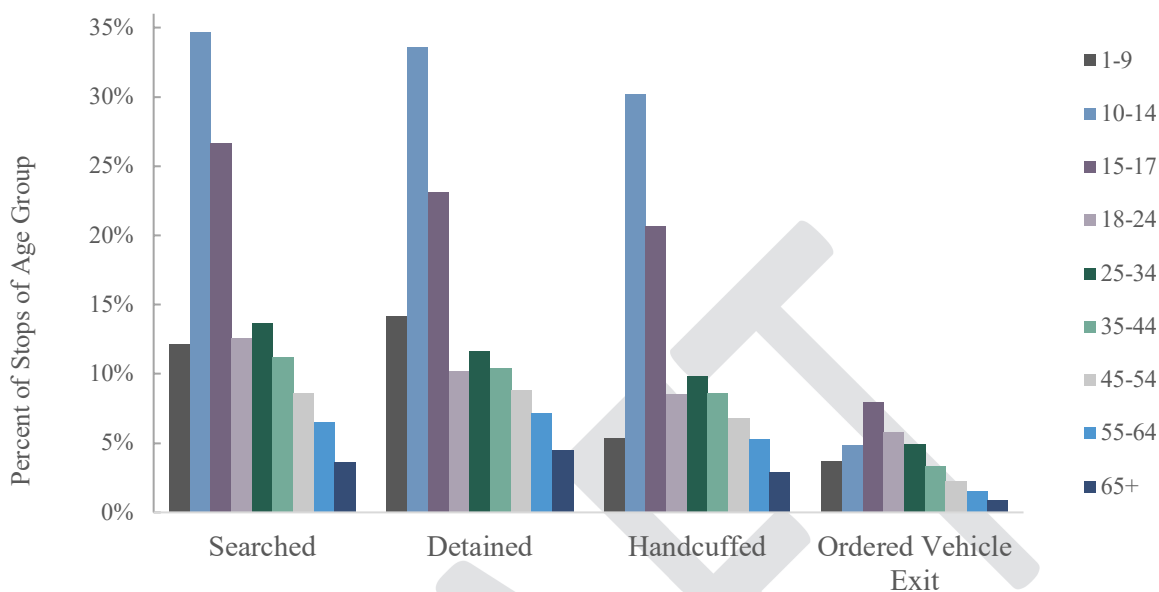
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Figure 10. Actions Taken During Stop by Age Group



**LGBT.** Stopped individuals perceived to be LGBT also had a higher rate of being searched (21.9%), detained on the curb or in a patrol car (20.8%), handcuffed (20.1%), and removed from a vehicle by order (4.7%) than individuals officers did not perceive to be LGBT (11.3% searched, 10.1% detained, 8.3% handcuffed, 3.9% removed from vehicle by order).

**Limited English Fluency.** Stopped individuals with no or limited English fluency had higher rate of being searched (13.5%), detained on the curb or in a patrol car (11.5%), handcuffed (10.9%), and removed from a vehicle by order (5.3%) than those who spoke English fluently (searched 11.2%, detained 10.1%, handcuffed 8.3%, removed from vehicle by order 3.8%).

**Disability.** Individuals whom officers perceived to have a disability were searched (43.4%), detained on the curb or in a patrol car (39.4%), and handcuffed (45.1%) at rate higher than those perceived not to have a disability (searched 11.0%, detained 9.8%, and handcuffed 7.9%). Stopped individuals perceived to have a disability had a lower rate of being removed from a vehicle by order (3.4%) compared to those who were not perceived as having a disability (3.9%).

### 1.1.5 Result of Stop

Officers can select up to 11 different stop disposition (or outcome) categories when recording stop data. Officers may select multiple dispositions per stop, if applicable (e.g. an officer cited an individual for one offense and warned them about another). Individuals were most often

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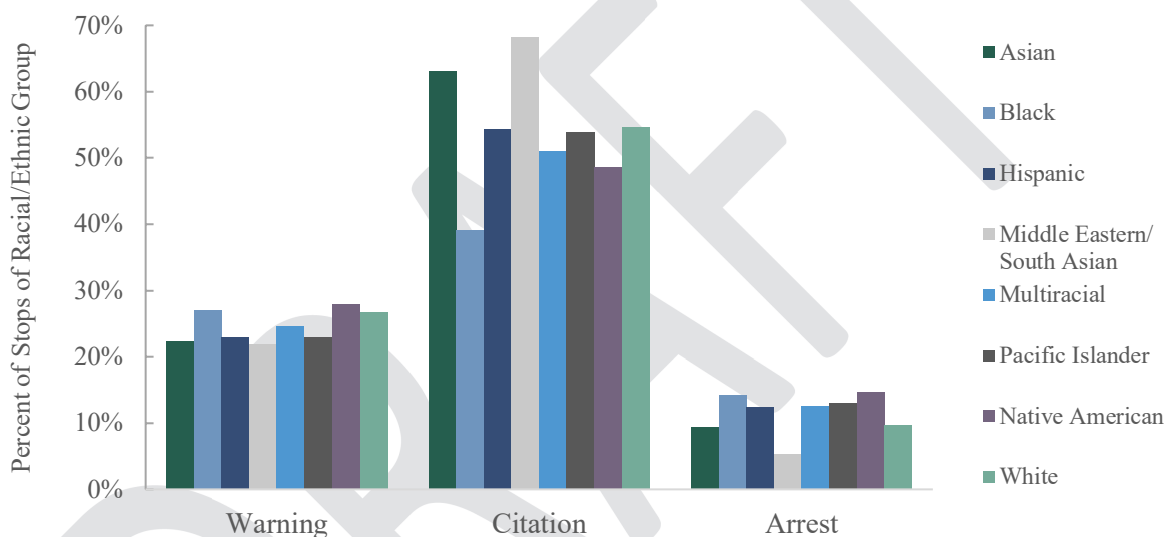
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issued a citation (53.1%), followed by a warning (24.8%), and then arrests (11.3%).<sup>18</sup> Each of the other results represented less than 10 percent of the data.<sup>19</sup>

**Race/Ethnicity.** Compared to other races/ethnicities, stopped Middle Eastern/South Asian individuals had the highest rate of being cited (68.3%), while Native Americans had the highest rate of being warned (28.0%) or arrested (14.7%). Stopped Black individuals had the lowest rate of being cited (39.1%) whereas Middle Eastern/South Asian individuals had the lowest rate of being warned (21.9%) or arrested (5.4%).

Figure 11. Stop Result by Race/Ethnicity



**Gender.** Citation rates ranged from 18.5 percent of stopped individuals perceived as transgender women/girls to 57.3 percent of stopped individuals perceived as (cisgender) females. Warning

<sup>18</sup> Arrests here include three unique result types, including in-field cite and release (4.8% of stopped individuals), custodial arrest without a warrant (5.0% of stopped individuals), and custodial arrest with a warrant (1.7% of stopped individuals). It is possible for multiple arrest conditions to apply to the same individual in a single stop.

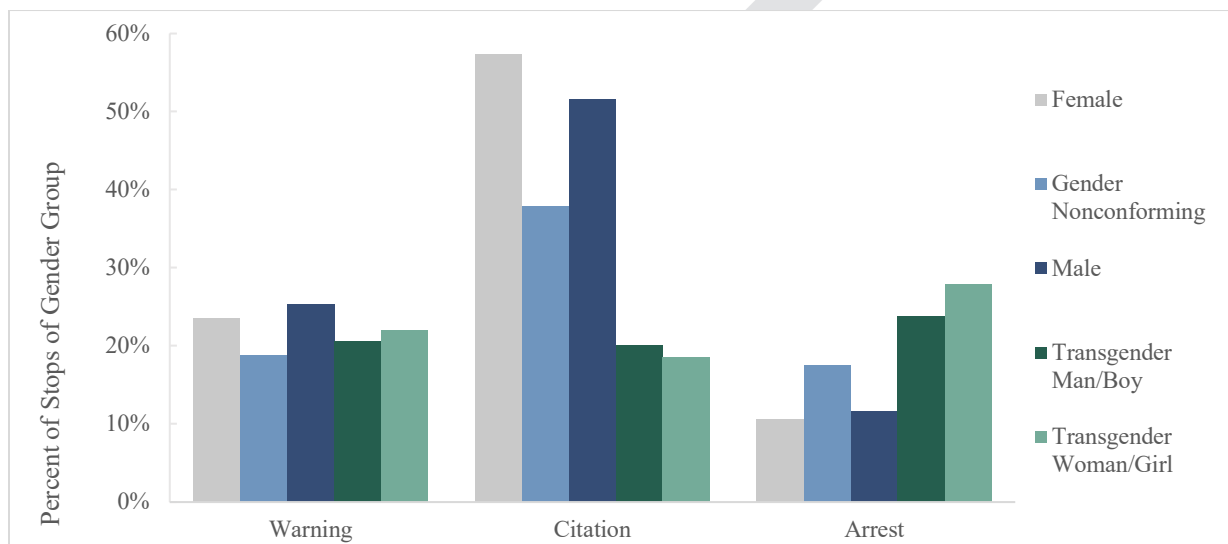
<sup>19</sup> Other result categories included no action (8.0%), field interview card completed (5.6%), noncriminal/caretaking transport (0.4%), contacted parent/legal guardian (0.1%), psychiatric hold (0.7%), contacted U.S. Department of Homeland Security (<0.1%), referred to a school administrator (<0.1%), or referred to a school counselor (<0.1%).

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rates ranged from 18.8 percent of stopped individuals perceived as gender nonconforming to 25.3 percent of stopped individuals perceived as (cisgender) males. Finally, compared to other genders, stopped individuals perceived as transgender women/girls had the highest rate of being arrested (27.9%) while stopped individuals perceived as females had the lowest rate (10.5%).

Figure 12. Stop Result by Gender



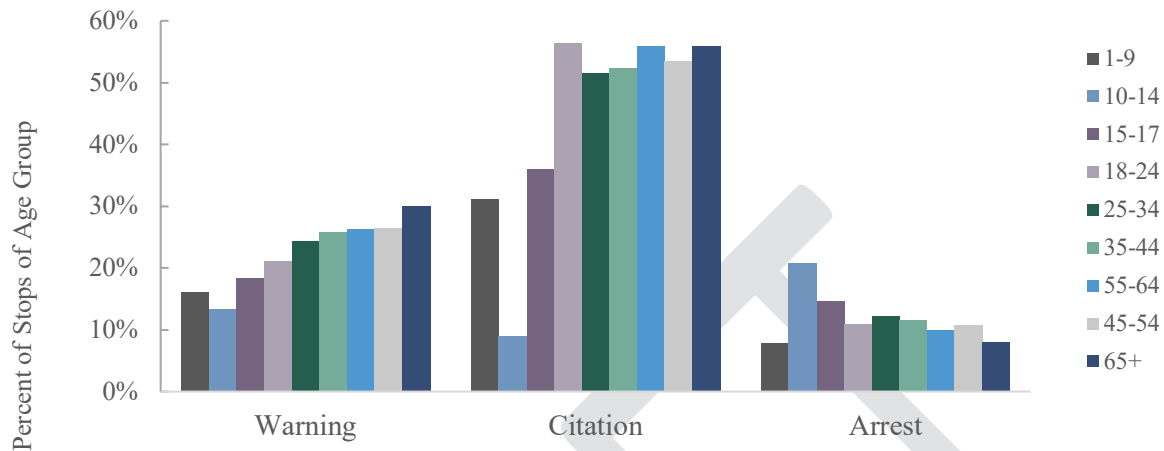
**Age.** Citation rates ranged from 9.1 percent for 10 to 14 year olds who were stopped to 56.5 percent of 18 to 24 year olds who were stopped. The range in warning rates across age groups of stopped individuals ranged from a low of 13.3 percent of 10 to 14 years old to a high of 29.9 percent of individuals perceived as 65 and older. Compared to other age groups, stopped individuals between the ages of 10 and 14 also had the highest rate of being arrested (20.7%) while 1 to 9 year olds who were stopped had the lowest rate (7.8%).<sup>20</sup>

<sup>20</sup> The unexpectedly high number of arrests for individuals perceived to be below 15 years of age may partially be explained by incorrectly recorded the age values. This group of stopped individuals constitutes a small (<0.5%) percentage of the data, meaning that data entry errors (e.g. an officer enters 4 as a person's age when they intended to enter 40) have a larger impact on the distribution of stops for this group than the other age groups.

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Figure 13. Stop Result by Age Group



**LGBT.** Stopped individuals perceived as LGBT had a lower rate of being cited (33.9%) or warned (21.1%) while having a higher rate of being arrested (22.4%) than individuals whom officers did not perceive to be LGBT (cited 53.2%, warned 24.8%, arrested 11.3%).

**Limited English Fluency.** Stopped individuals officers perceived to have no or limited English fluency had a lower rate of being cited (51.8%) while having a higher rate of being warned (25.3%) or arrested (13.4%) when compared to individuals perceived to be English-fluent (cited 53.2%, warned 24.8%, arrested 11.2%).

**Disability.** Stopped individuals perceived as having a disability had lower rates of being cited (9.5%) or warned (14.6%) and higher rates of being arrested (20.2%) than those perceived to be without a disability (cited 53.6%, warned 24.9%, arrested 11.2%).

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## 1.2 Tests for Racial/Ethnic Disparities

### 1.2.1 Residential Population Comparison

Comparing stop data to population-based demographic information is a common method used to form a frame of reference, often called a “benchmark,” from which to consider trends observed within stop data. An assumption of this type of comparison is that, in the absence of disparate treatment, population benchmark data and stop data distributions would be similar to one another. In other words, the distribution of who is stopped in the stop data is expected to look similar to who resides within a comparable geographic region in the population benchmark data. Residential population demographics from the United States Census Bureau’s 2018 American Community Survey (ACS) were used to provide a benchmark for what the expected demographic breakdown of the 2019 stop data might be.<sup>21</sup> For example, we would expect approximately a third of the individuals stopped by law enforcement to be White since White individuals constitute approximately a third of the population in the regions of California served by the Wave 2 agencies.

Because the Wave 2 agencies (excluding CHP) do not tend to operate across the entire state of California, the ACS demographic estimates were adjusted to better represent the jurisdictions of law enforcement agencies whose data are included in this report, as opposed to comparing against the state population as a whole.<sup>22</sup>

Figure [FIGURE NUMBER] displays the racial/ethnic distribution of stopped individuals from the 2019 RIPA Stop Data alongside the weighted distribution from the ACS. These analyses were repeated for all reporting municipal agencies excluding California Highway Patrol and for each individual agency; those individual results can be found in the Appendix. Please note that race/ethnicity data reported in RIPA is based on officer perceptions while this data is self-reported in the ACS.<sup>23</sup>

Overall, the disparities between the number of individuals stopped by law enforcement and what might be expected based on residential population estimates were greatest for Multiracial and Black individuals.<sup>24</sup> Multiracial individuals were stopped 70.7% less frequently than expected while Black

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<sup>21</sup> 2019 ACS data were not available at the time these analyses were performed.

<sup>22</sup> Please see [APPENDIX SECTION] for a full description of the methodology.

<sup>23</sup> Please see [APPENDIX SECTION] for further discussion of the limitations to this type of analysis.

<sup>24</sup> Please see [APPENDIX TABLE] for all descriptive statistics.

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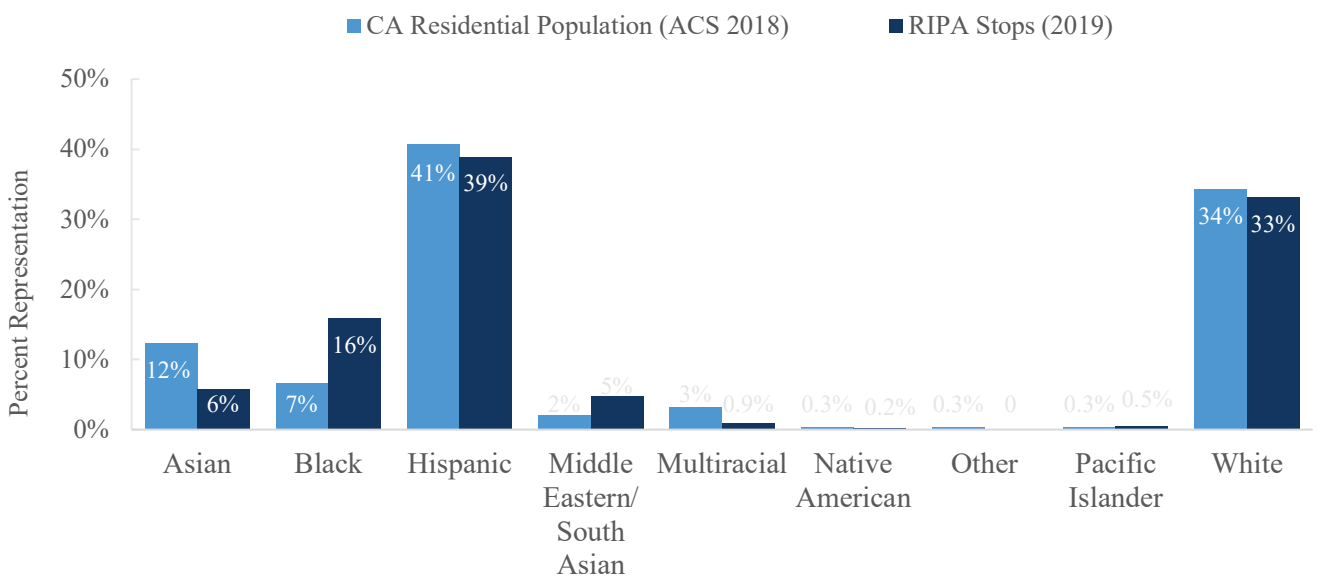
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individuals were stopped 140.9% more frequently than expected. The proportion of stops corresponding to White individuals most closely matched estimates from residential population data (3.44% less frequent than expected). Compared to White individuals, the overall disparity between stop data and residential population data estimates was 0.30 times lower for Multiracial individuals and 2.5 times greater for Black individuals. After excluding California Highway Patrol records from the analysis, the data continued to show the greatest disparities in these estimates for Multiracial and Black individuals. Compared to White individuals, the disparity between stop data and residential population estimates for all municipal agencies increased for all groups except for Asian and Middle Eastern/South Asian individuals.

Figure 14. Residential Population Comparison to Stop Data



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### 1.2.2 Discovery-rate Analysis

Data discussed in the stop demographics section indicate that police generally search each race/ethnicity group at different rates. Researchers have developed an empirical test for distinguishing how much of this disparity may be explained by biased behavior on behalf of officers. The test attempts to measure the efficiency of searches by comparing the rate at which contraband or evidence is discovered across race/ethnicity groups. A critical aspect of the test is the strength of an officer's suspicion that the stopped individual has contraband or evidence of a crime. One assumption of the test is that if officers are less likely to find contraband after searching people of a particular identity group, then the searched individuals in that identity group are objectively less suspicious and may be searched, at least in part, because of their perceived identity.<sup>25</sup> Using this framework, we tested for differential treatment by police by conducting comparisons of search and discovery rates across identity groups.<sup>26</sup>

#### Discovery Rates

These analyses measure the rates at which contraband or evidence is discovered in stops where a search was performed. In the 2020 RIPA report, these analyses were called "search yield rates". They are also often referred to in research literature as "hit rates". The Board believes that "discovery rates" is a more transparent term than "search yield rates" and that it helps speak more directly to the data being analyzed, given that these analyses make use of data element referred to as "Contraband or Evidence Discovered" in the RIPA regulations.

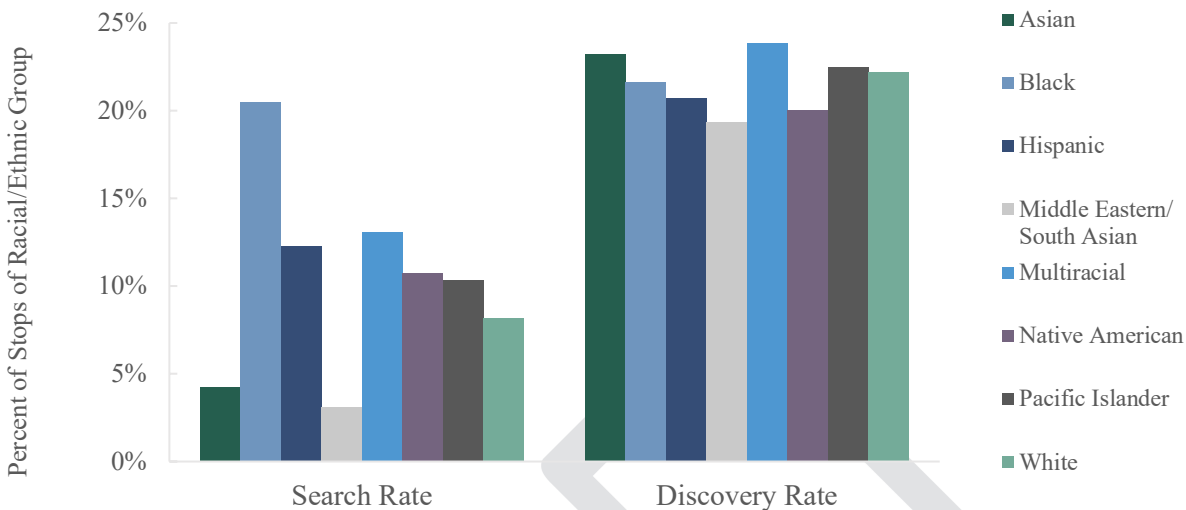
**Descriptive Analysis.** Overall, officers searched 11.3 percent of stopped individuals and they discovered contraband or evidence from 21.4 percent of the individuals they searched. But, search and discovery rates varied widely between racial/ethnic groups. Specifically, search rates ranged from 3.1 percent of stopped Middle Eastern/South Asian individuals to 20.5 percent of stopped Black individuals while stopped White individuals were searched 8.2 percent of the time. Search discovery rates did not vary as widely between racial/ethnic groups as did search rates. Discovery rates ranged from 19.3 percent of stopped Middle Eastern/South Asian individuals to 23.9 percent of stopped Multiracial individuals; the discovery rate for stopped White individuals was 22.2 percent.

<sup>25</sup> Please see [APPENDIX SECTION] for a discussion of the limitations to this type of analysis.

<sup>26</sup> Knowles et al. (2001). Racial Bias in Motor Vehicle Searches: Theory and Evidence. *J. Political Econ.* 109(1)

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For the purposes of this Report, we compared the search and discovery rates for each group to those for White individuals. All racial/ethnic groups of color had higher rates of being searched than White individuals, except for Asian and Middle Eastern/South Asian individuals. Discovery rates were also lower for most groups compared to White individuals; those perceived as Pacific Islander, Asian, or Multiracial had higher discovery rates. Black, Hispanic, and Native American individuals had higher rates of being searched despite having lower rates of discovering contraband compared to White individuals.

Figure 15. Racial/Ethnic Disparities in Search and Discovery Rates

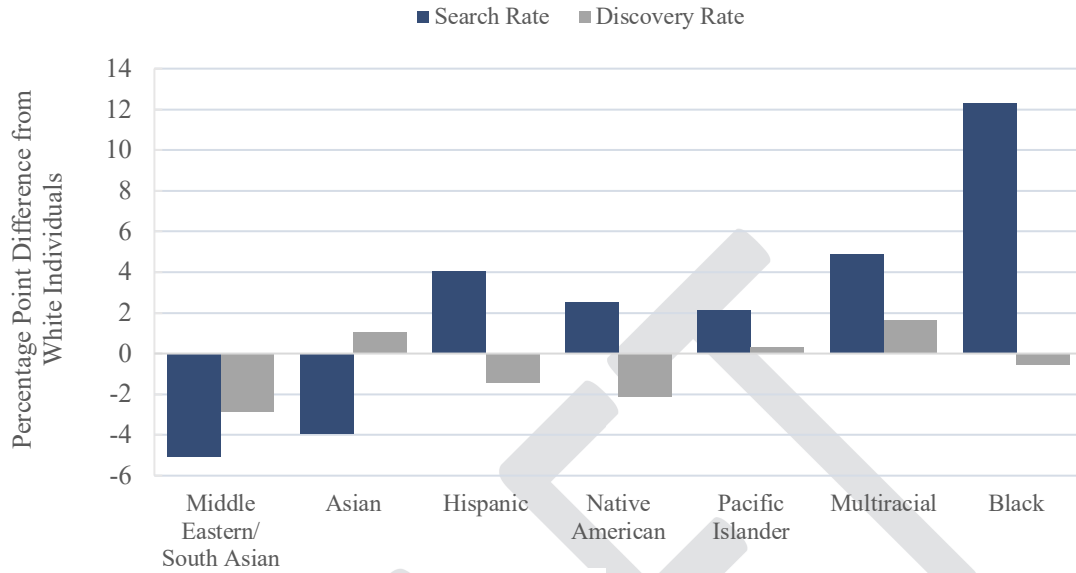
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Figure 14. Search and Discovery Rates by Race/Ethnicity




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**Multivariate Analysis.** To consider how multiple variables (thus, “multivariate”), including the perceived race/ethnicity of the stopped individual, are associated with decisions by officers to search and whether officers discovered contraband or evidence, these data were also analyzed using statistical models.<sup>27</sup> One key consideration is the level of discretion available to officers in their decision to conduct a search in the first place. Some searches are based on administrative protocol and are often required under departmental policy, like during an arrest, vehicle inventory, or search warrant; these types of searches afford little to no discretion to the officer in their decision to initiate a search. Other types of searches are done in situations where more discretion is available to the officer and are likely based on a subjective threshold of suspicion that contraband or evidence may be found. Examples of these types of searches include those conducted because an officer smelled contraband or when officers suspect the individual of having a weapon. Previous research has shown that these discretionary searches tend to be used disparately, with individuals of certain racial/ethnic groups of color having a greater chance of experiencing them.<sup>28</sup> Given this information, the multivariate analysis was applied to (1) search rates overall, (2) discovery rates during discretionary searches, and (3) discovery rates during administrative searches.

#### Statistical Tests

These tests provide a common framework for evaluating evidence provided by data against a specific hypothesis. For example, the hypothesis tested by the discovery-rate analysis is, “there are no disparities in contraband or evidence discovery rates between racial/ethnic groups of color and White individuals.” But, if the test provides strong enough evidence that disparities between groups are larger than can reasonably be explained by chance alone, then we can say that our findings are *statistically significant*. In other words, the evidence provided by the data is sufficient to rule out chance as an explanation for the resulting disparity.

The results showed that multiple statistically significant differences in search and discovery rates are present across race/ethnicity groups, especially when comparing Black or Hispanic individuals to White individuals (see Table X). Compared to White individuals, it was more probable for Black (+1.8% points) and Hispanic (+0.4% points) individuals to be searched despite also being less likely to be found in possession of contraband or evidence in stops with discretionary searches (-1.9% points and -1.3% points, respectively).<sup>29</sup> However, the difference in discovery rates between White and Black individuals during stops with administrative

<sup>27</sup> Please see [APPENDIX SECTION] for a full description of the methodology.

<sup>28</sup> Ridgeway, G. (2006). Assessing the effect of race bias in post-traffic stop outcomes using propensity scores. *J. Quant. Criminol.* 22(1).

<sup>29</sup> Please see [APPENDIX TABLE] for model statistics.

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searches was not found to be statistically significant. Asian individuals (-2.1% points) and those from racial/ethnic groups that were combined together<sup>30</sup> (-1.8% points) were also less likely to be searched compared to White individuals, but did not have a significant difference in the rate of contraband or evidence discovered during stops with discretionary searches.<sup>31</sup> Both Hispanic individuals (-1.3% points) and those from the combined group (-2.9% points) were less likely to have contraband or evidence discovered in stops with administrative searches. These analyses were repeated for all municipal agencies excluding California Highway Patrol and for each individual agency alone in order to consider the impact of different locales on the findings; these results can be found in the Appendix.<sup>32</sup>

Table X. Summary of Multivariate Discovery Rate Analysis Findings  
by Race/Ethnicity

Group	Search Rates	Discovery Rates	
		Discretionary Searches	Administrative Searches
Asian	↓ 2.1%	-	-
Black	↑ 1.8%	↓ 1.9%	-
Hispanic	↑ 0.4%	↓ 1.3%	↓ 1.3%
Other	↓ 1.8%	-	↓ 2.9%

Note. Values represent percentage point difference compared to the rate for White individuals, with arrows indicating the direction of the difference. Dashes indicates findings that were not found to be statistically significant.

### 1.2.3 “Veil of Darkness” Analysis

A key problem in exploring racial disparities is establishing the proper benchmark against which to compare the racial/ethnic distribution of people stopped by law enforcement. One approach presumes that it may be more difficult for police to perceive the race/ethnicity of an individual prior to stopping them after dark than during daylight. Thus, under this approach, we would expect the racial/ethnic distribution of stops to vary with the presence of daylight if officers are conducting stops based on racial/ethnic identity. In other words, darkness should decrease the likelihood of being stopped for racial/ethnic groups of color compared to White individuals in the presence of biased policing. This hypothesis is called the “veil of darkness” (VOD), and it has been used by researchers in the past to test for racial/ethnic disparities in encounters with law

<sup>30</sup> Individuals whom officers perceived to be Middle Eastern/South Asian, Multiracial, Native American, or Pacific Islander were combined into one group in order to gain the statistical power needed to conduct these multivariate analyses.

<sup>31</sup> Please see [APPENDIX TABLE] for model statistics.

<sup>32</sup> Please see [APPENDIX TABLE] for model statistics

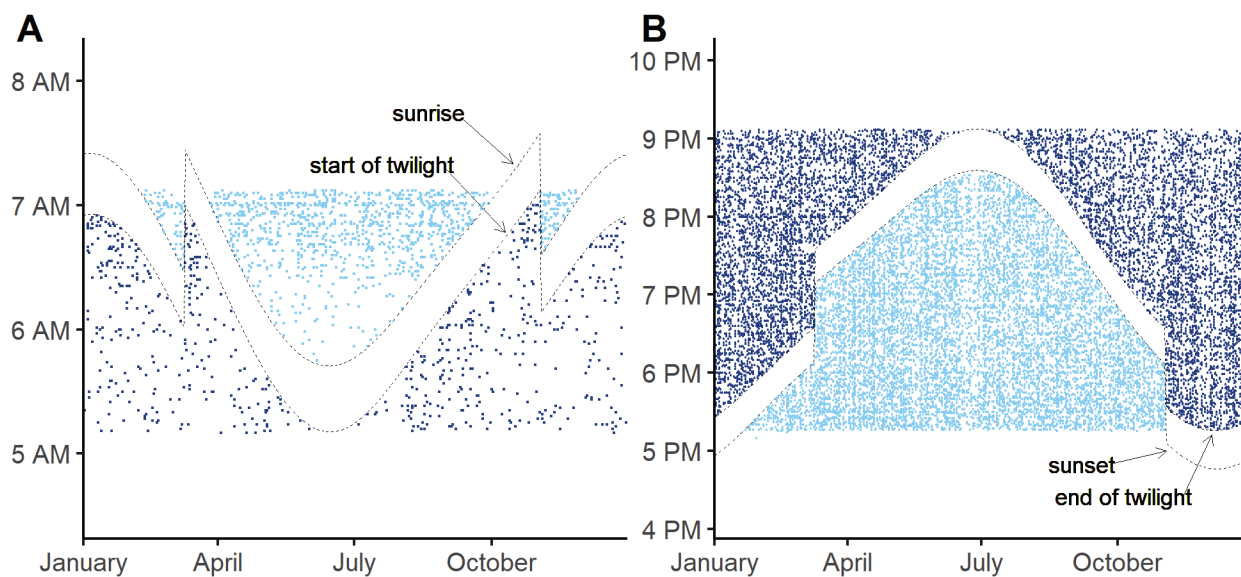
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enforcement. There are several known limitations worth considering when interpreting the results of this analysis. For a discussion of these limitations, please see the Appendix.<sup>33</sup>

**The Intertwilight Period.** The researchers who pioneered the VOD approach published a set of methods that attempt to control for other factors that may impact the number of stops made during the day (e.g. commuting patterns).<sup>34</sup> Namely, only vehicle stops that occur during what is referred to as the intertwilight period are included in the analysis. The intertwilight period spans the hours of the day that are light during one part of the year and dark during the other; this period occurs twice on any given day, once around dawn and once around dusk. Stops made during the lighter portion of this period (i.e., after sunrise but before sunset) are to be compared to stops made during the darker portion of this period.<sup>35</sup> Figure [FIGURE] shows an example of both morning and evening intertwilight periods for stops made in Sacramento using RIPA data.

Figure 1. Morning and Evening Intertwilight Periods for Sacramento



<sup>33</sup> <sup>33</sup> Please see [APPENDIX SECTION] for a discussion of the limitations. Also, see pages 30-31 of the 2020 RIPA Board report for discussion about the Board's decision to include VOD analyses in the 2020 report.

<sup>34</sup> Grogger & Ridgeway (2006). Testing for Racial Profiling in Traffic Stops from Behind a Veil of Darkness. RAND Corporation.

<sup>35</sup> Civil twilight is defined as the illumination level sufficient for most ordinary outdoor activities to be done without artificial lighting before sunrise or after sunset. Therefore, it is dark outside when civil twilight ends; civil twilight ends when the sun is six degrees below the horizon.

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Notes: Each dot represents a single stop made by law enforcement in Sacramento on a given day and time. Light blue dots represent stops made during daylight. Dark blue dots represent stops made after dark. Only stops made within the morning (A) and evening (B) intertwilight periods were included in the analysis. Stops made between the start of civil twilight and sunrise (white band) were excluded from the morning intertwilight period. Stops made between sunset and the end of civil twilight (white band) were excluded from the evening intertwilight period. Stops that occurred within the white-banded area were excluded because the lighting conditions during this period of time are more difficult to classify as either dark or light. Discontinuities in the curves in March and November reflect Daylight Savings Time adjustments.

**Multivariate Analysis.** To consider how multiple factors associated with disparities in who was stopped by law enforcement, these data were analyzed using statistical models.<sup>36</sup> These models take into account how multiple variables (e.g. time of day, location) may contribute to disparities in stops made in the dark compared to those in the light. As mentioned previously, this analysis only includes data for individuals stopped for traffic violations during the morning and evening intertwilight periods.<sup>37</sup> Stops made in response to a call for service were also excluded from this analysis because officers likely utilized information from a third party (e.g., dispatcher or caller) when making the decision to stop the individuals in these cases; this test is best fit to examine stops where officers are making stops solely based on their own judgement. These filtering criteria were applied to the data in order to best approximate the conditions under which the VOD hypothesis would be most accurate. Finally, the 4 racial/ethnic groups who were least frequently stopped by officers were combined into a single group to increase statistical power for the test; these groups included Middle Eastern/South Asian, Multiracial, Native American, and Pacific Islander individuals.

The results showed that some racial/ethnic groups were stopped at different rates, relative to White individuals, depending on visibility conditions. Darkness decreased the rates at which Black (-0.5% points) and Hispanic (-1.4% points) individuals were stopped compared to White individuals; individuals from the racial/ethnic groups that were combined together (-0.8% points) also collectively had lower rates of being stopped during darkness.<sup>38</sup> Given the large number of stops submitted by California Highway Patrol as compared to the municipal agencies, the analyses were repeated while excluding their data. This analysis continued to show darkness decreasing the probability of being stopped during the intertwilight period for Black (-1.5%

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<sup>36</sup> Please see [APPENDIX SECTION] for a full description of the methodology.

<sup>37</sup> Traffic Violations includes all categories of stopped defined under Section 999.226(a)(10)(A)(1) of the RIPA Regulations.

<sup>38</sup> Please see [APPENDIX TABLE] for model statistics.

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points) and Hispanic (-1.0% points) individuals.<sup>39</sup> These results suggest that individuals of certain racial/ethnic groups of color may be more likely to be stopped when it is easier to perceive their race/ethnicity. These disparities could reflect biased police behavior or the effect of some factor that is not yet being considered by the statistical model.<sup>40</sup>

#### 1.2.4 Use of Force Analysis

The International Association of Chiefs of Police has described use of force as the “amount of effort required by police to compel compliance by an unwilling subject”.<sup>41</sup> Law enforcement agencies have policies that inform the use of force by their officers. These policies generally a series of escalating actions (i.e. continuum) that officers may take to resolve a situation. However, these guidelines tend to vary from agency to agency since there is no universally accepted standard, with the exception of the limits on use of force placed by state and federal laws. Also, the specific data elements collected under RIPA have never been adapted to any existing use-of-force continuum. Therefore, the Board offers two approaches for considering differences in force used across racial/ethnic groups. The first uses a modified version of an example use-of-force continuum from the National Institute of Justice to compare escalating levels of force between race/ethnicity groups.<sup>42</sup> The second applies a statistical test to determine whether force generally was used disparately between White individuals and people from racial/ethnic groups of color. These data show that use of force is generally rare in California, occurring in about one percent of stops. However, the Board recognizes that, despite the low occurrence rate relative to other actions that officers take during stops, the gravity of the outcomes of many incidents that involve uses of force necessitates the examination of these data for disparate outcomes.

**Use-of-force Continuum.** Of the 23 actions that officers can report for RIPA, at least nine constitute types of force. These nine actions have been divided into three separate categories based on the level of force used, including lethal, less-lethal, and other physical or vehicle force. Table [TABLE NUMBER] displays what actions taken by officer during stops were grouped into each of the level of force categories.<sup>43</sup> Lethal use of force was used against 0.004% (154) of

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<sup>39</sup> Please see [APPENDIX TABLE] for model statistics.

<sup>40</sup> Please see [APPENDIX SECTION] for a discussion of the limitations surrounding VOD.

<sup>41</sup> International Association of the Chiefs of Police, *Police Use of Force in America, 2001*, Alexandria, Virginia.

<sup>42</sup> Please see <https://nij.ojp.gov/topics/articles/use-force-continuum>

<sup>43</sup> Section 999.226(a)(12)(A)(15) of the RIPA regulations define the “Other physical or vehicle contact” data element within the Action Taken by Officer During Stop variable. Officers are instructed to select this data element when they use a number of different use of force types, such as hard hand controls, forcing someone to the ground, or using a carotid restraint. It is possible

stopped individuals. Less-than-lethal force was used against 0.4% (16,795) of stopped individuals. Actions constituting limited force were used against 0.6% (23,795) of stopped individuals.

Table [TABLE NUMBER]. Use of Force Categories

<b>Lethal</b>	<b>Less-than-lethal</b>	<b>Other physical or vehicle force</b>
<ul style="list-style-type: none"> <li>• Firearm discharged or used</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic control device used</li> <li>• Impact projectile discharged or used</li> <li>• Canine bit or held person</li> <li>• Baton or other impact weapon used</li> <li>• Firearm pointed at person</li> <li>• Chemical spray used</li> </ul>	<ul style="list-style-type: none"> <li>• Person removed from vehicle by physical contact</li> <li>• Other physical or vehicle contact. This refers to any of the following contacts by the officer, when the purpose of such contact is to restrict movement or control a person’s resistance; any physical strike by the officer; instrumental contact with a person by an officer; or the use of significant physical contact by the officer.</li> </ul>

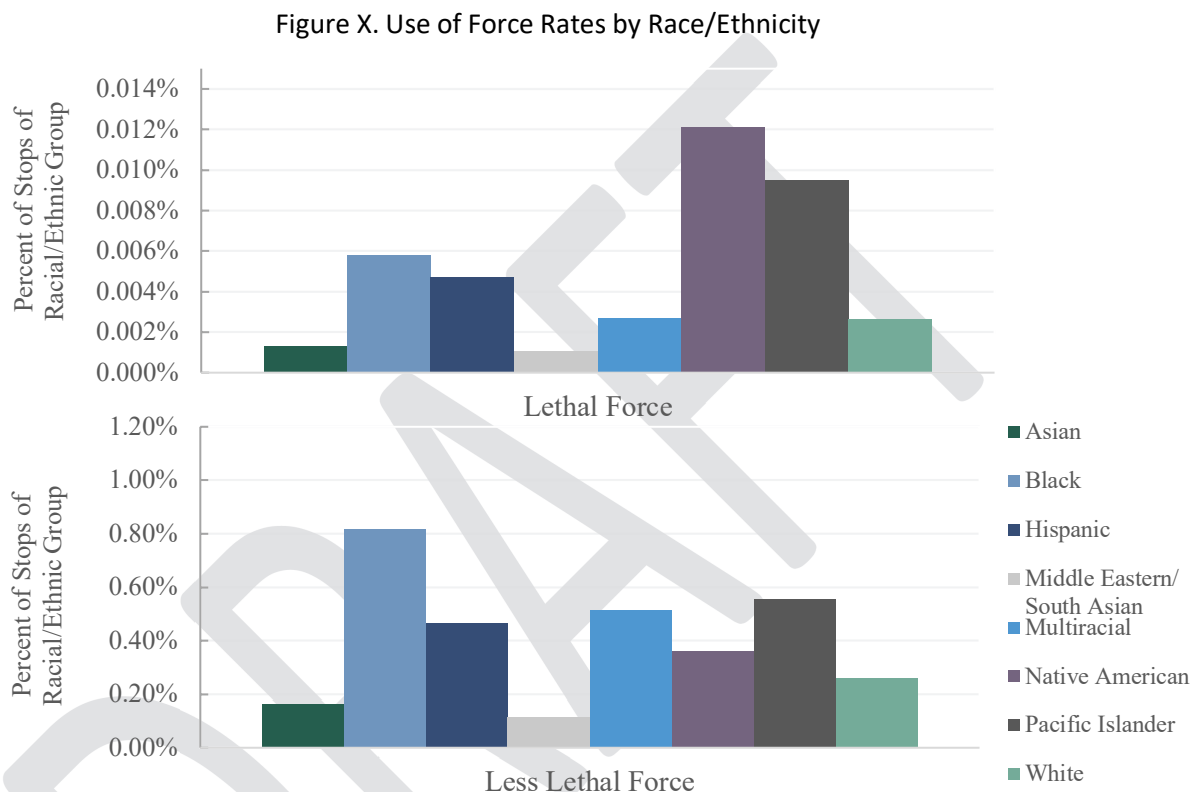
Less than 0.1% of stopped individuals from each racial/ethnic group had lethal force used against them. The total number of individuals who had lethal force used against them by racial/ethnic group included three Asian, 37 Black, 73 Hispanic, two Middle Eastern/South Asian, one Native American, two Pacific Islander, 35 White, and one Multiracial individual. Black individuals had the highest rates of less-lethal

that some instances when officers used carotid restraints are categorized under the other physical or vehicle force category in these analyses, but there is no way to distinguish this type of force from other lesser types of force within the “Other physical or vehicle contact” data element. This in no means implies that carotid restraints and these are types of force are considered to be equivalent. To the contrary, in 2020, the Attorney General opposed the use of carotid restraints because they often involve a needlessly high risk of causing unnecessary and accidental serious bodily injury and has recommended that law enforcement agencies ban the use of this technique. (see <https://oag.ca.gov/system/files/attachments/press-docs/spd-report.pdf>; <https://oag.ca.gov/news/press-releases/attorney-general-becerra-calls-broad-police-reforms-and-proactive-efforts>).

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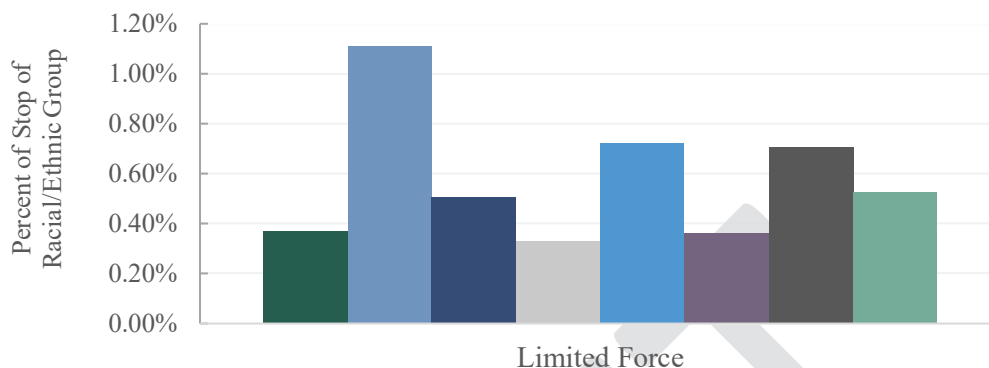
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force (0.8%) and other physical or vehicle force (1.1%) used by officers against them during a stop, while Middle Eastern/South Asian individuals had the lowest rates (0.1% and 0.3%, respectively).



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**Multivariate Analysis.** To consider the impact of the race/ethnicity of stopped individuals and multiple other factors on whether any use of force occurred during a stop, these data were also analyzed using statistical models.<sup>44</sup> The analysis has been restricted to only those cases where actions were taken during the stop.<sup>45</sup> Data for the four racial/ethnic groups least frequently stopped by officers were combined into a single group to increase the sample size for the test; these groups included Middle Eastern/South Asian, Multiracial, Native American, and Pacific Islander individuals.

The analysis showed that all racial/ethnic groups of color were more likely to have force used against them compared to White individuals. Specifically, the probability of having force used during a stop increased by 0.5% for Asian individuals, 1.1% for Black individuals, 0.6% for Hispanic individuals, and 0.6% for the category containing individuals of all other racial/ethnic groups.<sup>46</sup> Excluding the data from California Highway Patrol—who contributed a majority of the stop data records—had little impact on these disparities.<sup>47</sup>

<sup>44</sup> Please see [APPENDIX SECTION] for a full description of the methodology.

<sup>45</sup> This helps refine the comparison such that only cases where officers were inclined to taken action are compared.

<sup>46</sup> Please see [APPENDIX TABLE] for model statistics.

<sup>47</sup> Please see [APPENDIX TABLE] for model statistics.

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### 1.3 Intersectional Discovery-rate Analysis

The Board recognizes that many aspects of an individual's identity may combine to create unique experiences during encounters with law enforcement. Disparities in stop frequencies and outcomes between race/ethnicity groups, for example, may best be explained when considering how the outcomes for race/ethnicity intersect with a person's gender. Accordingly, the search discovery rate analysis was extended to racial/ethnic group comparisons within gender and disability groups.

#### **Reminder Regarding Identity Group Data**

Government Code Section 12525.5(a)(6) states, "The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped." This means that identity characteristics collected under RIPA are a reflection of officer perception, rather than self-identification by stopped individuals. It is important to note that stopped individuals may self-identify their demographic characteristics differently than how an officer may perceive them.

#### 1.3.1 Race/Ethnicity by Gender

Less than 1 percent (7,595) of individuals stopped in 2019 were perceived to be transgender or gender nonconforming. Among the stopped individuals perceived to be transgender or gender nonconforming, 43 percent were perceived to be a transgender man/boy, 32 percent were perceived to be gender nonconforming, and the remaining 25 percent were perceived to be a transgender woman/girl. Due to small group sizes for some transgender and gender nonconforming individuals when broken out further into race/ethnicity group, these individuals were combined into one gender group to increase statistical power. Thus, the following three gender groups will be discussed in the analyses: (cisgender) male, (cisgender) female, transgender/gender nonconforming.

#### *Descriptive Analysis.*

Search and discovery-rate descriptive analyses were conducted on all individuals who officers searched. Officers searched 6.5 percent of females they stopped and discovered contraband or evidence during 20.9 percent of these stops where the conducted searches. Among all racial/ethnicity groups, Black and Hispanic females were searched at a higher rate (10.7% and 6.5% respectively) in comparison to White females (5.7%). Despite having higher search rates, Black and Hispanic females had lower search discovery rates (21% and 20.5% respectively) than White females (21.5%). Females from the racial/ethnic groups that were combined together had lower search (3.2%) and discovery rates (19.8%) in comparison to White females.

Approximately 13.2 percent of males were searched by officers and contraband or evidence was discovered on 21.5 percent of males whom officers searched. Black (24.5%) and Hispanic males (14.1%) had higher search rates in comparison to White males (9.4%) while males from the

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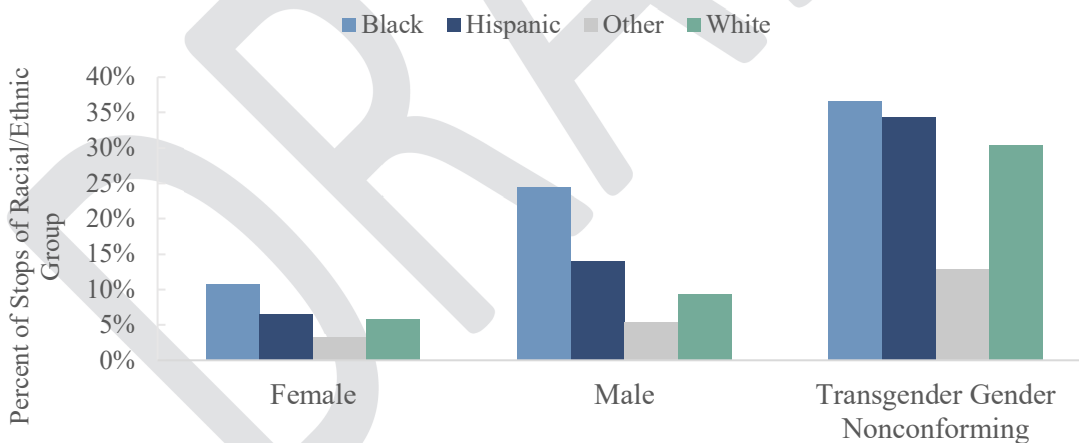
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racial/ethnic groups that were combined together had lower search rates (5.4%). Despite having higher search rates, Black and Hispanic males had lower discovery rates (21.7% and 20.8% respectively) in comparison to White males whom officers searched (22.4%). Males from the racial/ethnic groups that were combined together had the highest discovery rate (22.8%).

Officers searched 29 percent of the transgender/gender nonconforming individuals they stopped; they discovered contraband or evidence on 20.2 percent of transgender/gender nonconforming individuals whom they searched. Despite large differences in search rates, discovery rates in the stops of people perceived to be transgender/gender nonconforming were similar to the discovery rates in stops of people perceived to be cisgender. Across racial/ethnic groups, search rates varied greatly amongst individuals whom officers perceived to be transgender/gender nonconforming. Hispanic and Black transgender/gender nonconforming individuals had higher search rates (36.7% and 34.4% respectively) than White transgender/gender nonconforming individuals (30.4%) while transgender/gender nonconforming individuals from the racial/ethnic groups that were combined together had lower search rates (12.9%). Discovery rates for White transgender/gender nonconforming individuals were lower (18.8%) than the discovery rates for all other racial/ethnic groups for transgender/gender nonconforming individuals (20.1% - 21.1%).

Figure X. Search Rates by Race/Ethnicity and Gender



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Figure X. Discovery Rates by Race/Ethnicity and Gender

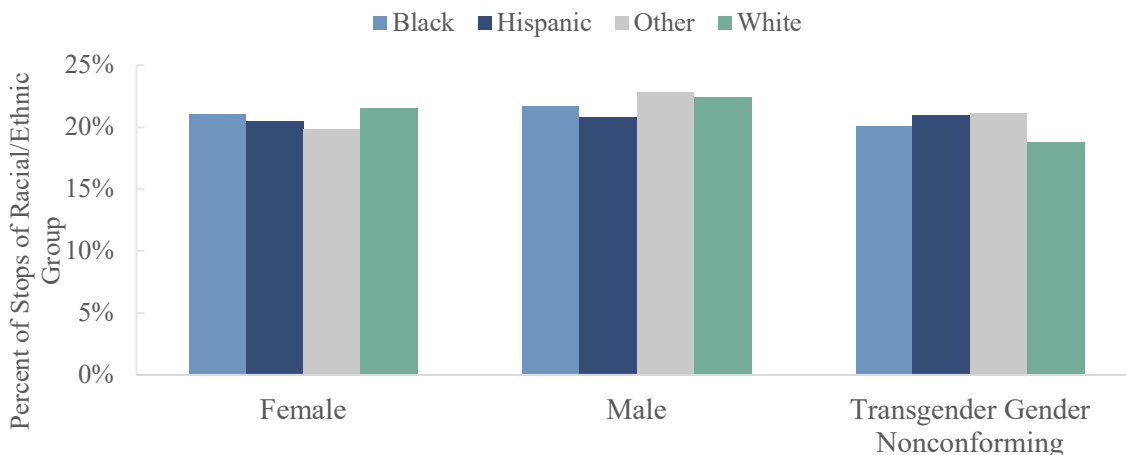
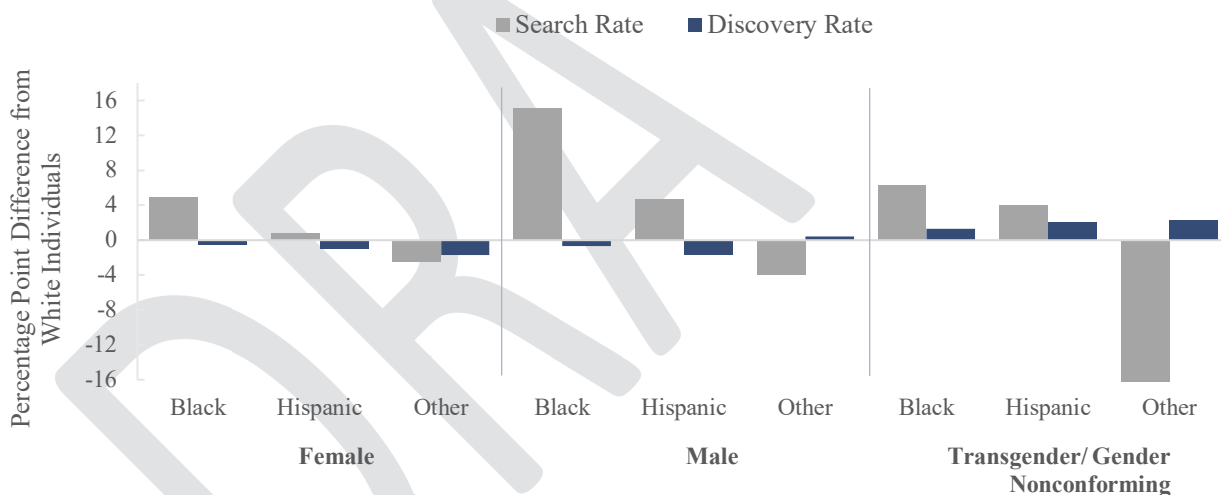


Figure X. Racial/Ethnic Disparities in Search and Discovery Rates by Gender



**Multivariate Analysis.** The descriptive analyses show racial/ethnic disparities in search and discovery rates within each gender group of stopped individuals. To consider how multiple variables, including the race/ethnicity of the stopped individuals of each given gender category, are associated with decisions by officers to search and whether officers discovered contraband or evidence, these data were also analyzed using multivariate statistical models.<sup>48</sup> As with the previous discovery-rate analysis, the multivariate analysis was applied to (1) search rates overall,

<sup>48</sup> Please see [APPENDIX SECTION] for a full description of the methodology

(2) discovery rates during discretionary searches and (3) discovery rates during administrative searches (see Table X).

The results of these analyses showed statistically significant differences when comparing Black females to White females.<sup>49</sup> Black females were more likely to be searched (+0.2% points) and less likely to have contraband or evidence during discretionary searches (-3.4% points). The difference in administrative search rate between Black and White females was not statistically significant. Hispanic females were less likely to be searched (-3.0% points) and had lower discretionary and administrative discovery rates (-2.2% and -2.5% points, respectively) than White females. Officers were less likely to search females from the racial/ethnic groups that were combined together (-1.3% points) and less likely to discovery contraband or evidence during stops with administrative searches (-3.3%) in comparison to White females. There were no statistically significant differences in discovery rates for administrative searches between females within the racial/ethnic groups that were combined together and White females.

Black and Hispanic males were more likely to be searched (+2.2% points and +.7% points respectively) than White males, while also being less likely to have contraband or evidence discovered (-1.7% points and -1.1% points respectively) during stops with discretionary searches. Hispanic males were also less likely to have contraband or evidence discovered (-1.3% points) in stops with administrative searches in comparison to White males; no statistically significant differences in administrative search discovery rates were observed between White and Black males. While males from the racial/ethnic groups that were combined together were less likely to be searched (-2.2% points) than White males, the tests did not yield statistically significant differences for discretionary or administrative search discovery rates.

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<sup>49</sup> Please see [PAGE NUMBER] for a simplified definition of statistical significance.

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Table X. Summary of Multivariate Discovery Rate Analysis Findings by Race/Ethnicity and Gender

	Group	Search Rates	Discovery Rates	
			Discretionary Searches	Administrative Searches
Male	Black	↑ 2.2%	↓ 1.7%	-
	Hispanic	↑ 0.7%	↓ 1.1%	↓ 1.3%
	Other	↓ 2.2%	-	-
Female	Black	-	↓ 3.4%	-
	Hispanic	↓ 0.4%	-	2.5%
	Other	↓ 1.3%	-	3.3%
Other	Black	-	-	-
	Hispanic	-	-	-
	Other	-	-	-
Note. Values represent percentage for White individuals, with arrows indicating findings that were not found to be significant for White individuals.				

### 1.3.2 Race/Ethnicity by Disability

Intersectional analyses were also replicated for race/ethnicity by disability group intersections. Less than 2 percent (46,035) of individual stopped in 2019 were perceived to have a disability. The most common disability type officers perceived stopped individuals to possess was a mental health condition; officers reported mental health condition as the disability type for 63.3 percent of stopped individuals they perceived to have a disability.<sup>50</sup> Due to relatively small number of stopped individuals perceived to have some of the disability types, disability groups were categorized into the following three groups to increase statistical power: no disability, mental health condition, and other disability.<sup>51</sup>

**Descriptive Analysis.** Search and discovery-rate descriptive analyses were conducted on all individuals whom officers searched. Overall, police officers searched 51.8 percent of stopped individuals who were perceived to have a mental health condition while contraband or evidence was discovered on 12.5 percent of these individuals whom officers searched. In comparison to White individuals (47.0%), individuals from all other racial/ethnic groups (Black, Hispanic, and Other) perceived to have a mental health condition had higher search rates (52.8% - 56.3%). For

<sup>50</sup> Individuals perceived to have multiple disabilities—including cases where one of the disabilities is a mental health condition—are not included in this statistic.

<sup>51</sup> The “other” types of disabilities include the following disability groups: deafness, speech impairment, blind, developmental, hyperactivity, multiple disabilities and other.

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discovery rates, all other racial/ethnic groups perceived to have a mental health condition had higher discovery rates (12.5% - 13.4%) than those who were White (11.3%).

Officers searched 28.9 percent (16,911) of individuals perceived to have other types of disabilities and discovered contraband or evidence during 20.7 percent of stops where they performed a search.<sup>52</sup> Black and Hispanic individuals perceived to have other types of disabilities had higher search rates (36.2% and 33.9% respectively) in comparison to White individuals perceived to have other types of disabilities (24.9%). Discovery rates were higher for Black individuals perceived to have other types of disabilities (22.5%) than for White individuals perceived to have other types of disabilities (20.3%). Hispanic individuals perceived to have other types of disabilities had lower discovery rates (20.0%) compared to White individuals perceived to have other types of disabilities. Individuals perceived to have other types of disabilities from the racial/ethnic groups that were combined together had lower search (16.5%) and discovery rates (18.7%) than White individuals.

Officers searched 11 percent (432,183) of individuals with no perceived disabilities and discovered contraband or evidence on 21.7 percent of these individuals who they searched. Across racial/ethnic groups, Black and Hispanic individuals with no perceived disabilities were searched at a higher rate (20% and 12% respectively) than the rate at which White individuals with no perceived disability were searched (7.8%). Black and Hispanic individuals with no perceived disabilities also had lower discovery rates (21.9% and 20.9% respectively) when compared to White individuals with no perceived disability (22.8%). Individuals from the racial/ethnic groups that were combined together with no perceived disabilities were searched at a lower rate (4.5%) but had a higher discovery rate (22.9%) than White individuals.

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<sup>52</sup> The “other” types of disabilities include the following disability groups: deafness, speech impairment, blind, developmental, hyperactivity, multiple disabilities and other.

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Figure X. Search Rates by Race/Ethnicity and Disability.

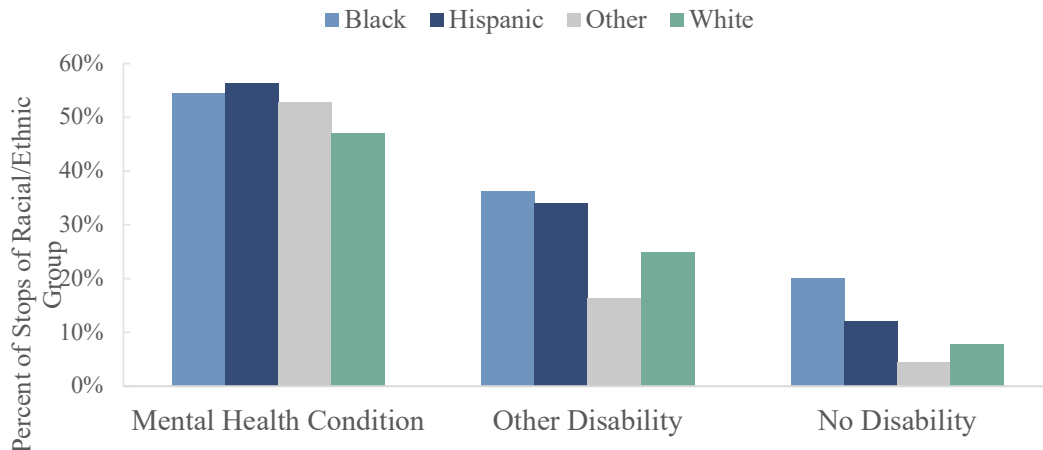
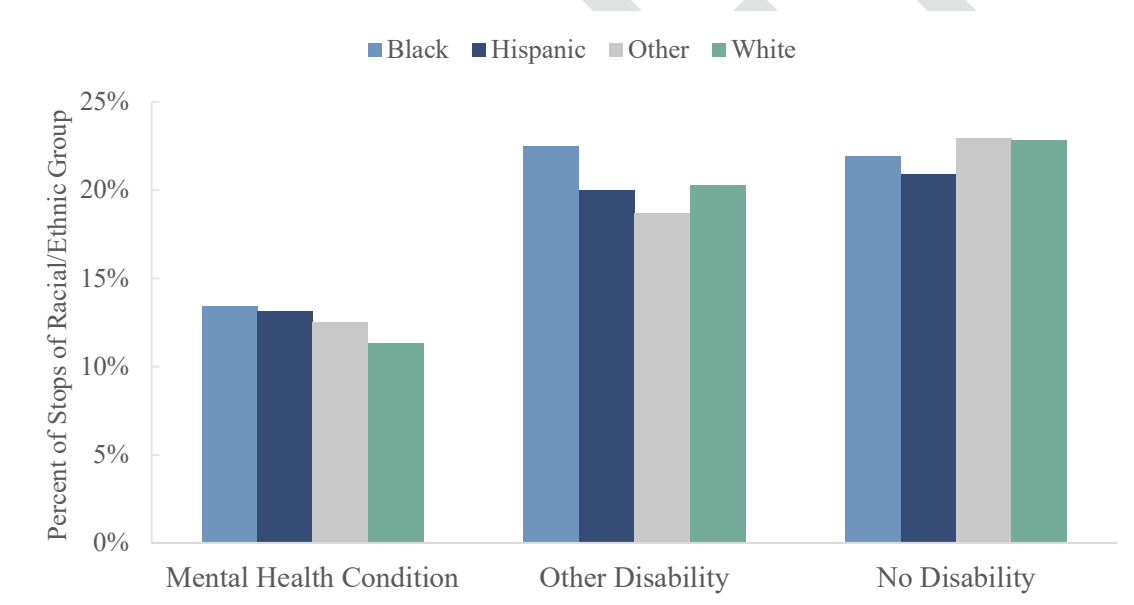


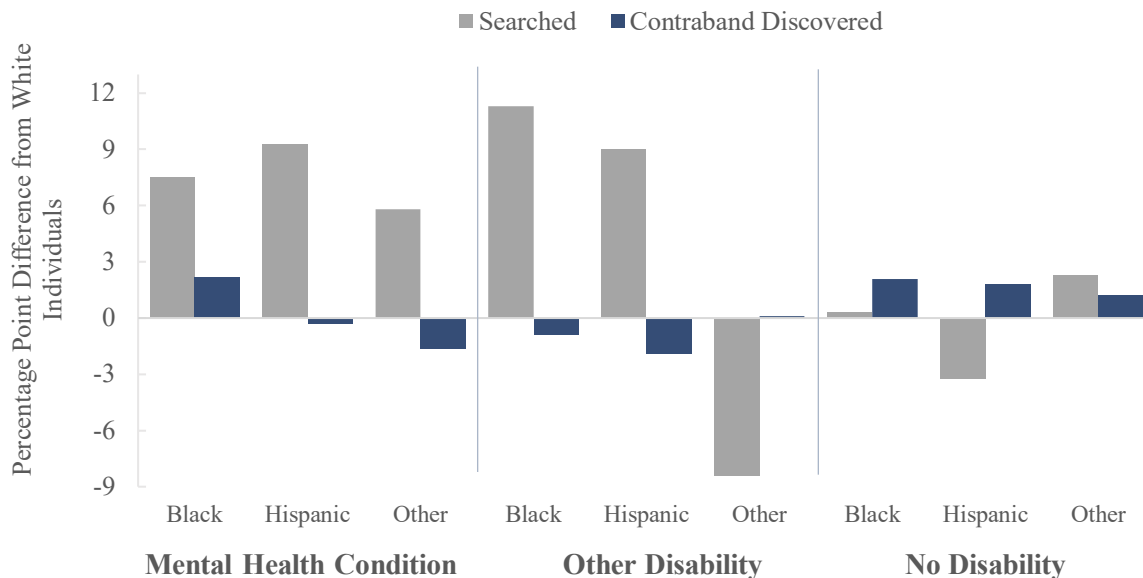
Figure X. Search Discovery Rates by Race/Ethnicity and Disability.



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Figure X. Racial/Ethnic Disparities in Search and Discovery Rates by Disability Group



**Multivariate Analysis.** As with the race/ethnicity by gender analyses, multivariate analyses were also used to help consider how multiple variables, including the race/ethnicity of the stopped individuals of each given disability category, are associated with decisions by officers to search and whether officers discovered contraband or evidence.<sup>53</sup> The multivariate analysis was applied to (1) search rates overall, (2) discovery rates during discretionary searches and (3) discovery rates during administrative searches (see Table X).

Results for administrative searches revealed that Black individuals perceived to have a mental health condition were more likely to have contraband or evidence discovered (5.9% points) than white individuals perceived to have a mental health condition; however, for search rates and discretionary search discovery rates, no statistically significant differences between White and Black individuals perceived to have a mental health condition were found. No statistically significant differences in search or discovery rates (either discretionary or administrative) for Hispanic individuals or for individuals the racial/ethnic groups that were combined together perceived to have a mental health condition were found. Additionally, tests did not yield any statistically significant differences in the search or discovery rates for those perceived to have an “other” type of disability for Black individuals, Hispanic individuals, or individuals from the racial/ethnic groups that were combined together.<sup>54</sup>

<sup>53</sup> Please see [APPENDIX SECTION] for a full description of the methodology

<sup>54</sup> Please see [APPENDIX TABLE] for model statistics.

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Black and Hispanic individuals with no perceived disabilities were more likely to be searched (+1.8% points and +.7% points respectively) but less likely to be found in possession of contraband or evidence (-2.2% points and -1.6% points respectively) than White individuals with no perceived disabilities during discretionary searches. However, for individuals searched under administrative searches, no significant disparities in discovery rates were found between Black and White individuals with no perceived disabilities. For administrative searches, Hispanic individuals with no perceived disabilities were less likely to have contraband or evidence discovered (-1.3% points) in comparison to White individuals with no perceived disabilities. For administrative searches, individuals from the racial/ethnic groups that were combined together with no perceived disabilities were less likely to have contraband or evidence discovered (-1.8% points) in comparison to White individuals with no perceived disabilities. For the search rate and the discretionary search discovery rate, no statistically significant differences were found between individuals with no perceived disabilities from the racial/ethnic groups that were combined together and White individuals with no perceived disabilities.

Table X. Summary of Multivariate Discovery Rate Analysis Findings  
by Race/Ethnicity and Disability

Group	Search Rates	Discovery Rates	
		Discretionary Searches	Administrative Searches
Mental Health	Black	-	↑ 5.9%
	Hispanic	-	-
	Other	↓ 3.0%	-
None	Black	↑ 1.8%	↓ 2.2%
	Hispanic	↑ 0.7%	↓ 1.6%
	Other	↓ 1.9%	↓ 1.8%
Other	Black	-	-
	Hispanic	-	-
	Other	-	-

Note. Values represent percentage point difference compared to the rate for White individuals, with arrows indicating the direction of the difference. Dashes indicates findings that were not found to be statistically significant.

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## Submission of Data to the Statewide Repository

In addition to the Wave 1 agency data collection, stop data collection for Wave 2 law enforcement agencies began on January 1, 2019. Wave 2 is comprised of seven agencies with 667 – 999 peace officers working in a non-custodial setting. Specifically, the Wave 2 agencies are:

- Fresno Police Department
- Long Beach Police Department
- Oakland Police Department
- Orange County Sheriff's Department
- Sacramento County Sheriff's Department
- Sacramento Police Department
- San Jose Police Department

The Wave 1 and 2 data collection took place from January 1, 2019 through December 31, 2019. The agencies were required to submit all records to DOJ no later than April 1, 2020. Each of these agencies successfully submitted their data to DOJ by the deadline. A total of 3,789,136 records were successfully submitted for the 2019 collection period by the Wave 1 and 2 agencies. This year's Board report will include the analysis of records submitted by Wave 1 and Wave 2.

Although the regulations have established guidelines for when each law enforcement agency is required to begin collecting and submitting stop data, agencies are welcome to begin collecting data early. The regulations designated 2020 as a gap year between Waves 2 and 3, where no new agencies would be required to begin collection. However, two law enforcement agencies opted to begin collecting stop data prior to their mandated timeline. The Bakersfield Police Department and the Los Angeles Schools Police Department each began collecting data as of January 1, 2020. This data will be submitted to DOJ no later than April 1, 2021, then analyzed and included in the 2022 RIPA Report.

Throughout 2020, DOJ has also been working with 10 designated Wave 3 agencies who are mandated to begin their first year of stop data collection on January 1, 2021. Wave 3 agencies are comprised of those with 334 - 666 officers and include:

- Alameda County Sheriff's Department
- Anaheim Police Department
- Fresno County Sheriff's Department
- Kern County Sheriff's Department
- Los Angeles Airport Police Department
- Riverside Police Department

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- San Francisco County Sheriff's Department
- Santa Clara County Sheriff's Department
- Stockton Police Department
- Ventura County Sheriff's Department

Additionally, Culver City Police Department and San Ramon Police Department have elected to start collecting earlier than their legislatively mandated deadline. They will be joining the Wave 3 agencies and plan to start collecting RIPA stop data on January 1, 2021.

These agencies are working to develop internal processes and workflows, testing submission methods with the DOJ, setting up user accounts, updating policies, and training officers in order to adequately prepare for a successful RIPA implementation by January 1, 2021.

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## Survey of LEAs regarding Stop Data and Resources

During 2020, the Department conducted a survey of Wave 1, 2, and 3 agencies to learn about the impact of the Board's recommendations and data analysis within law enforcement agencies, and to identify the resources and activities agencies are engaging to advance the goals of RIPA. Wave 1 and Wave 2 agencies were included in the full survey, and Wave 3 agencies were included in the portions that did not pertain to data analysis.

The Survey addressed:

- use of Board recommendations and findings,
- use of stop data for accountability purposes,
- adoption of model bias-free policing policy language,
- actions in response to best practices recommendations regarding civilian complaint procedures, and
- stop data analysis practices and resources.

A full list of the Survey questions is provided in Appendix [X].

### **Placeholder for analysis of Survey responses to highlight key findings about LEA actions based on work that the Board has produced.**

[As of August 24, 2020, 22 of the 27 agencies had complete the Survey. Department staff are following up with the agencies that have not yet completed the Survey.]

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## Racial and Identity Profiling Policies and Accountability

### Wave 2 Agency Bias-Free Policing Policies Review

RIPA directs the Board to review and analyze “racial and identity profiling policies and practices across geographic areas in California, working in partnership with state and local law enforcement agencies.” In its 2019 report, the Board surveyed all California law enforcement agencies subject to stop data reporting and found that while most agencies did have a specific policy or portion of a policy addressing racial and identity profiling, there was little consistency in the substance of the policies across agencies. In the 2020 report, the Board built upon this review and provided model language that law enforcement agencies could include in their bias-free policing policies. The Board also reviewed the bias-free policing policies for the eight Wave 1 agencies, based on the best practices outlined in the 2019 report. This year, the Board is extending its review to the Wave 2 agency policies.

**Oakland Police Department (Oakland Police):** The Oakland Police Department has an eight page, stand-alone policy titled “Prohibitions Regarding Racial Profiling and Other Bias-Based

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Policing,” effective November 15, 2004. In addition to this stand-alone policy, there is a section in the Rules and Regulations for All Members and Employees that touches on conduct towards others.<sup>55</sup> Both policies can be found on Oakland Police’s website. The stand-alone policy defines racial profiling and includes a statement on the limited circumstances in which characteristics of individuals may be considered. In addition to the definitions, the policy provides examples of racial profiling and establishes that consent searches should not be based on actual or perceived race, ethnicity, national origin, gender, age, religion, sexual orientation, or disability. At the outset of the policy, there is a purpose statement establishing that the policy reaffirms the Oakland Police’s commitment to providing service and enforcing laws in a fair and equitable manner and to establish a relationship with the community based on trust and respect. To assist with this community relationship building, the policy includes a section on communication with the community when conducting stops. The policy also includes a component on racial and identity training. The policy states that the agency’s Racial Profiling Manager will produce a bi-annual report that includes analysis of the data collected.

Oakland Police prohibits its members from engaging in, ignoring, or condoning racial profiling or other bias-based policing. Furthermore, the policy requires members to report incidents and makes clear that members will be subject to discipline if they fail to comply. The policy delineates six supervisor responsibilities in addition to ensuring their subordinates know and understand the policy. A supervisor is required to monitor their subordinates, review all Stop-Data Collection Forms they submit, sign those forms once reviewed, and conduct periodic audits. The policy explicitly provides that supervisors and commanders who know or should know that their subordinates are out of compliance, or if they themselves violated the policy will be subject to discipline.

**Sacramento Police Department (Sacramento Police):** The Sacramento Police has a stand-alone bias-based policing policy dated June 5, 2017. The policy is available on the agency’s website. The policy explicitly prohibits the detention, interdiction, or disparate treatment of any person based on their actual or perceived characteristics by their officers and the policy states that complaints of such behavior will be thoroughly investigated. The policy defines bias-based policing and racial profiling. It includes recommended components on the limited circumstances in which characteristics of individuals may be considered, communication with the community, and training. Sacramento Police’s bias-based policing policy does not provide guidance regarding the collection or use of demographic data associated with stops, detentions or seizures conducted by its officers. General Order 210.08 governs the agency’s Vehicle Stop Data Procedures but is limited to the collection of statistical information related solely to traffic stops. The bias-based policing policy requires officers to report knowledge or information they may have about conduct that would violate this policy. The policy also provides for supervisory

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<sup>55</sup> Section 314.04 “Conduct Towards Others – Harassment and Discrimination” that became effective September 30, 2010.

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review, which requires supervisors to monitor and examine all police activities of those in their command to ensure they follow the general order and do not engage in bias-based policing or racial profiling. Moreover, the policy accounts for an Administrative Review of citizen complaints and concerns relating to its bias-free policy to ensure officers are conducting stops and citizen contact in accordance with the policy. Although this review is designated as annual, the Professional Standards Unit provides complaint data “on demand” to the Captain to review and act on, but there is no indication how often this may occur. In a similar vein, Sacramento Police updated its “Internal Investigation Manual – RM 220.01” to more accurately track complaints alleging “profiling” as a standalone allegation. Sacramento Police has also recently implemented an administrative “Use of Force Review Board” which meets monthly to review use of forces that do not involve firearm discharge or death. This review will include whether the officer adhered to the bias-based policing policy in addition to use of force laws and agency policies.

**Fresno Police Department (Fresno Police):** The Fresno Police has a stand-alone<sup>56</sup> policy that was effective June 1, 2020. The policy defines racial or bias-based policing and includes a component on the limited circumstances in which characteristics of individuals may be considered. There is a component on encounters with the community, which requires officers engaging in non-consensual encounters to be prepared to articulate a sufficient reasonable suspicion to justify the contact. It also includes a component on officer training and encourages members to familiarize themselves with racial and cultural differences if they have not yet received training. The policy discusses the collection of stop data through Cal DOJ’s Stop Data Collection System pursuant to AB 953. The policy makes clear that it is the responsibility of all members of Fresno Police to prevent, report, and respond appropriately to discriminatory or biased practices. The policy addresses supervisory review which details an annual review conducted by the Audit & Inspections Unit. According to the policy, that unit reviews the Internal Affairs database for complaints alleging bias and reviews meeting minutes detailing complaints received at the Chief’s Advisory Board committee meetings. The results of the annual review are then published in their Annual Bias-Based Policing Report, which details recommendations regarding training issues, policies and procedures, and changes in federal or state mandates. The annual reports previously included analysis of traffic stop data but Fresno Police currently plans to no longer include this in their reports because it will submit stop data to Cal DOJ. Fresno Police’s website includes links to Cal DOJ’s OpenJustice website, where their stop data will be publicly available, and the AB 953 webpage where RIPA Board reports, which include stop data analysis, can be accessed. The bias-based policing policy is referenced in two other policies regarding interactions with transgender individuals and personnel complaints.

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<sup>56</sup> Fresno PD’s policy is provided by a private corporation through a paid subscription service offered to law enforcement agencies around the country.

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**Orange County Sheriff's Department (Orange County Sheriff):** The Orange County Sheriff has a stand-alone<sup>57</sup> policy on “Bias Free Policing” and a separate policy on “Racial and Identity Profiling Act (RIPA).” The Bias Free Policing policy defines racial profiling or bias based policing and includes a component on the limited circumstances in which characteristics of individuals may be considered. There is no component on encounters with the community. The policy includes a component on officer training and encourages members to familiarize themselves with racial and cultural differences if they have not yet received training. The policy makes clear that it is the responsibility of all members of Orange County Sheriff to prevent, report, and respond appropriately to clear discriminatory or biased practices. The RIPA policy delineates the data fields that must be reported. Neither policy includes a component on data analysis or addresses supervisory review. The Bias-Free Policing policy has a section titled “supervisor responsibility” in which the S.A.F.E. Division Captain should review the Orange County Sheriff's efforts to prevent racial/biased based profiling and submit any concerns to the Sheriff but it is not direct supervisor review. Separately, the Internal Affairs Unit Manager and the Captain or an authorized designee are required to ensure all data regarding civilian complaints and stops are collected and reported. Orange County Sheriff reported that the Technology Division was primarily overseeing the collection of RIPA data, but Orange County Sheriff formed a working group to determine how to analyze and review the data being sent to the Department after they realized they needed to ensure the proper information was being recorded.

**San Jose Police Department (San Jose Police):** The San Jose Police has a stand-alone policy that was last revised on February 15, 2011. In addition to this policy, there are two other policies that touch on bias-free policing, namely the “C 1305 Equality of Enforcement” and “C 1308 Courtesy” sections. All three of these policies are available online. The stand-alone bias-based policing policy includes a definition of bias-based policing and explains that biased actions can occur throughout the stop and not only upon initiation of the stop. The stand-alone policy does not contain an explanation of the limited circumstances in which characteristics of individuals may be considered. Policies C 1305 and C 1308 explain in detail how an officer should conduct themselves during encounters with the community. None of the three policies address bias/racial profiling training. The San Jose Police also has a separate policy on “L 5109 Documenting Detentions Pursuant to the Racial and Identity Profiling Act of 2015 (AB 953).” None of its policies discuss data analysis, accountability, or supervisory review. San Jose Police informed DOJ that it does have a procedure for data analysis that is not detailed in its Bias-Based Policy. It contracts with Police Strategies LLC to analyze its AB 953 compliance and to conduct a racial disparity assessment for their annual force analysis report. It also hired the University of Texas at El Paso and San Antonio to statistically analyze the stop data. Additionally, San Jose Police

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<sup>57</sup> Orange County Sheriff's policy is provided by a private corporation through a paid subscription service offered to law enforcement agencies around the country.

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has separate policies and procedures for accountability and supervisory review. All personnel are expected and bound to follow the prohibition against discriminatory policing and a commitment to equality in enforcement in anything they do. San Jose Police supervisors can hold their officers accountable through civilian complaints alleging bias based policing – whether or not they are founded. If a civilian complaint’s allegations of bias based policing are determined to be unfounded then, as a follow up, a Supervisory Referral Complaint is made. When a Supervisory Referral Complaint is made, a supervisor or captain must discuss the interaction and officer’s behavior and what, if any, impact it could have on the department’s operations.

**Long Beach Police Department (Long Beach Police):** The Long Beach Police does not have a stand-alone bias-free policing policy but stated that it is working on establishing one. However, relevant content is provided in the Department’s Policy Manual sections “3.2 General Responsibilities – Employees” and “3.4 Conduct Toward the Public” of its manual. These policies are available on the Long Beach Police’s website. While section 3.4 states that all citizens are guaranteed equal protection under the law, it does not include a definition of racial profiling or contain a component on the limited circumstances in which characteristics of individuals may be considered. Section 3.4 includes a section on encounters with the community in which officers are required to provide their names and department IDs or those of other officers upon request. Neither policy discusses annual training on bias/racial profiling, components for the analysis of stop data collected, accountability, and supervisory review. Long Beach Police has stated that they are developing a stop data dashboard to provide commanding officers with the ability to analyze the type of stops, reasons for stops, searches conducted, and actions taken in the field by their officers.

**Sacramento County Sheriff’s Department (Sacramento County Sheriff):** The Sacramento County Sheriff does not have a stand-alone bias-free policing policy. Applicable content is included in the General Order: Detentions, Arrests, Search Seizure, and Immigration Enforcement and General Order: AB 953 RIPA Compliance. Both of these policies are not available online at the agency’s website. The Detentions, Arrests, Search Seizure, and Immigration Enforcement General Order includes the definition of racial or identity profiling provided in Cal. Penal Code section 13519.4(e) and a component on the limited circumstances in which characteristics of individuals may be used. Sacramento County Sheriff puts the responsibility on every member of its agency to prevent, report, and respond appropriately to dispel discriminatory or biased practices. This General Order discusses encounters with the community, specifically discussing encounters with non-English speaking persons, persons with wheelchairs and other devices, and persons who are deaf or hard of hearing. The AB 953 General Order details the stop data required to be collected and discusses supervisory review. Supervisors are required to review and approve or reject each officer’s AB 953 stop data reports. This review is limited to ensuring there is no unique identifying information sent to Cal DOJ. Neither general order includes information about racial and identity profiling training or data

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analysis. While neither policy details data analysis, Sacramento County Sheriff reported to DOJ that it conducts data analysis on AB 953 stop data and uses the analysis for training and improvement in serving its community. Sacramento County Sheriff stated that it provides Principled Policing and Bias Based Policing training to its officers on an ongoing basis; this training is not referenced in their policies. Furthermore, Sacramento County Sheriff informed DOJ that as of January 2020, the Principled Policing course has been incorporated into the agency's academy curriculum.

## Wave 1 Agency Bias-Free Policing Policies Follow-Up

The Board followed up on its review of the Wave 1 agency's bias-free policing policies.

**California Highway Patrol (CHP):** Since last year's review, CHP reported that it is currently developing a stand-alone bias-free policing policy based on existing departmental policies and procedures, as well as some of the model policy language outlined in the Board's 2020 report.

**San Diego Police Department (San Diego PD):** Since the 2020 Board report, San Diego PD updated its non-bias based policing policy in February 2020 to include many of the key components it was missing. Specifically, the policy now includes supervisory review to ensure compliance with RIPA. San Diego PD reported to DOJ that they have implemented various oversight measures to ensure officers are correctly submitting RIPA data. For example, officers are required to include information on every RIPA stop data submitted in their daily journals. Additionally, all RIPA stop data must be verified by a supervisor before approval. San Diego PD informed DOJ that it released a training bulletin regarding the auditing of RIPA data by supervisors and command staff in January 2020. The training bulletin details that on a monthly basis, sergeants must audit RIPA entries for two members of their squad on a rotating basis. If discrepancies are found, the sergeant must discuss this with the officer and a next level supervisor must be briefed to determine if this is an ongoing issue that requires corrective action. Moreover, the training bulletin requires any reporting discrepancies identified in the monthly reviews and how those were addressed must be noted and documented through quarterly management reports.

**San Bernardino County Sheriff's Department (San Bernardino Sheriff):** Since the Board's review last year, San Bernardino Sheriff has amended their bias-free policing policies to reflect some key best practices. These updates include a new policy with definitions related to bias such as racial and identity profiling, bias-based policing, implicit bias, bias by proxy, reasonable suspicion, detention, and probable cause. The Bias-Free Policing policy now includes a component on the limited circumstances in which characteristics of an individual may be considered. Additionally, San Bernardino Sheriff's RIPA Data Collection and Analysis policy provides that it will regularly analyze data to assist identifying practices that may have a disparate impact on a group relative to the general population. None of the amended policies

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address supervisory review. However, San Bernardino Sheriff informed DOJ that it has a procedure whereby watch commanders review RIPA stop data to ensure submission compliance. Officers are required to notate a number after each call to indicate the number of stop data forms completed. Daily audits include a review of how many stop data forms an officer submitted during their shift. Additionally, each station must conduct random audits which compare the type of calls with the number of forms completed. At the end of a watch commander's shift, they will run a random unit history and tally up the number of forms to ensure the same number were submitted. If those numbers do not match, the sergeant must address the deficiencies with the officer involved. San Bernardino Sheriff's Technical Services Division created a dashboard for watch commanders to review the demographic make-up of those stopped. Moreover, all RIPA stop data is posted to San Bernardino Sheriff's intranet site for review and comparison.

**Los Angeles County Sheriff's Department (LA County Sheriff):** Since the 2020 review, LA County Sheriff has provided other pertinent policies. LA County Sheriff's "Constitutional Policing and Stops" policy, which it states has been in place since May 2017, explicitly states the Department's commitment to equal protection of the law; it does not include a concrete definition of bias-free policing or racial and identity profiling. Separately, the "Stops, Seizures, and Searches" policy, also in place since May 2017, includes a component on the limited circumstances in which characteristics of individuals may be considered. Various policies touch on encounters with the community, including its "Consensual Encounters," "Logging Field Activities, and "Interacting with Transgender and Gender Non-Conforming Persons." With respect to training, requirements for racial and identity profile training are detailed in the June 2019 "Training Requirements for Sworn Personnel." While LA County Sheriff reported that it has the ability to analyze data collected on detentions and community contacts, and has conducted those audits in the past, it does not have a policy directing regular audits on the data. LA County Sheriff also has separate specific policies on supervisory review of public complaints alleging racial bias. These policies include the "Policy of Equality-Procedures-External Complaint Monitoring," which requires LA County Sheriff's Affirmative Action Unit to process these complaints and forward them to the Equity Unit for investigation where appropriate, as well as the "Procedures for Department Service Reviews," which covers individual and agency wide reviews submitted by members of the public.

**San Diego County Sheriff's Department (San Diego County Sheriff):** The San Diego County Sheriff updated its Non-Biased Based Policing policy in July 2020. The policy now includes a component on encounters with the community, training, and data analysis. San Diego County Sheriff provides officers with implicit bias training and cultural sensitivity throughout the year in the form of digital learning platforms, in-person training, and training bulletins. San Diego County Sheriff reported to DOJ that RIPA stop data is reviewed at the station and executive level to ensure accountability. The revised policy does not include a component on accountability or supervisory review.

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**San Francisco Police Department (San Francisco PD):** The San Francisco PD’s Bias-Free Policing Policy now includes a section on training which mandates training for both sworn and civilian members on principled policing, diversity, racial profiling, creating include environments, managing implicit bias, and bias by proxy. Although San Francisco Police has a separate policy on data analysis – San Francisco Administration Code 96A.3, it is not referenced in the bias-free policing policy.

**Los Angeles Police Department (LAPD):** *Awaiting response.*

**Riverside County Sheriff’s Department (Riverside County Sheriff):** The Riverside County Sheriff updated its Bias-Based Policing policy in July 2020 to include a component on supervisory review. The policy now requires supervisors to periodically audit officers’ RIPA data entries to ensure all required stops are being reported. The agency reported to DOJ that is in the process of rolling out a new computer aided dispatch and record management system which will allow for data analysis; this system is scheduled to go live mid-2021.

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Wave 2 Agency	Stand-Alone Bias-Free Policing Policy?	Clearly Written?	Easily Accessible? 58	Uses Concrete Definitions of Bias-Free Policing and/or Racial & Identity Profiling	Component on Limited Circumstances in which Characteristics of Individual May Be Considered?	Component on Encounters with Community?	Component on Racial and Identity Profiling Training?	Component on Data Analysis?	Component on Requiring Accountability?	Supervisory Review?
Oakland Police	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sacramento Police	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fresno Police	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓
Orange County Sheriff	✓	✓	✓	✓	✓	✗	✓	✗	✓	✗
San Jose Police	✓	✓	✓	✓	✗	✗	✗	✗	✗	✗
Long Beach Police	✗	✓	✓	✗	✗	✓	✗	✗	✗	✗
Sacramento County Sheriff	✗	✓	✗	✓	✓	✓	✗	✗	✓	✓

<sup>58</sup> Beginning January 1, 2020, each law enforcement agency must conspicuously post on their internet sites all current standards, policies, practices, operation procedures, and education and training materials that would otherwise be available to the public through a Public Records Act request. (Cal. Penal Code § 13650)

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## Calls for Service and Bias by Proxy

### Introduction

One aspect of policing that is critical to law enforcement and community relations is an individual's call for assistance from the police, often referred to by law enforcement as a "call for service." Law enforcement's response to such calls are critical because these interactions may involve life and death situations for the caller, the officer and the subject of the call, and because how law enforcement responds shapes community expectations and perceptions of law enforcement. It is imperative that we improve our response models to protect all members of the community, regardless of race or identity, especially when responding to individuals in crisis.

In its prior reports, the RIPA Board recommended improving trainings and creating policies related to bias by proxy. Bias by proxy is "when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against."<sup>59</sup> High profile bias by proxy cases continue and have now become a larger part of the movement for change after the infamous case of Amy Cooper, who made a false police report against Christian Cooper, a Black man who was birdwatching in Central Park.<sup>60</sup> We know that these issues are not new, as the Board began reviewing them two years ago, but they are representative of a deeper and persistent problem that requires education, reform and training for the public, law enforcement and dispatchers.

This year the Board will begin expanding the issues related to calls for service. In doing so, the Board will begin reviewing and developing best practices for responding to calls about individuals in crisis. Both law enforcement agencies and community members generally agree that police officers should not be the first responders to a variety of purely social issues, such as when individuals experience a mental health crisis, homelessness, or a drug overdose. Police are all too often being asked to play the role of both law enforcement and social workers without the benefit of the specialized training needed to fit that role. One way to combat this is to employ a community first response, which is a response to a call for service that prioritizes community based solutions to a crisis first (e.g. having a licensed therapist be the first responder to a mental health crisis). Community based problems require community based solutions. The community should be the first responders to issues such as health related emergencies or socioeconomic issues such as homelessness. And a community first response lets law enforcement agencies focus valuable resources on fighting crime, and allows skilled specialists to assist those who are having a crisis, for example a medical emergency.

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<sup>59</sup> Fridell, A. (2017). A Comprehensive Program to Produce Fair and Impartial Policing. *In Producing Bias-Free Policing*. Springer, p. 90.

<sup>60</sup> Nir, S. M. (2020, June 14). *How 2 Lives Collided in Central Park, Rattling the Nation*. The New York Times. Available at, <https://www.nytimes.com/2020/06/14/nyregion/central-park-amy-cooper-christian-racism.html>

But no matter what model law enforcement agencies develop, we must all invest in our communities so the appropriate person can respond to a crisis and develop emergency response models that are better suited to protect everyone equally.

## Responding to Biased-Based Calls for Service

### Trainings, Policies, and Procedures for Dispatchers and LEAs

Emergency dispatchers must take the POST basic training for dispatchers in order to serve in this position. After completing the basic training course, dispatchers are required to take an additional 24 hours of training every 2 years. Crisis Intervention Training (CIT) is not required for dispatchers, though over 3,000 dispatchers had signed up for the CIT class as of 2019. And, there is only one section in the basic training for dispatchers that addresses bias entitled “Community Policing/Cultural Diversity/Hate Crimes/Gang Awareness,” where the topic of bias is discussed generally. The training addresses the history of community policing and the roll the dispatcher plays, including helping identify trends as well as potential neighborhood issues, communicating problem areas, and awareness of what is important to the communities served.

The basic training dispatch course does address responding to hate crimes, but the focus is on how dispatchers take incident reports of hate crimes. This may be an area of expanded training, amongst others, that dispatchers could receive regarding recognizing when a 911 caller is committing a hate crime by filing a false police report. By law, POST is required to develop guidelines and training regarding addressing hate crimes.<sup>61</sup> Further, it discusses stereotypes and how relying on stereotypes can lead to false assumptions or the reliability of information may be falsely weighted.

[Content under development - The Board will be exploring whether POST should expand its trainings to address issues related to the Board’s work including bias by proxy]

### Best Practices for Responding to Biased-Based Calls

The Board continues to review evidence based best practices and policies in responding to biased-based calls. The San Francisco Police Department is one of the few law enforcement agencies within the state of California that directly addresses bias by proxy in its policies. Within the policy the agency defines it as:

[W]hen individuals call the police and make false or ill-informed claims of misconduct about persons they dislike or are biased against based on explicit racial and identity profiling or implicit bias. When the police act on a request for service rooted in implicit, explicit or unlawful bias, they risk perpetuating the caller’s bias. Members should use

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<sup>61</sup> Cal. Penal Code § 13519.6.

their critical decision-making skills drawing upon their training to assess whether there is criminal conduct.<sup>62</sup>

The policy goes on to reiterate that officers should be cognizant of “racial and identity profiling, implicit bias, and bias by proxy” while carrying out their duties.<sup>63</sup> We recommend that (1) the legislature require law enforcement agencies to adopt a policy addressing bias by proxy and (2) mandate a specific course on bias by proxy for both dispatchers as well as officers as a part of their basic training as well as continuing education. Specifically, for bias by proxy, the policy should include:

- How officers can identify a bias-based call for service;
- How sworn personnel and dispatchers should interact with the community member who has made a bias based call for service;
- How an officer should interact with a community member who is the subject of a bias-based call;
- How the shift supervisor should interact with the caller;
- Required training for officers and dispatchers that covers responding to bias-based calls for service.
  - Dispatcher trainings need to address how to recognize and handle incoming calls by citizens for ‘suspicious behavior’ and determine if there is an articulable criminal activity in progress; an officer should only be dispatched if there is actual suspicious behavior. If they are not able to articulate a legally justifiable reason or they cannot articulate criminal activity in progress, then the call should not be referred to an officer to respond.

[CONTENT UNDER DEVELOPMENT]

## Responding to a Mental Health Crisis

“A comprehensive and integrated crisis network is the first line of defense in preventing tragedies of public and patient safety, civil rights, extraordinary and unacceptable loss of lives...”<sup>64</sup> Leaders of the Civil Rights movement have long advocated for shifting funds away

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<sup>62</sup> San Francisco Police Department, General Order 5.17, Bias Free Policing Policy (2020) Available at,

[https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/draft\\_DGO\\_5.17\\_Policy\\_Prohibiting\\_Biased\\_Policing\\_-\\_redlined\\_01242020%20FINAL.pdf](https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/draft_DGO_5.17_Policy_Prohibiting_Biased_Policing_-_redlined_01242020%20FINAL.pdf)

<sup>63</sup> San Francisco Police Department, General Order 5.17, Bias Free Policing Policy (2020) Available at,

[https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/draft\\_DGO\\_5.17\\_Policy\\_Prohibiting\\_Biased\\_Policing\\_-\\_redlined\\_01242020%20FINAL.pdf](https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/draft_DGO_5.17_Policy_Prohibiting_Biased_Policing_-_redlined_01242020%20FINAL.pdf)

<sup>64</sup> Substance Abuse and Mental Health Services Administration, *National Guidelines for Behavioral Crisis Care: Best Practices Tool Kit* (2020) p. 8, available at

from the police to social services that better address the communities' needs rather than for example criminalizing homelessness or mental health. The police too have explained that over time they have been asked to be the catch-all for issues our society has failed to solve and there needs to be a better solution.<sup>65</sup>

Research show that the vast majority of calls for service are well-suited for a community first response. In fact, data shows that only 4% of calls for service involve a report of a violent crime.<sup>66</sup> Further, in a study of over 264 cities, researchers found that “every 10 additional organizations focusing on crime and community life in a city with 100,000 residents leads to a 9% reduction in the murder rate, a 6% reduction in the violent crime rate, and a 4% reduction in the property crime rate.”<sup>67</sup> Investing in the community and social services is a common sense approach to modern policing that reduces the overall violent crime rates, encourages an efficient use of community resources, and saves countless lives by connecting people to the care they need.

[CONTENT UNDER DEVELOPMENT – The Board will explore various models for responding to crisis intervention with respect to mental health]

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<https://www.samhsa.gov/sites/default/files/national-guidelines-for-behavioral-health-crisis-care-02242020.pdf>

<sup>65</sup> Sipes, L. A., Jr. (2020, July 13). Social Workers Need to Step Up and Replace Cops. *Crime in America*. Available at <https://www.crimeinamerica.net/social-workers-need-to-step-up-and-replace-cops/>

<sup>66</sup> Asher, & Horwitz. (2020, June 19). How Do the Police Actually Spend Their Time? *New York Times*. Available at <https://www.nytimes.com/2020/06/19/upshot/unfest-police-time-violent-crime.html>

<sup>67</sup>In reaching these conclusions researchers reviewed crime rates and trends in 264 cities spanning a period of 20 years. Sharkey, P., Torrats-Espinoso, G., & Takyar, D. (2017). Community and the Crime Decline: The Causal Effect of Local Nonprofits on Violent Crime. *American Sociological Review*, 82(6), 1214-1240. doi:10.1177/0003122417736289

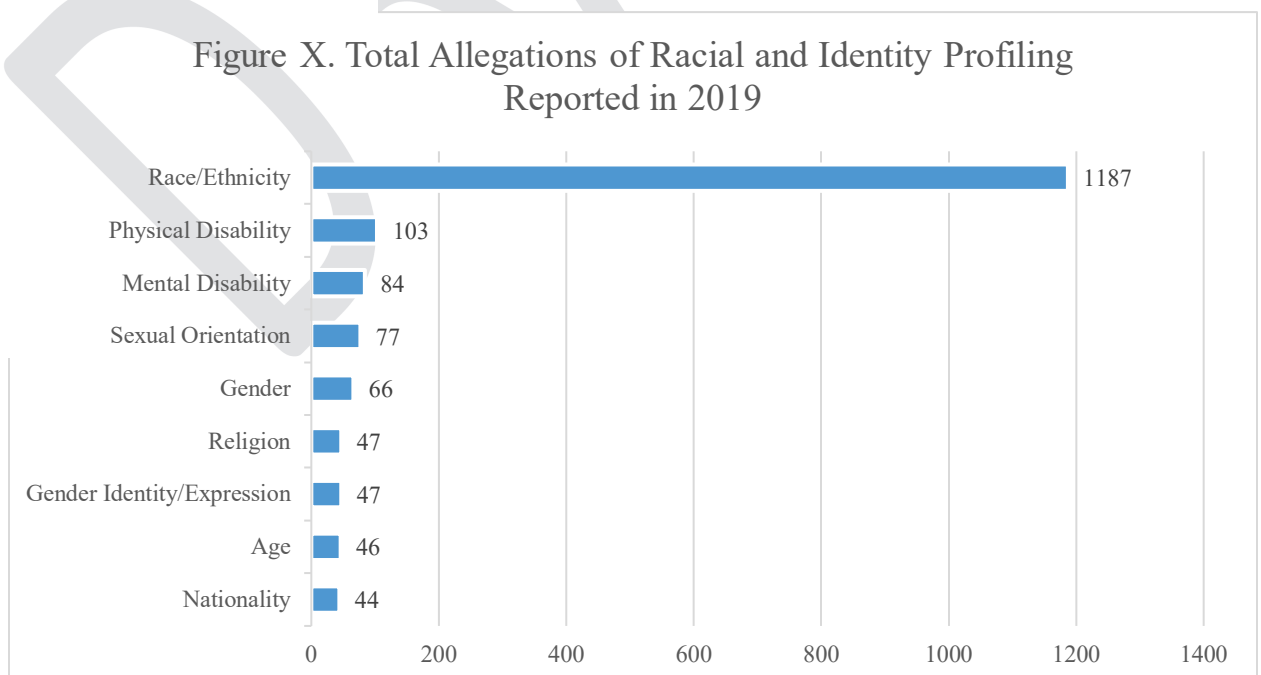
## Civilian Complaints: Policies and Data Analyses

### Overview of Civilian Complaint Data

The civilian complaint data for 2019 was submitted to the Department by 691 agencies employing peace officers in California. The agencies reported 15,890 complaints across three categories: non-criminal, misdemeanor, and felony. The majority of complaints (15,025, or 94.6%) alleged non-criminal conduct; complaints alleging behavior constituting a misdemeanor offense accounted for 3 percent (472) of complaints, and allegations of behavior constituting a felony represented 2.5 percent (393) of complaints.

Law enforcement agencies are required to report the number of complaints that contain an allegation of racial or identity profiling. Specifically, agencies submit data to the Department detailing profiling complaints that fall into nine categories: race/ethnicity, physical disability, mental disability, sexual orientation, gender, religion, gender identity/expression, age, and nationality. Agencies reported 1,427 complainants alleging an element, or elements, of racial or identity profiling, constituting 9 percent of the total number of complaints reported in 2019.

The total number of racial and identity profiling allegations (1,701) reported to the Department exceeds the total number of racial and identity profiling complaints (1,427) due to reported allegations of profiling based on multiple identity group characteristics. For example, a civilian may file a complaint alleging they experienced profiling based on their gender and sexual orientation. This example would count as a single complaint with two types of alleged identity profiling. Accordingly, Figure X, below, displays the number of reported allegations that fell into each of the nine identity group types.



## **Analysis of Civilian Complaint Data Submitted by Agencies Subject to Stop Data Reporting**

Of the 691 agencies employing peace officers in California that reported civilian complaint data in 2019, 452 agencies are subject to RIPA's stop data reporting requirements (hereafter RIPA agencies). These 452 RIPA agencies include municipal and district police departments, county sheriff's departments, the California Highway Patrol, and the law enforcement agencies of the University of California, California State Universities, California Community Colleges, as well as K-12 school district police departments. The sections that follow examine only the data submitted by the stop-data-reporting agencies that either are or will soon begin collecting RIPA stop data.

### **Civilian Complaints for Stop-Data-Reporting Agencies**

RIPA agencies reported 10,987 civilian complaints in 2019. Most complaints alleged noncriminal conduct (10,224, or 93.1%), followed by complaints for conduct that constitutes a misdemeanor offense (439, or 4%); complaints alleging conduct that constitutes a felony were the least common (324, or 2.9%). Of the 10,987 complaints reported, 8,723 reached a disposition in the 2019 calendar year. Of those 8,723 complaints that reached a disposition, 971 (11.1%) were sustained, 2,529 (29%) were exonerated, 922 (10.6%) were not sustained, and 4,301 (49.3%) were unfounded.<sup>68</sup> Eighty-four RIPA agencies (18.6%) reported that they did not receive any civilian complaints in the 2019 calendar year. The remaining 368 (81.4%) RIPA agencies reported they received one or more civilian complaints; 146 (39.7%) of these agencies reported one or more civilian complaints alleging racial or identity profiling. These 146 agencies reported 1,153 complaints alleging racial or identity profiling, 955 of which reached disposition in 2019. Of these 955 racial and identity profiling complaints, 19 (2%) were sustained, 123 (12.9%) were exonerated, 97 (10.2%) were not sustained, and 716 (75%) were determined to be unfounded. Figure X displays the distribution of disposition types within the 2019 data for (1) all complaints that reached disposition and (2) complains of racial and identity profiling that reached disposition. This data is illustrated in the figures below.

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<sup>68</sup> It is important to note that not every complaint reached a disposition during the same year it was initially reported; therefore, it is possible that some complaints that appeared in the 2019 disposition categories were first reported in 2018 or earlier.

Figure X. Disposition Distribution of 2019 Complaints

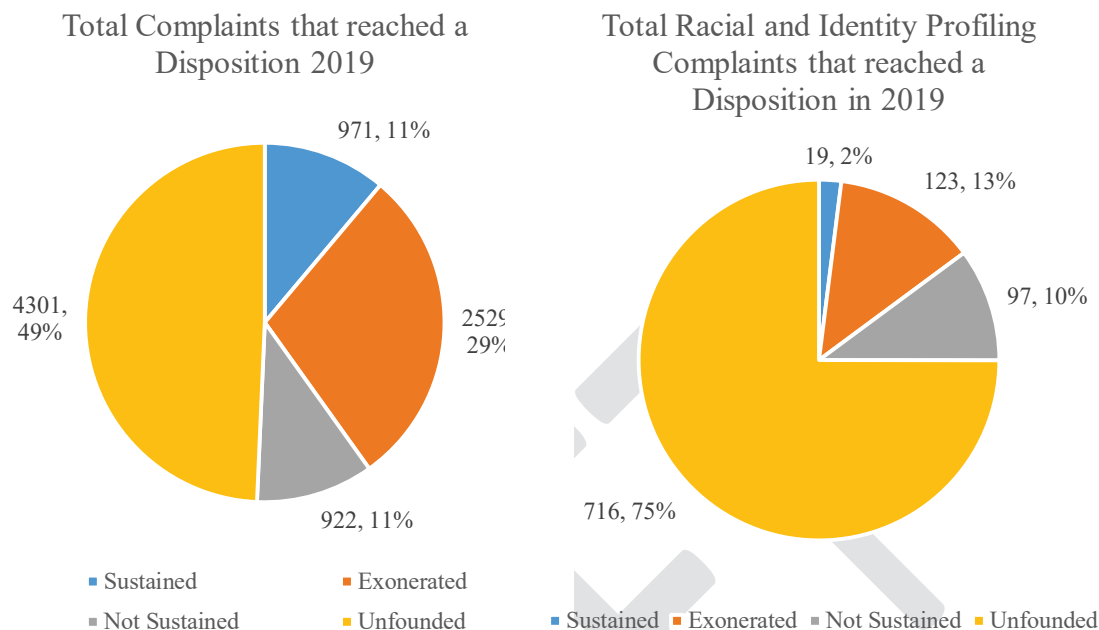
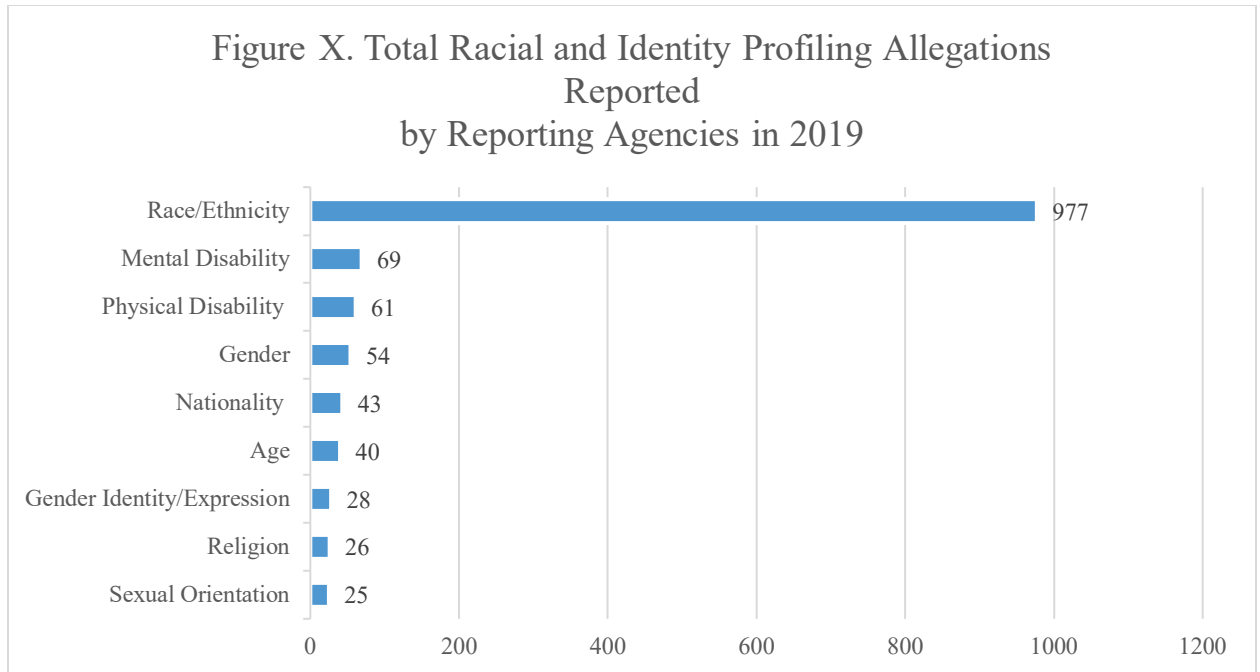


Figure X displays the 1,323 allegations of racial or identity profiling reported by stop-data-reporting agencies in 2019 broken down by identity type: race/ethnicity, mental disability, physical disability, gender, nationality, age, gender identity/expression, religion, and sexual orientation.<sup>69</sup>

<sup>69</sup> The total number of racial and identity profiling allegations (1,323) reported by stop-data-reporting agencies exceeds the total number of racial and identity profiling complaints (1,153) due to reported allegations of profiling based on multiple identity group characteristics.





### Agency-Level Data Snapshot: 2019 Civilian Complaints for Wave 1 and 2 Agencies

Table X displays civilian complaint totals broken down for Wave 1 and 2 agencies.<sup>70</sup> The table provides the following information: the total number of complaints reported; the number of complaints reported alleging racial or identity profiling; and the number of sworn personnel each agency employed in 2019.<sup>71</sup>

*Table X*

Reporting Wave	Agency	Total Complaints Reported	Total Profiling Complaints Reported	Total Sworn Personnel
1	California Highway Patrol	353	21	7,230
1	Los Angeles County	1,010	68	9,565

<sup>70</sup> Wave 1 agencies are the eight largest agencies in the state which were required to start submitting stop data to the Department by April 1, 2019. Wave 2 agencies are the seven next largest agencies which were required to start submitting stop data to the Department by April 1, 2020.

<sup>71</sup> Sworn personnel totals presented are calculated from the information contained within the Law Enforcement Personnel file available at <https://openjustice.doj.ca.gov/data>. The DOJ collects the Law Enforcement Personnel data through a one-day survey taken on October 31st of each reporting year.

Reporting Wave	Agency	Total Complaints Reported	Total Profiling Complaints Reported	Total Sworn Personnel
	Sheriff's Department			
1	Los Angeles Police Department	2,205	426	10,002
1	Riverside County Sheriff's Department	33	0	1,788
1	San Bernardino County Sheriff's Department	113	39	1,927
1	San Diego County Sheriff's Department	214	74	2,601
1	San Diego Police Department	102	25	1,764
1	San Francisco Police Department	842	0	2,279
2	Fresno Police Department	231	13	806
2	Long Beach Police Department	182	9	817
2	Oakland Police Department	1,215	36	740
2	Orange County Sheriff's Department	129	11	1,888
2	Sacramento County Sheriff's Department	205	5	1,348
2	Sacramento Police Department	146	6	678
2	San Jose Police Department	205	36	1,150

The material in this document is for consideration by the RIPA Board and intended to serve only as a starting point for discussion of items to include in the upcoming report.

## Cross-Year Comparisons

Figures X through X display the number of total complaints reported (Figures X and X), as well as the total number of racial and identity profiling complaints reported (Figures X and X), for Wave 1 and 2 agencies across the four years that agencies have been required by RIPA to submit expanded civilian complaint data to the Department.<sup>72</sup>

### Wave 1 Agency Complaints Reported (2016-2019)

Wave 1 agencies reported 4,872 civilian complaints in 2019. This total constituted a 19.1 percent increase relative to the total number of civilian complaints reported in the year prior (4,091), a 32.4 percent increase from 2017 (3,679), and a 24.8 percent increase from 2016 (3,904).

The majority of Wave 1 agencies (7 out of 8) experienced an increase in the number of civilian complaints reported between 2018 and 2019. The agency that experienced the largest percentage increase from 2018 to 2019 was the San Diego County Sheriff's Department (San Diego Sheriff), with a 2,278 percent increase.<sup>73</sup> The Riverside County Sheriff's Department (Riverside Sheriff) was the only Wave 1 agency to experience a decrease (28.3%) in their number of complaints reported, with 33 complaints in 2019, down from 46 in 2018.

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<sup>72</sup> See Penal Code Section 13012(a)(5)(A)(iii).

<sup>73</sup> This increase can partially be attributed to the San Diego Sheriff's change in reporting practices instituted after comparing its numbers to those of its peers in the 2020 RIPA Board report. Previously, San Diego Sheriff only reported internal affairs investigations into deputy misconduct or policy or law violations as civilian complaints. Now, it reports all complaints received by Internal Affairs. Relative to the most other Wave 1 agencies, San Diego Sheriff reported low numbers of complaints across the four years covered in Figure X. Agencies with lower numbers of complaints reported are more susceptible to large percentage changes from year to year. San Diego Sheriff did not have the largest cross-year increase in complaints reported amongst Wave 1, in raw terms.

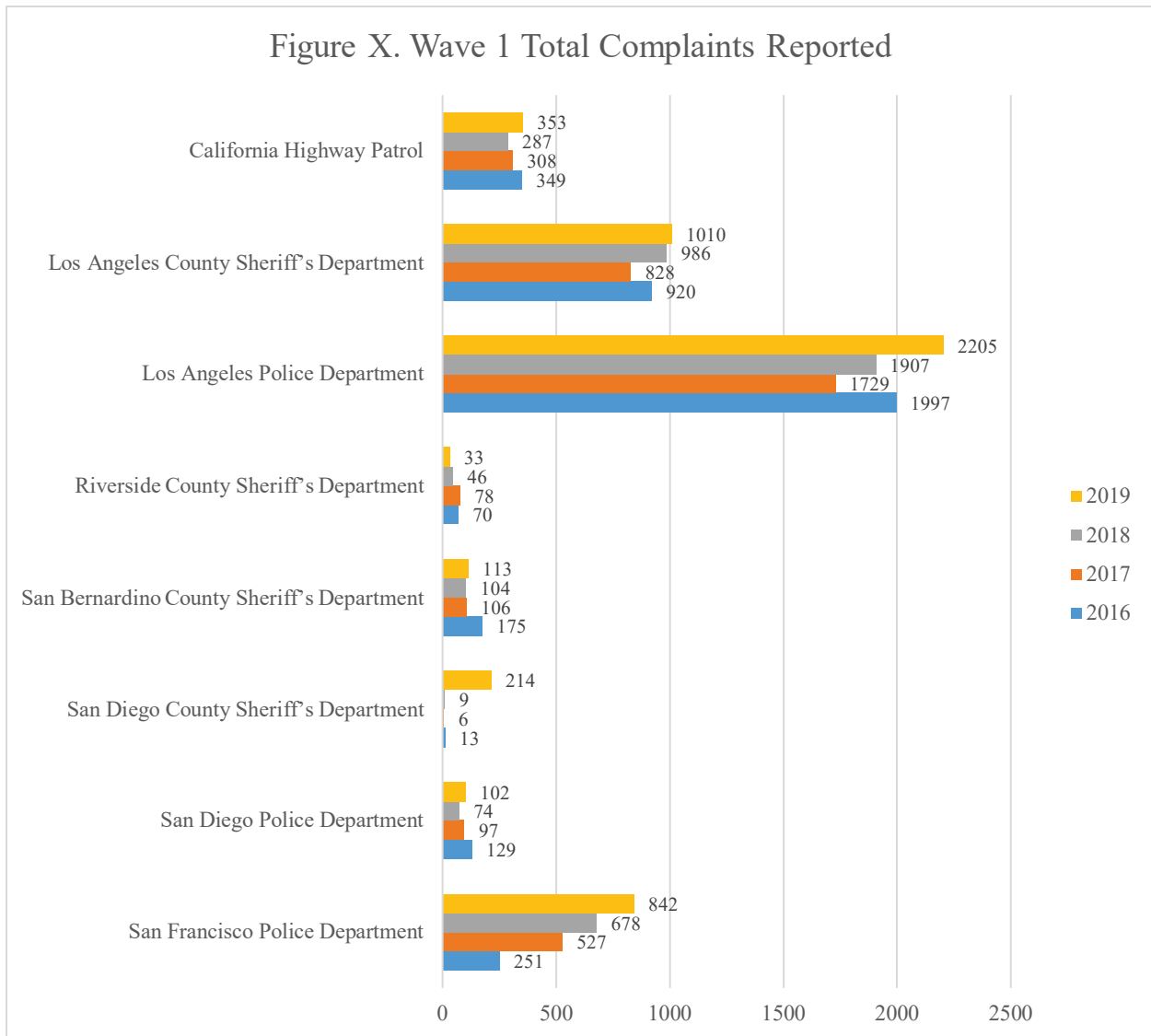
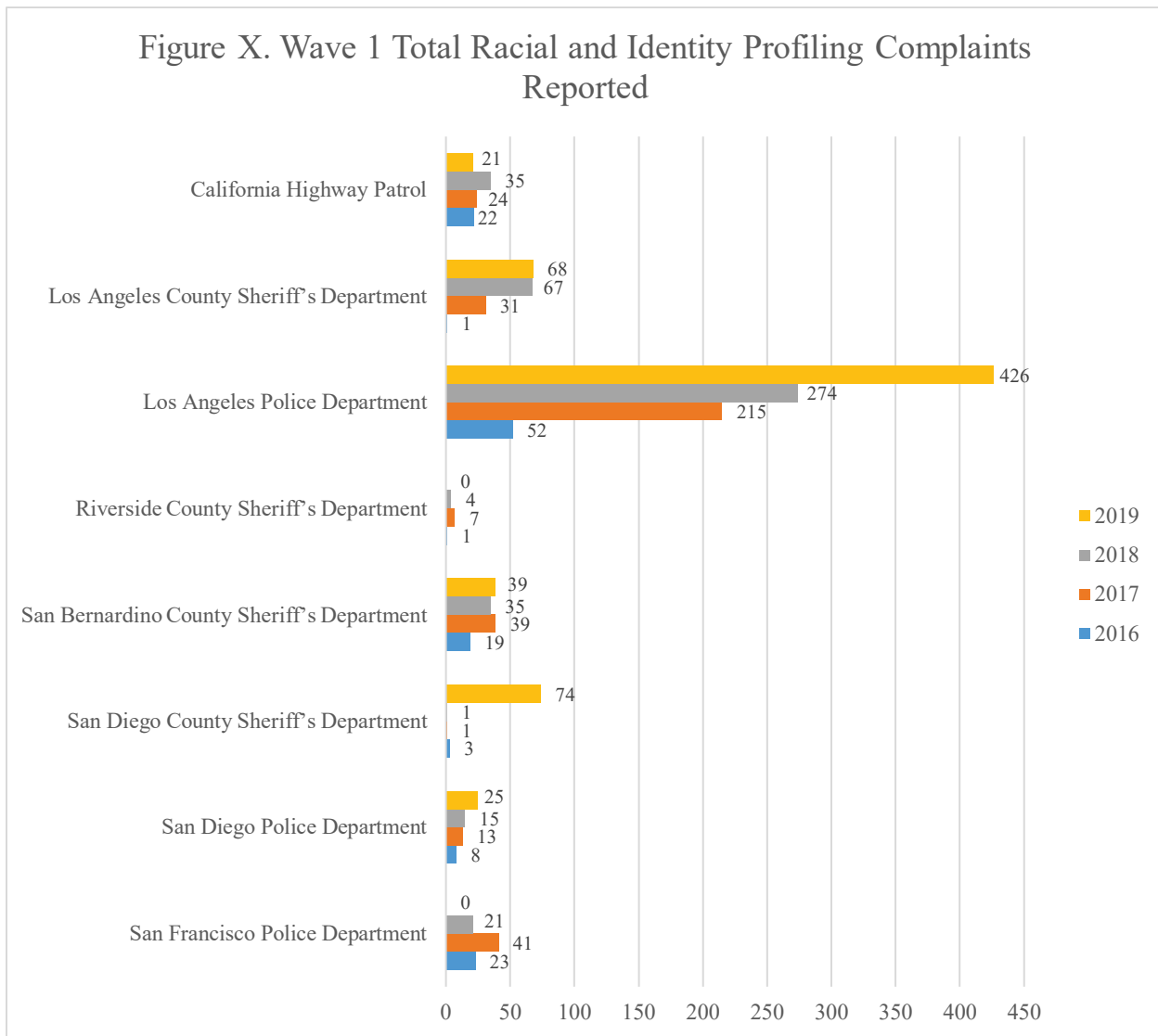


Figure X displays the total number of racial and identity profiling complaints reported by Wave 1 from 2016 through 2019. The total number of racial and identity profiling complaints was 653 in 2019, which is a 44.5 percent increase from 2018, a 76 percent increase from 2017, and a 406% increase from 2016.<sup>74</sup>

Of the eight agencies in Figure X, five experienced an increase in the number of reported racial and identity profiling civilian complaints between 2018 and 2019, while the other three experienced a decrease. The San Diego Police Department (San Diego PD) had the

<sup>74</sup> The first year that agencies were required to track their number of racial and identity profiling complaints and report it to the Department was 2016. As a result, the low number of racial and identity profiling complaints reported in 2016, compared to subsequent years, may partially be the result of the learning curve of agencies having to collect the data in a different manner they had historically.

largest relative increase, 66.7 percent, of Wave 1 agencies. Conversely, the San Francisco Police Department (San Francisco PD) had the largest relative decrease in the number of racial and identity profiling complaints reported from 2018 to 2019 (21 to 0, 100%).<sup>75</sup>



### Wave 2 Agency Complaints Reported (2016-2019)

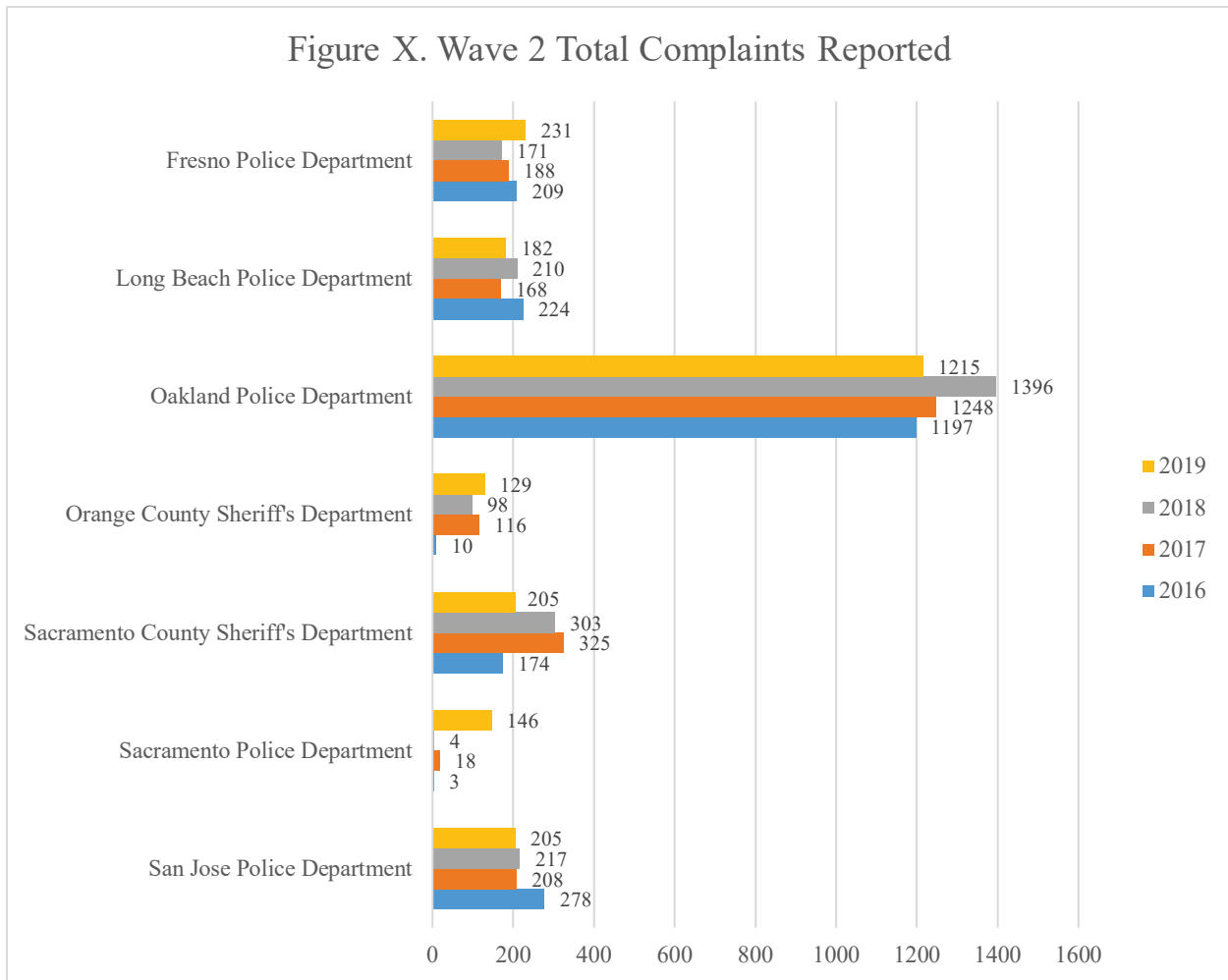
In 2019, the total number of civilian complaints for all Wave 2 agencies was 2,313, which was a 3.6% decrease from the previous year. The number of civilian complaints reported in 2019 was 1.9% higher than in 2017 and 10.4% higher than in 2016.

<sup>75</sup> Riverside Sheriff also had a 100% relative decrease from 2018 to 2019; however, San Francisco PD had a larger decrease in the raw number of complaints (21 compared to 4) than Riverside Sheriff, which is why San Francisco PD is highlighted as experiencing the largest decrease.

Less than half of Wave 2 agencies (3 out of 7) experienced an increase in the total number of civilian complaints reported between 2018 and 2019. The agency that experienced the largest relative increase from 2018 in 2019 was the Sacramento Police Department (Sacramento PD), with a 3,550 percent increase. This increase may be attributed to the Sacramento PD's change in policy in August 2019, which ended Sacramento PD's practice of categorizing certain complaints as "inquiries" to be resolved informally at the precinct/watch level. This policy change followed the Department's review of Sacramento PD's practices and its recommendation that all personnel complaints be tracked uniformly and classified by type of alleged misconduct.<sup>76</sup> This change is also in line with the RIPA Board's recommendation in its 2020 Report that law enforcement agencies should provide clear policies and direction as to how the term "complaint" should be defined to avoid significant disparities in how to identify, quantify, and process complaints. On the other end of the distribution, the agency that experienced the highest percentage decrease in complaints reported was the Sacramento County Sheriff's Department, which saw a 32.3 percent decrease in number of complaints from 2018 to 2019.

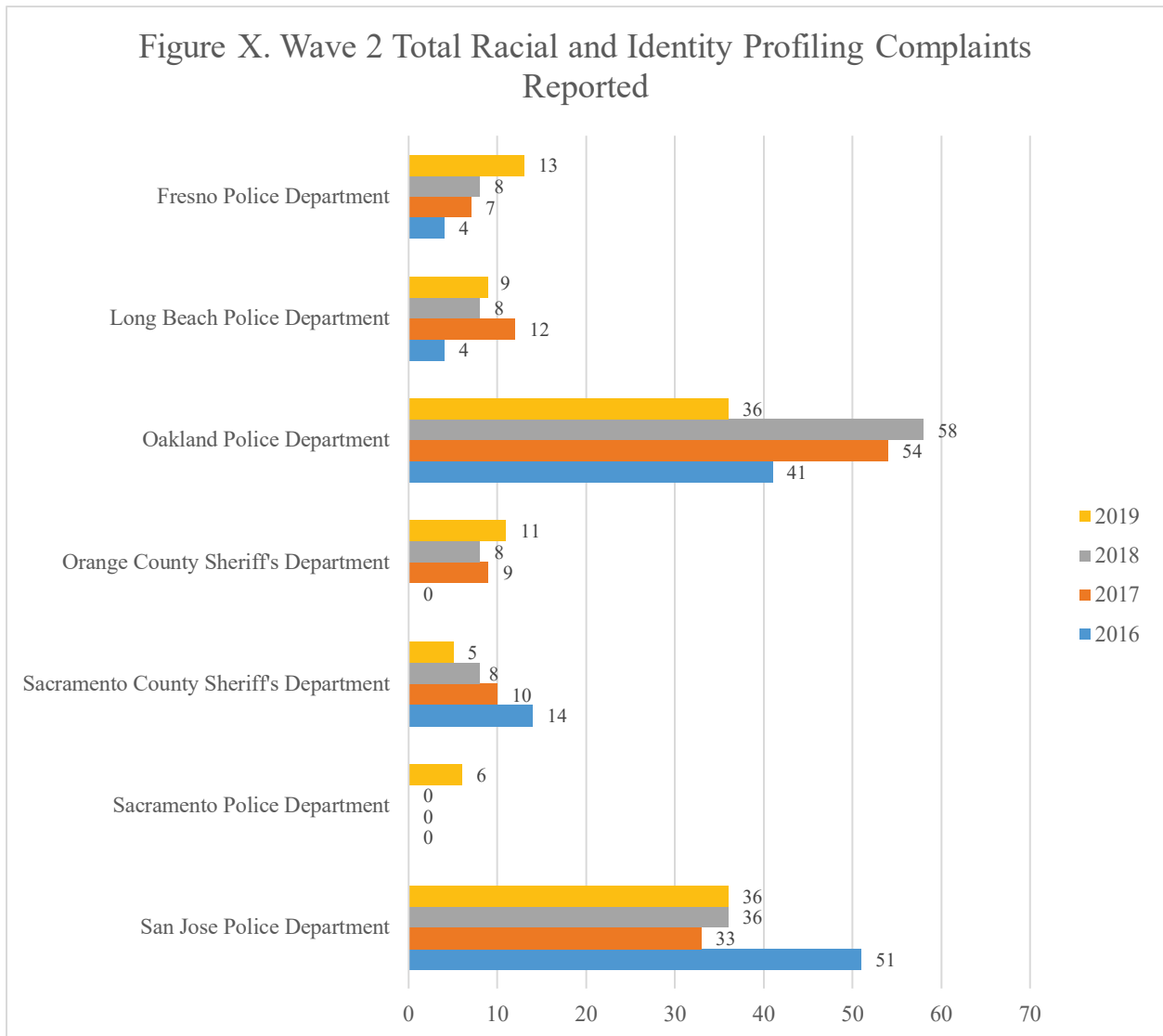
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<sup>76</sup>See pages 68-69 of the 2020 RIPA Report, available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2020.pdf>



Wave 2 agencies reported a total of 116 racial and identity profiling complaints in 2019. This was a 7.9 percent decrease from the number of racial and identity profiling complaints reported in 2018; a 7.2 percent decrease from 2017; and a 1.8% increase from 2016.

Of the seven agencies in Figure X, four experienced an increase in the number of racial and identity profiling complaints reported between 2018 and 2019, while the other three experienced a decrease or remained the same. The Sacramento PD had the largest relative increase: it reported zero racial and identity profiling complaints in 2018 and six in 2019. On the other end of the spectrum, the Oakland Police Department had the largest decrease in total racial profiling allegation complaints reported from 2018 to 2019 resulting in a 37.9% decrease. Lastly, the San Jose Police Department reported the same number of racial and identity profiling complaints, 36, in both 2018 and 2019.



## Wave 2 Civilian Complaint Form Review Update

In its 2019 report, the Board made recommendations for best practices for civilian complaint procedures and policies. In its 2020 report, the Board built upon this review and made recommendations regarding civilian complaint forms after reviewing literature regarding best practices for civilian complaint procedures and forms. Through this lens, the Board conducted an initial review of the Wave 1 agencies' civilian complaint review forms in its 2020 report; the Board is now extending that review to the Wave 2 agencies.

**Long Beach Police Department:** The Long Beach Police Department (Long Beach Police) accepts complaints: (1) in person, (2) by telephone, (3) by mail, or (4) by e-mail. On the agency's public website, a member of the public can find the civilian complaint process and form. The civilian complaint form and process are available in English, Spanish, Khmer, and Tagalog. Long Beach Police follows the City of Long Beach's Language Access Policy passed



in 2018. The policy provides that while Spanish-speaking residents numerically qualify for services under state law, Long Beach also has a “substantial number of limited English speaking Cambodian and Filipino residents,” for whom services and materials should be provided in their spoken languages. The current complaint forms were translated by a contract professional services translator in 2013. The agency permits third-party complaints and anonymous complaints. Long Beach Police also provides a contact list which includes their Citizen’s Police Complaint Commission (CPCC), as well as other local, state, and federal offices from which a complainant can seek assistance if they feel their complaint was not properly investigated.

**Oakland Police Department:** Civilian complaints regarding the Oakland Police Department (Oakland Police) personnel can be submitted to either the agency’s Internal Affairs Division or to the Citizens’ Police Review Agency (CPRA). Complaints filed directly with Oakland Police’s Internal Affairs Division will be investigated by the Internal Affairs Division, whereas those submitted to the CPRA will be investigated by the CPRA. It is unclear from their websites if the two entities may collaboratively investigate a complaint and whether there is a difference in the type of complaints each entity investigates. The Internal Affairs Division accepts complaints: (1) by phone, (2) by mail, or (3) in person at their main office or any of the other designated locations. The CPRA receives complaints: (1) online, (2) by mail, or (3) by fax. The online civilian complaint form is only available in English. A PDF version of the complaint form is available in English, Spanish, Chinese, or Vietnamese. The PDF version of the form is found on the CPRA’s website but carries the City’s and CPRA’s logos on it. A description of the civilian complaint process is only available with the CPRA’s English online submission form. Unlike the PDF form, the online version allows complainants to “decline to state” certain demographic and contact information such as date of birth or phone number. Both the PDF and online complaint forms provide an open narrative space for the complainant to share what they would like to happen as a result of the investigation. Through an online portal, a complainant can track the status of the investigation of their complaint.

**San Jose Police Department:** The San Jose Police Department’s (San Jose Police) Internal Affairs Unit accepts civilian complaints: (1) by phone, (2) by letter, (3) by e-mail, (4) by fax, or (5) online. Complaints can be submitted to the agency itself, the Internal Affairs Unit, or the Office of the Independent Police Auditor. Regardless of who the complaint is submitted to, it will be investigated by the Internal Affairs Unit. The online complaint form is available in English, Spanish, and Vietnamese. San Jose Police’s standard documents are translated into these three languages due to the prevalence of these languages in their community. If another language is required, its Duty Manual requires vital documents to be translated by an on-duty certified interpreter or a contracted translation service. The complaint form and other documents are generally translated by sworn personnel who are certified as interpreters or San Jose Police’s contracted translation services. The form uses language from Cal. Penal Code section 148.6 language and describes the complaint process. The online form asks for any witnesses and their contact information. The form also specifically asks the complainant to designate whether the complaint involves race or identity profiling concerns. Anyone can file a complaint and it can be submitted anonymously. San Jose Police offers a voluntary Mediation Program for alleged misconduct deemed minor or where there is a misunderstanding about enforcement action, neglect of duty, or police procedure.

**Sacramento County Sheriff's Department:** The Sacramento County Sheriff's Department (Sacramento County Sheriff) accepts complaints: (1) online, (2) in person, (3) by phone, or (4) in writing. All complaints are investigated by the Internal Affairs Bureau. The online complaint form is available in English but no other languages. The online form includes a check box to mark if the complainant wishes to remain anonymous. A complainant also has the ability to upload any video or photos associated with the incident with the complaint. There is no information attached to this online form about the civilian complaint process. Information about who to contact and the civilian complaint process can only be found by searching Sacramento County Sheriff's online "Frequently Asked Questions" (FAQ). In the response to the relevant FAQ, there is a linked PDF civilian complaint brochure and form that can be printed out and mailed in. The PDF complaint form is available in English but no other language. Sacramento County Sheriff has represented that it is in the process of translating this form into more languages spoken in the community. Complaints that are submitted in other languages are translated by an employee who is fluent in the language or by a county contracted translation service. The PDF version of the civilian complaint form includes Cal. Penal Code section 148.6 language but the online version does not. Unlike the online version, the PDF form makes clear that a third party can submit complaints, which is a Board recommendation, and provides a space for information of an attorney or representative to be included.

**Fresno Police Department:** The Fresno Police Department (Fresno Police) accepts civilian complaints: (1) online, (2) in person at their headquarters, (3) by mail, and (4) by phone. These methods are outlined in the agency's "Complaint Procedures" brochure. The brochure states that complaint procedures help citizens, the community, and the police. Fresno Police determines the language translations needed for their complaint form and brochure by conducting a four-factor analysis as outlined in their Limited English Proficiency Services policy. Documents are then translated by certified employees or an outside agency if no employees are certified in that language. The printed civilian complaint form and brochure are available in English, Hmong, and Spanish. For those languages that do not meet the four-factor threshold, the agency attempts to provide meaningful access for LEP individuals attempting to make a complaint through other translation resources like a language line or a certified bilingual employee. The online civilian complaint form is available in English only. Before someone can access the online form, they must click a box acknowledging that they read and understand an advisory that is nearly verbatim language from Cal. Penal Code section 148.6. This language is also included in the printed version of the form and requires a signature. The form provides a phone number to call if the complainant's contact information changes. Additionally, the form asks if photos were taken of any injuries suffered and the name of the person who took the photos. The form also asks if the complaint was filed with any other City of Fresno department or outside agency. If the complaint has been filed with another department, the form requests the date of such report and the person contacted. Lastly, the form has a specific section for racial and identity profiling complaints. The print version of the form is nearly identical to the online version, with the exception of including a mailing address. The printed forms were last revised December 2018. If a complaint is submitted in person at the station, the complainant receives a "complaint receipt" which provides the case and event number and the date on which the complaint was received. Fresno Police accepts anonymous and third-party complaints to the extent that sufficient information is provided. Details of the civilian complaint process are outlined in the brochure, which is not available with the online complaint form.

**Orange County Sheriff's Department:** The Orange County Sheriff's Department (Orange County Sheriff) accepts complaints: (1) in person, (2) by mail, or (3) by phone to the Internal Investigations Unit during regular business hours and to the Watch Commander if after regular business hours. On the agency's public website, there is a webpage with links to the civilian complaint form available in 27 languages.<sup>77</sup> The agency reports that these languages were determined by Orange County's population. The complaint form was translated by bilingual employees and Google translate. Orange County Sheriff reports that third-party or anonymous complaints are accepted. The end of the civilian complaint form includes nearly verbatim language from Cal. Penal Code section 148.6. Information on the complaint process is attached to the complaint form itself and explained on the agency's public website.

**Sacramento Police Department:** The Sacramento Police Department (Sacramento Police) takes civilian complaints: (1) by phone, (2) in writing, (3) in person, or (4) by e-mail. The agency's public website includes information on the personnel complaint process and cites the Cal. Penal Code section 148.6 advisory. All information online about the personnel complaint process is available in English but no other languages. Sacramento Police does not have an online complaint form but receives complaints electronically via e-mail and allows complaints to include: the complainant's name and phone number; the complainant's date of birth, age, sex, and race; the date and time of the event; the name and badge number of the officer, if known; the vehicle number of the police vehicle involved, if known; a description of the event; and the name address and phone number of any witnesses. A separate City of Sacramento body, the Office of Public Safety Accountability (OPSA), has an online complaint form. OPSA's online complaint form is not directly linked on the Sacramento Police's website. A complainant can learn of OPSA and its online complaint form by downloading the Sacramento PD's "Complaint Procedure Brochure." OPSA receives complaints: (1) online, (2) by phone, or (3) in person at their office. The online complaint form is available in English only. In September 2019, Sacramento Police updated its civilian complaint procedures based upon recommendations made by Cal DOJ. As of July 2020, Sacramento Police's Internal Affairs Division is working with the new incoming OPSA director to enter into an MOU regarding OPSA's role and responsibilities with respect to complaints, including steps to either link the OPSA complaint form on Sacramento Police's website or duplicate the form on Sacramento Police's website

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<sup>77</sup> The 27 languages include Albanian, Armenian, Cambodian, Chinese, Dutch, English, Farsi, French, Hebrew, Hindi, Hungarian, Llongo, Indo, Italian, Japanese, Korean, Lao, Polish, Punjabi, Russian, Spanish, Swedish, Tagalog, Tamil, Thai, Urdu, and Vietnamese.

Wave 2 Agency	Form Accessible Online?	Can Submit Online?	Multiple Methods of Submission?	Available in Multiple Languages? <sup>78</sup>	Third Party Complaints Allowed?	Includes Narrative Field for Description of Complaint?	Does Not Include Language from PC §148.6? <sup>79</sup>	Complaint Process Information Attached to Form?
Long Beach Police	✓	✓	✓	✓	✓	✓	✓	✗
Oakland Police	✓	✓	✓	✓ OS <sup>80</sup> ✗ PV <sup>81</sup>	✓	✓	✓	✓ OS ✗ PV
San Jose Police	✓	✓	✓	✓	✓	✓	✗	✓
Sacramento County Sheriff	✗	✓	✓	✗	✓	✓	✓ OS	✗ OS

<sup>78</sup> Federal and state law require federally and state assisted law enforcement agencies to provide meaningful access to Limited English Proficient (LEP) individuals. Under federal law, to determine the extent of its obligation to provide services to the LEP population, the Federal Coordination and Compliance Section recommends that law enforcement agencies engage in a four-factor analysis. (USDOJ, Federal Coordination and Compliance Section. (2002). *Planning Tool: Considerations for Creation of a Language Assistance Policy and Implementation Plan for Addressing Limited English Proficiency in a Law Enforcement Agency*). California state law also requires local agencies that receive state funding to provide language access services to LEP populations. (Gov. Code, § 11135, subd. (a); Gov. Code, § 7290). LEAs may ask local community-based organizations to help translate complaint forms or create a database of qualified interpreters for speakers of any language, including sign language.

<sup>79</sup> The Ninth Circuit and California Supreme Court have come to opposite conclusions regarding whether Penal Code section 148.6 is constitutional. (Compare *People v. Stanistreet* (2002) 29 Cal.4th 497, 510 [Section 148.6 is a permissible regulation of prohibited speech, namely, false allegations against peace officers, which, on its face, does not violate the First Amendment to the United States Constitution] with *Chaker v. Crogan* (2005) 428 F.3d 1215, 1222, cert. denied, 547 U.S. 1128 (2006) [Penal Code §148.6’s criminal sanction violated the First Amendment of the United States Constitution because it regulated content-based speech on the basis of that speech’s content].) As such, many California law enforcement agencies have removed the warning from their civilian complaint forms and accept anonymous complaints. The California Attorney General’s Office has also determined that a law enforcement agency can investigate allegations of police misconduct, even if the complainant did not sign the admonition as required by Penal Code section 148.6. (Cal. Atty. Gen. Ops. No. 96-111 (1996).) The RIPA Board strongly supports the acceptance of anonymous complaints. The RIPA Board also renews its request to the California Legislature to address this conflict, since the requirements set out by the Penal Code can have a chilling effect on the submission of civilian complaints.

<sup>80</sup> “OS” refers to the online submission form.

<sup>81</sup> “PV” refers to the printed or PDF version of the complaint form.

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							✗ PV	✓ PV
Fresno Police	✓	✓	✓	✓	✓	✓	✗	✗ OS ✓ PV
Orange County Sheriff	✓	✗	✓	✓	✓	✓	✗	✓
Sacramento Police	✗	✗					✗	✗

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**[Placeholder for Information to Be Included in Future Civilian Complaint Reporting]**

DRAFT

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## POST Training Related to Racial and Identity Profiling

### I. BACKGROUND ON THE CALIFORNIA COMMISSION ON PEACE OFFICERS STANDARDS AND TRAINING (POST)

POST is a state entity in the California Executive Branch that reports directly to the Governor. POST is responsible for setting the minimum selection and training standards for over 90,000 law enforcement officers and dispatchers in California; more than 600 agencies participate in the voluntary POST program. POST has approximately 117 staff and over 30 Law Enforcement Consultants. It has a current budget of approximately \$82 million. There is a POST Commission comprised of 15 members appointed by the Governor, one member appointed by the State Assembly and Senate each, and the Attorney General serves as an ex-officio member. The Commission selects the Executive Director. The Commission holds three public meetings per year to establish standards and regulations and to give direction to POST staff. The Commission established an advisory committee of 14 individuals, whose members the Commission appoints. The advisory committee allows organizations of interest to be informed of the Commission's work and to provide input.<sup>82</sup>

### II. LEGISLATIVE MANDATE

In 2015, RIPA amended Penal Code section 13519.4, which created specific requirements for POST with respect to training, as well as guidelines to prevent racial and identity profiling. The law requires academy level courses for new recruits and expanded training for seasoned in-service officers. The Legislature stressed that these courses should teach an understanding and respect for racial, identity, and cultural differences and development of effective non-combative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

Penal Code section 13519.4 requires that the curriculum “be evidence-based and include and examine evidence-based patterns, practices, and protocols that prevent racial or identity profiling.” In developing the training, POST must consult with the RIPA Board, which, in turn, includes its review of the law enforcement training in its annual report.

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<sup>82</sup> For more information on upcoming POST Commission and advisory committee meetings, please visit [www.post.ca.gov](http://www.post.ca.gov).

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As the Board looks ahead to future collaborations with POST, the Board also revisited its past feedback to POST regarding their training courses so both parties can learn from and incorporate the feedback moving forward.

### **A. 2018 RIPA REPORT**

In the 2018 RIPA Report, the Board reviewed two POST training courses for in-service officers: “Biased Based Policing: Remaining Fair and Impartial” and “Principled Policing.”

1) The Board reviewed the Biased Based Policing course and provided feedback. Following that, POST replaced the “Biased Based Policing: Remaining Fair and Impartial” course with a two-hour training video course entitled, “Bias and Racial Profiling”.

2) The Board reviewed the 2015 “Principled Policing” course, which was developed in partnership with the Department of Justice, Stanford University, the Oakland and Stockton Police Departments, the California Partnership for Safe Communities, and the Empower Initiative. The Board found that this course met many of Penal Code Section 13519.4 requirements, but recommended that it be updated to include: 1) the obligations of peace officers in preventing, reporting and responding to discriminatory or biased practices by fellow police officers; 2) a discussion of California’s prohibition against racial and identity profiling; and 3) making community participation in the delivery of the course a standard practice. POST has integrated elements of the Board recommendations into the new mandated academy course entitled, “Principled Policing in the Community”.

### **B. 2019 RIPA REPORT**

In the 2019 RIPA Report, the Board conducted evidence-based research and identified the following best practices for trainings devoted to preventing racial and identity profiling in policing:

- Training on racial and identity profiling should be evidence-based and include scientific peer-reviewed research on bias, principles of civil rights and constitutional policing, and reflect the agency’s commitment to procedural justice, bias-free policing, and community policing;
- Training on racial and identity profiling should be well-organized and delivered regularly;
- Training on racial and identity profiling should address communication and community relationships;
- Training on racial and identity profiling should include the tenets of Procedural Justice; and
- Training on racial and identity profiling should cover implicit bias, explicit bias, and cultural competency.

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### **C. 2020 TRAINING UPDATES**

Since the 2020 RIPA Report, POST has continued efforts to strengthen training courses aimed at meeting the mandates of AB 953. The following are the five standard courses offered by POST that are designed to meet the mandates of Penal Code Section 13519.4:

- Principled Policing in the Community – 26 hours, in person (academy)
- Cultural Diversity/discrimination – 16 hours, in person (academy)
- Bias and Racial Profiling - 2 hours, video (in-service)
- Profiling and Implicit Bias Refresher for Supervisors - 2 hours, online (in-service) (Spring 2021)
- Profiling and Implicit Bias Refresher - 2 hours, online (in-service) (Fall 2020)

POST also offers other courses that relate to racial and identity profiling and principled policing.

- Procedural Justice/Implicit bias training, an 8-hour course for in-service officers that is voluntary but meets the legislative mandates. It covers several topic areas such as Principled Policing, Law enforcement cynicism, community relations and implicit bias. As of January 2020, 6000 officers had completed the training.
- POST modified supervisory, management and executive level courses to include the four tenets of procedural justice. The tenets are voice, neutrality, respectful treatment, and trustworthiness.
- POST produces between three to five short videos entitled, “Did You Know.” These videos are used during rollcall, training, or community meetings. The videos are about procedural justice and implicit bias and are 3-5 minutes long.
- POST has had a long-term relationship with the Museum of Tolerance (MOT) in Los Angeles. Each year, POST enters a \$1.5 million contract for instruction on a series of courses. All students who attend the POST Supervisory Leadership Institute attend the training at the MOT.
- POST has developed a Distance Learning Grant Program (DLGP) pursuant to the California State Budget Act of 2020. The DLGP is designed to award funds on a competitive basis to help with the development and facilitation of the delivery of quality training aimed at increasing equitable access to high-quality learning experiences while using distance learning technologies. The program is funded at \$5,000,000 and must address issues in one of five program areas as follows: Use of Force and De-escalation, Implicit Bias and Racial Profiling, Community Policing, Cultural Diversity and Organizational Wellness.

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#### **IV. RECENT UPDATES TO THE POST TRAINING PROGRAM FOR 2021**

1. The “Bias and Racial Profiling” course is a two-hour training video, which was reviewed by the RIPA Board and released by POST in May 2020. As of July 2020, a total of 4,635 individuals had completed the training.
2. The “Principled Policing” course was updated and will be released in the Fall of 2020. It is a voluntary 8-hour course for in-service officers.
3. The “Principled Policing in The Community” course was approved to be included in the POST Basic Academy Learning Domain 3. This is a 26-hour mandatory course for new recruits and became effective April 2020.
4. The “Principled Policing Train-The-Trainer” (T4T) is a 24-hour course. One course is dedicated for instructors in the basic academy. The other course is exclusively for in-service instructors. After the two initial T4T presentations in September 2020, the Principled Policing course for in-service students will be deployed across the state.
5. POST is developing a two-hour instructor video, tentatively titled “Principled Policing Instructor Video.” The video will be used as a resource in the above mentioned T4T instructor training. This will enable instructors to use the same video resource, whether basic or in-service. The video will 1) provide video scenario resources for Principled Policing instructors too use in their classes, and 2) enhance the instructor’s facilitation skills and effectiveness, including for this topic, by providing both facilitation tips and recommendations based on what occurs within the video program’s examples. It will also provide commentary on how instructors can bring forth additional Principled Policing-specific content beyond just the examples that happen within the video scenarios.
6. The self-paced online “refresher” training course is almost complete and will be released to the field by approximately mid-October 2020. The course will be tentatively titled “Profiling and Implicit Bias Refresher.”
7. The supervisor module for the self-paced “refresher” course is currently under development. POST anticipates releasing the supervisor module in the spring of 2021. The module will be tentatively titled “Profiling and Implicit Bias Refresher for Supervisors.”

#### **A. BOARD MEMBER REVIEW OF PROFILING AND IMPLICIT BIAS SELF-PACED ONLINE REFRESHER COURSE**

One of the five mandatory courses created by POST on racial and identity profiling and cultural diversity is entitled, “Profiling and Implicit Bias Refresher.” Officers are required to take a mandatory two-hour refresher course every five years after leaving the academy and this course

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is designed to meet that requirement. It is a self-paced course and is located on the POST Learning Portal, which means officers can take this course at any time.

The POST curriculum development process includes analysis, design, and review phases before the course is released to the field. POST invited the Board to participate early in the course development process for the “Profiling and Implicit Bias Refresher” and again after the content was created.

During the initial analysis phase, POST had one-on-one interviews with Board members (past and present), which included Ben McBride, Warren Stanley, Sandra Brown, Marianna Marroquin, and David Robinson. POST then worked with Subject Matter Experts (SME) from the Museum of Tolerance and their trained instructors to establish learning objectives in line with the mandates in Penal Code section 13519.4. Additionally, POST used both SME’s and law enforcement officers to test different prototypes. In April 2020, POST invited Board members to review an online demonstration of a draft of the course and hosted content review and feedback sessions. Four current Board members, Steve Raphael, Melanie Ochoa, LaWanda Hawkins and Sandra Brown, provided comments on the course.

The Board members<sup>83</sup> expressed that while a classroom setting course is the preferred form of delivery, the modules of this online course were structured and designed very well. The Board members liked that the course included the topics of constitutional rights, implicit bias, connecting with the community, procedural justice, accountability, and de-escalation. The Board was also pleased to see that if an officer answers the question incorrectly, they could not proceed and would need to answer the question correctly before going forward to the next scenario.

This notwithstanding, Board members concluded that because the content, scenarios, and desired outcomes are critical to the course success, the subject areas listed above need to be strengthened, clarified, discussed in greater detail, or changed. The Board offered a variety of recommendations for improvement. Board members expressed concerns that the course included scripted bias scenarios as a teaching tool even though actual footage of officer-involved situations is available and would be more effective. The Board members expressed that greater care should be taken when selecting teaching examples needed to achieve the desired outcome. The Board felt that the course would benefit from providing more guidance and discussion about the legal implications and consequences of bias. Additionally, the Board recommended that inclusion of some classroom discussion regarding the reasons why certain bias scenarios were selected should be added. The Board also pointed out that the course did not sufficiently emphasize officer accountability, the reporting obligations, and how officers should respond

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<sup>83</sup> These are a compilation of comments made by individual Board members – they are not verbatim and do not necessarily reflect those of more than one reviewer.

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after observing biased behavior by their peers, nor did the course take advantage of teaching opportunities provided in scenarios applying reasonable suspicion and the use of social media.

## **B. BOARD MEMBER REVIEW OF BIAS AND RACIAL PROFILING VIDEO COURSE**

Another of the five mandatory courses created by POST on racial and identity profiling and cultural diversity is entitled, “Bias and Racial Profiling.” Officers are required to take a mandatory two-hour refresher course once every five years after leaving the academy and this course is designed to meet that requirement. Officers can view this training video either in a facilitated group or individual setting. Before her passing in December 2018, RIPA Board member the Honorable Alice Lytle was very involved in the early development of this curriculum, served as an SME, and provided guidance to POST. Other SME’s working on the training course video included representatives from the Fresno County District Attorney’s Office, the Council on Islamic Relations, the Museum of Tolerance, the Stockton Police Department, the Glendale Community College Police Department, and an advocate of the LGBTQ community. Course development meetings were held with collaborators in October and December of 2018 and again in February 2019. Additionally, POST interviewed the SME’s individually.

In April 2020, following the post-production of the video, RIPA Board members were invited to view the final version of the video prior to its release in May 2020. Board member participants included Sandra Brown, Angela Sierra, Nancy Frausto, Melanie Ochoa, and David Swing. Board members<sup>84</sup> reviewed the video and provided POST the following comments.

Some Board members were overall pleased with the outcome of the course. It was thought to be designed to enhance critical thinking and attempted to tackle difficult subjects in a way that did not seem artificial. Some felt it was professional and well put together. Some members liked the historical segments. Board members felt that it could be helpful for community members to see the included conversations between officers.

Some Board members expressed concerns about specific scenarios that needed deeper discussions involving parole and probation, explicit versus implicit bias, the use of highly offensive terms to describe groups of individuals, and the need to use real data to illustrate the disparate treatment of people of color. Some Board members believed that the training should include the role of contemporary police, illustrate how misconduct can create the views of

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policing as seen today, and provide officers with the tools to combat personal or agency issues. The Board members also believed that the training was lacking because it did not include anything about RIPA stop data; it did not use actual incidents and events involving officers; it did not use real examples of ways to communicate with differing groups of people when stopped (i.e. people with hearing or learning disabilities or LEP); it did not discuss the “wrongness” of a stop and the bias that led to the stop as examples; and it did not cover the situation where officers may not be fully aware of how their actions change as the stop evolves.

Unfortunately, POST advised that it could not adopt any of the above recommendations by the Board members due to the limited time available between the time that POST previewed the video to the Board members and the video’s release. POST explained that the video was already in post-production and it could not be revised. Because POST was unable to change the video, but did want the input of the Board and the Department, POST invited Department personnel that staffs the RIPA Board to review and edit the participant’s guide based on Board member suggestions. The guide would then be used to edit the facilitator’s guide that is used during the presentation of the course. POST did incorporate most of these comments into the guide; so while the recommendations that the Board made were not incorporated into the video itself, many of the comments will be addressed during the classroom discussion portion of the training. POST has expressed a strong desire and commitment to ensure this does not happen again, and has pledged to work closely with the Board throughout the entire process in the future. The Board looks forward to developing a stronger working relationship with POST moving forward.

## California Department of Justice POST Certified Course

In 2020, the Department received certification from POST to conduct trainings on reporting stop data. Due to COVID-19, plans to offer a classroom-based course were paused; the team also developed a web-based option for the course, with sessions beginning in the fall of 2020.

The new course is called “Reporting Stop Data for RIPA (AB 953).” It provides a detailed review of the AB 953 legislation and the role of the RIPA Board, in addition to key definitions and the data fields that are reported with a stop. During the sessions, emphasis is placed on how the requirements apply to the various scenarios officers may encounter while on duty. By covering these topics, the goal is to help ensure uniform reporting across agencies.

Additionally, the course provides information to assist agencies with their implementation and address frequently asked questions. Attendees will learn about important resources, and the data’s path from the time it is collected locally to when and how it is reported to the DOJ’s statewide repository, to its analysis and publication in the Board’s Annual Report.

The course instructors include staff in both the Department’s Civil Rights Enforcement Section and California Justice Information Services Division. This helps ensure representatives are available to discuss legal questions related to RIPA, as well as administrative/technical aspects of

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implementation.

The training incorporates multiple learning approaches, including a PowerPoint presentation, videos, interactive review of scenarios, a system demonstration, and knowledge checks. To help ensure sessions are interactive, attendees participate via web-cam as well.

Sessions are four hours in length, and will be offered approximately twice a month. The target audience includes sworn and non-sworn law enforcement personnel and is intended for those responsible for working on their agency's overall RIPA implementation. Participants will share their role in their agency's implementation of stop data collection and their existing knowledge of AB 953 in the hopes of best tailoring the course to fit the real world needs of the attendees and their respective agencies.

The Department presented an overview and selected contents at the POST Subcommittee meeting on August 5, 2020. The Department will incorporate the Board's feedback before beginning the training sessions.

### **[Placeholder for Vision for Future Reports]**

The Board will continue to analyze POST's trainings on bias-free policing and racial and identity profiling to ensure that its trainings incorporate the most up-to-date evidence-based best practices. In addition to training, the Board hopes to cover best practices in hiring and recruitment, performance assessment, and promotion practices in the coming years.

### **[Placeholder for Relevant Legislation Enacted in 2020]**

### **[Placeholder for Conclusion]**

## **Appendix X: AB 953 Stop Data & Resources Survey**

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### [Introduction & Contact Information](#)

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#### [Contact Information](#)

First and Last Name\*

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Title: \*

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Agency Name:\*

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Work Telephone Number:\*

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Email:\*

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### Using the Contents of the RIPA Report

1) What are the main actions your agency has taken to adopt the recommendations in the RIPA Board's annual reports?

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2) *Has your agency incorporated the findings or recommendations included in the [RIPA Board's annual reports](#) in its training (e.g., roll-call training, academy courses, or other forms of training)?*

Yes

No

**Logic: Hidden unless: #2 Question "Has your agency incorporated the findings or recommendations included in the [RIPA Board's annual reports](#) in its training (e.g., roll-call training, academy courses, or other forms of training)? " is one of the following answers ("Yes")**

Please describe how your agency has incorporated the findings or recommendations included in the RIPA Board's annual reports in its training (e.g., roll-call training, academy courses, or other forms of training).

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3) *Has your agency used the analyses included in the RIPA Board 2020 Annual Report to identify trends and patterns in your agency's stop data?*

Yes

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No

**Logic: Hidden unless: #3 Question "Has your agency used the analyses included in the RIPA Board 2020 Annual Report to identify trends and patterns in your agency's stop data?" is one of the following answers ("Yes")**

Please describe how your agency used the analyses included in the RIPA Board 2020 Annual Report to identify trends and patterns in your agency's stop data.

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*4) Has your agency changed policies or practices as a result of the RIPA Board's stop data analysis or findings?*

Yes

No

**Logic: Hidden unless: #4 Question "Has your agency changed policies or practices as a result of the RIPA Board's stop data analysis or findings?" is one of the following answers ("Yes")**

Please describe how your agency has changed policies or practices as a result of the RIPA Board's stop data analyses or findings.

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#### Stop Data & Staff

*5) Does your agency review the stop data with your staff?*

Yes

No

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**Logic: Hidden unless: #5 Question "Does your agency review the stop data with your staff?" is one of the following answers ("Yes")**

Please describe how your agency reviews the stop data with your staff.

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*6) Does your agency use stop data to hold your staff accountable?*

Yes

No

**Logic: Hidden unless: #6 Question "Does your agency use stop data to hold your staff accountable?" is one of the following answers ("Yes")**

Please describe how your agency uses stop data to hold your staff accountable.

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Discussing RIPA Report

*7) Does your agency have a civilian review or community advisory board?*

Yes

No

**Logic: Hidden unless: #7 Question "Does your agency have a civilian review or community advisory board?" is one of the following answers ("Yes")**

*8) Has the civilian review or community advisory board discussed the findings or recommendations of the reports?*

Yes

No

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## Bias-Free Policing

9) Does your agency have a bias-free policing policy?

- Yes  
 No

**Logic: Hidden unless: #9 Question "Does your agency have a bias-free policing policy?" is one of the following answers ("Yes")**

How does your agency hold staff accountable for compliance and respond to non-compliance with the bias-free policing policy?

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10) Has your agency adopted any portion of the model Bias-Free Policing language provided in the RIPA Board 2020 Annual Report?

- Yes  
 No

## Civilian Complaint

11) Has your agency taken any actions in response to the best practices recommendations regarding civilian complaint procedures and forms provided in the RIPA Board 2020 Annual Report?

- Yes  
 No

**Logic: Hidden unless: #11 Question "Has your agency taken any actions in response to the best practices recommendations regarding civilian complaint procedures and forms provided in the RIPA Board 2020 Annual Report?" is one of the following answers ("Yes")**

Please describe the actions your agency has taken in response to the best practices recommendations regarding civilian complaint procedures and forms provided in the RIPA Board Report.

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\_\_\_\_\_  
\_\_\_\_\_  
Your Agency's Stop Data Collection and Analysis

**Logic: Show/hide trigger exists.**

12) Does your agency analyze stop data?

Yes

No

**Logic: Hidden unless: #12 Question "Does your agency analyze stop data?" is one of the following answers ("Yes")**

What categories does the analysis include (e.g., reason for stop, actions taken during stop, result of stop)?

\_\_\_\_\_  
\_\_\_\_\_

**Logic: Hidden unless: #12 Question "Does your agency analyze stop data?" is one of the following answers ("Yes")**

What, if any, benchmark comparisons are used?

\_\_\_\_\_  
\_\_\_\_\_

**Logic: Hidden unless: #12 Question "Does your agency analyze stop data?" is one of the following answers ("Yes")**

With whom are the findings shared?

\_\_\_\_\_  
\_\_\_\_\_

**Logic: Hidden unless: #12 Question "Does your agency analyze stop data?" is one of the following answers ("Yes")**

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What, if any, external resources is your agency engaging for this analysis (e.g., academics, police commissions, civilian review bodies, or local advisory boards)?

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13) What, if any, barriers to analyzing stop data has your agency encountered?

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14) What, if any, additional resources are needed to assist your agency in analyzing the stop data?

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15) If your agency collects additional data elements, other than those mandated by RIPA regulations, please indicate what data you are collecting and why.

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#### Other Comments

16) Please provide any other comments you believe would be useful in understanding the resources and activities that your agency is engaging to advance the goals of RIPA or if there are other areas that could be included in the RIPA reports that your agency would find beneficial.

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Thank You!

## Appendix X: AB 953 Template Based on the Final Regulations

Additional data values for the stop of a student in a K-12 public school are listed in red.

**1. Originating Agency Identifier** (prepopulated field)

**2. Date, Time, and Duration of Stop**

Date: (e.g., 01/01/19)

Start Time (approx.): (e.g. 1530)

Duration of Stop (approx.): (e.g. 30 min.)

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### 3. Location

- Report one (listed in order of preference): block number and street name; closest intersection; highway and closest highway exit. If none of these are available, the officer may report a road marker, landmark, or other description, except cannot report street address if location is a residence.
- City: \_\_\_\_\_
- Check here to indicate stop is of a student at K-12 public school: \_\_\_\_\_
  - Name of K-12 Public School \_\_\_\_\_

### 4. Perceived Race or Ethnicity of Person Stopped (select all that apply)

- Asian
- Black/African American
- Hispanic/Latino(a)
- Middle Eastern or South Asian
- Native American
- Pacific Islander
- White

### 5. Perceived Gender of Person Stopped (may select one from options 1-4 AND option 5, if applicable, or just option 5)

1. Male
2. Female
3. Transgender man/boy
4. Transgender woman/girl
5. Gender nonconforming

### 6. Person Stopped Perceived to be LGBT (Yes/No) (“Yes” must be selected if “Transgender” was selected for “Perceived Gender”)

### 7. Perceived Age of Person Stopped (input the perceived, approximate age)

### 8. Person Stopped Has Limited or No English Fluency (check here if Yes \_\_\_\_)

### 9. Perceived or Known Disability of Person Stopped (select all that apply)

- Deafness or difficulty hearing
- Speech impairment or limited use of language
- Blind or limited vision
- Mental health condition
- Intellectual or developmental disability, including dementia
- Disability related to hyperactivity or impulsive behavior
- Other disability
- None

### 10. Reason for Stop (select one - the primary reason for the stop only)

- Traffic violation

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- Specific code (CJIS offense table; select drop down) and
- Type of violation (select one)
  - Moving violation
  - Equipment violation
  - Non-moving violation, including registration violation
- Reasonable suspicion that person was engaged in criminal activity
  - Specific Code (drop down; select primary if known) and
  - Basis (select all applicable)
    - Officer witnessed commission of a crime
    - Matched suspect description
    - Witness or victim identification of suspect at the scene
    - Carrying suspicious object
    - Actions indicative of casing a victim or location
    - Suspected of acting as a lookout
    - Actions indicative of a drug transaction
    - Actions indicative of engaging in a violent crime
    - Other reasonable suspicion of a crime
- Known to be on parole/probation/PRCS/mandatory supervision
- Knowledge of outstanding arrest warrant/wanted person
- Investigation to determine whether person is truant
- Consensual encounter resulting in a search
- Possible conduct warranting discipline under Education Code §§ 48900, 48900.2, 48900.3, 48900.4, and 48900.7 (select specific Educ. Code section & subdivision)
- Determine whether student violated school policy

A brief explanation is required regarding the reason for the stop and officer must provide additional detail beyond the general data values selected (250-character maximum).

**11. Stop Made in Response to a Call for Service (Yes/No)** (Select “Yes” only if stop was made in response to call for service, radio call, or dispatch)

**12A. Actions Taken by Officer(s) During Stop** (select all that apply)

- Person removed from vehicle by order
- Person removed from vehicle by physical contact
- Field sobriety test conducted
- Curbside detention
- Handcuffed or flex cuffed
- Patrol car detention
- Canine removed from vehicle or used to search
- Firearm pointed at person
- Firearm discharged or used
- Electronic control device used
- Impact projectile discharged or used (e.g. blunt impact projectile, rubber bullets, or bean bags)
- Canine bit or held person
- Baton or other impact weapon used
- Chemical spray used (e.g. pepper spray, mace, tear gas, or other chemical irritants)
- Other physical or vehicle contact

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- Person photographed
- Asked for consent to search person
  - Consent given
  - Consent not given
- Search of person was conducted
- Asked for consent to search property
  - Consent given
  - Consent not given
- Search of property was conducted
- Property was seized
- Vehicle impounded
- Admission or written statement obtained from student
- None

**12B. Basis for Search** (if search of person/property/both was conducted; select all that apply)

- Consent given
- Officer safety/safety of others
- Search warrant
- Condition of parole/probation/PRCS/mandatory supervision
- Suspected weapons
- Visible contraband
- Odor of contraband
- Canine detection
- Evidence of crime
- Incident to arrest
- Exigent circumstances/emergency
- Vehicle inventory (for search of property only)
- Suspected violation of school policy

A brief explanation is required regarding the basis for the search and officer must provide additional detail beyond the general data values selected (250-character maximum). This field is not required if basis for search is “condition of parole/probation/PRCS/mandatory supervision.”

**12C. Contraband or Evidence Discovered, if any** (during search/in plain view; select all that apply)

- None
- Firearm(s)
- Ammunition
- Weapon(s) other than a firearm
- Drugs/narcotics
- Alcohol
- Money
- Drug paraphernalia
- Suspected stolen property
- Cell phone(s) or electronic device(s)
- Other contraband or evidence

**12D(1). Basis for Property Seizure** (if property was seized; select all that apply)

- Safekeeping as allowed by law/statute

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- Contraband
- Evidence
- Impound of vehicle
- Abandoned property
- Suspected violation of school policy

**12D(2). Type of Property Seized** (select all that apply)

- Firearm(s)
- Ammunition
- Weapon(s) other than a firearm
- Drugs/narcotics
- Alcohol
- Money
- Drug paraphernalia
- Suspected stolen property
- Cell phone(s) or electronic device(s)
- Vehicle
- Other contraband or evidence

**13. Result of Stop** (select all that apply)

- No action
- Warning (verbal or written): Code/ordinance cited (drop down)
- Citation for infraction: Code/ordinance cited (drop down)
- In-field cite and release: Code/ordinance cited (drop down)
- Custodial arrest pursuant to outstanding warrant
- Custodial arrest without warrant: Code/ordinance cited (drop down)
- Field Interview Card completed
- Noncriminal transport or caretaking transport (including transport by officer, transport by ambulance, or transport by another agency)
- Contacted parent/legal guardian or other person responsible for the minor
- Psychiatric hold (Welfare & Inst. Code, §§ 5150, 5585.20.)
- Contacted U.S. Department of Homeland Security (e.g., ICE, CBP)
- Referral to school administrator
- Referral to school counselor or other support staff

**14. Officer's Identification (I.D.) Number** (prepopulated field)

**15. Officer's Years of Experience** (total number of years worked as a peace officer)

**16. Type of Assignment of Officer** (select one)

- Patrol, traffic enforcement, field operations
- Gang enforcement
- Compliance check (e.g. parole/PRCS/probation/mandatory supervision)
- Special events (e.g. sports, concerts, protests)
- Roadblock or DUI sobriety checkpoint
- Narcotics/vice
- Task force
- K-12 public school, including school resource officer or school police officer

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- Investigative/detective
- Other (manually specify type of assignment)

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