# EXECUTIVE SUMMARY

California's Racial and Identity Profiling Advisory Board (Board) is pleased to release its fifth Annual Report ("Report"). The Report provides recommendations from the Board for all stakeholders – law enforcement agencies, policymakers, POST, community members, and advocates – to push for policy and best practice reforms to help all law enforcement agencies eliminate racial and identity profiling and improve law enforcement and community relations. This year's Report analyzes, for the first time, a full year of Racial and Identity Profiling Act (RIPA) stop data, from January 1, 2019 to December 31, 2019, from Wave 1 and 2 agencies. In addition to analysis of the stop data, the Report provides recommendations that can be incorporated by law enforcement agencies and the California Commission on Peace Officer Standards and Training (POST) to enhance their policies, practices, and trainings on topics that intersect with bias and racial and identity profiling.

*Recommendations for Law Enforcement Agencies*

Policies: The Board has drawn from a range of law enforcement, academic, governmental, and nonprofit organizations with expertise in addressing racial and identity profiling to provide recommendations to law enforcement agencies. These recommendations do not represent the full extent of best practices, but they provide a starting point upon which agencies can build.

Accountability is a key aspect of the Report, and the Board has identified the primary categories that make up accountability systems and hopes to research and recommend best practices for each category in future years. The Report also continues the Board's work from its 2020 Report and contains a review of bias-free policing policies for Wave 2 agencies and a follow-up review of the changes made by Wave 1 agencies after last year's review. This review covers agencies' implementation of the best practices for bias-free policing policies outlined in the 2019 and 2020 Reports. In addition, the Report presents the results of a survey of Wave 1, 2, and 3 agencies to learn of the impact of Board recommendations and data analysis within law enforcement agencies, and identify actions agencies are taking to advance the goals of RIPA.

The Report also contains recommendations related to calls for service. The Board provides an exemplar agency policy against bias by proxy, provides ideas for protocols to approach bias-based calls, and recommends that agencies adopt their own policy and train both dispatchers and officers on the subject. For example, the Report discusses adding "friction" – or causing officers or community members to pause before reporting suspicious activity or initiating a stop – and how that can help curb racial profiling. Moreover, the Report looks at how law enforcement agencies have historically responded to mental health crises and examines several types of crisis intervention strategies from around the country for law enforcement to consider with their community stakeholders.

Civilian Complaints: Agency-level information regarding the numbers of civilian complaints (2016-2019) is provided for Wave 1 and 2 reporting agencies. Additionally, the Board has


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included a review of the Wave 2 agencies' complaint forms, a discussion of Early Intervention Systems (EIS) to identify and "flag" at-risk behavior by officers and intervene where necessary, and a discussion of feedback received from law enforcement agencies regarding the actions they have taken in response to the Board's recommendations about complaint procedures.

The Board recommends that LEAs ensure that their agencies investigate all complaints fairly and thoroughly, and communicate that commitment to the public. To achieve this, agencies must ensure that members of the public and staff have the ability to submit complaints and that the complaints are recorded in a system that will allow the agency to track them. The Board recommends that agencies identify ways to increase the community's involvement in investigations into misconduct complaints and create or expand independent civilian complaint review boards and community-centered mediation resources.

AB 953 Survey: To better understand the impact of the Board's data analysis and recommendations within law enforcement agencies the Department surveyed Wave 1, 2 and 3 agencies. The responses received from 25 of those agencies helped the Board to identify actions that LEAs are taking to advance the goals of RIPA.

Survey questions addressed:

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

The agency responses to the survey are presented throughout the Report and in Appendix __ and are a valuable tool to identify agency accountability and Report impact. For example, several law enforcement agencies reported that they reviewed the stop data with multiple levels of staff at their agencies and were using the Report to analyze identify concerning trends or patterns in their own stop data.

*Recommendations for Community Members*

The Report contains recommendations that advocates and community members can use to engage with policymakers and law enforcement to improve policies and accountability. The Board recommends that community members engage with policymakers and law enforcement regarding the implementation of community-based solutions to respond to mental health related emergencies and the development of community-centered approaches for responding to bias-

based incidents. The Board also encourages communities to engage with law enforcement to ensure the implementation of the best practices for bias-free policing policies, civilian complaints, and accountability highlighted in the Report. The Board thanks members of the community for attending Board meetings and providing public comment and hopes community members will continue to engage with them.

*Recommendations for Policymakers*

To reduce the disparities between groups who are more and less likely to come into contact with law enforcement, the Board urges policymakers to engage with impacted communities to prioritize housing, education, health care, and broader criminal justice system policies, in addition to changes to law enforcement agency practices. The Board further recommends that policymakers fund and prioritize community-based solutions to respond to health-related emergencies and socioeconomic issues such as being unhoused. In the Report, the Board has included eight examples of crisis intervention strategies. This research has laid the groundwork for the Board to develop best practices and model policy recommendations for crisis response in 2021. The Board recommends that the legislature continue oversight of Mental Health Services Act funding and examine how counties are using public safety realignment funding for community-based services instead of law enforcement activities to meet the rehabilitation goals under state law.

The Board recommends that policymakers require law enforcement agencies to adopt policies addressing bias by proxy, and require a basic training and continuing education courses on bias by proxy prevention for dispatchers and officers. The Board recommends that policymakers strengthen data collection regarding bias-based calls for service, and study programs for responding to bias-based calls that focus on accountability within communities and repairing the harms caused by these calls. Additionally, the Board recommends that the legislature increase the frequency with which in-service officers receive training to prevent racial and identity profiling practices.

Regarding civilian complaints, the Board renews its request for the legislature to address the conflict between state and federal law by amending Penal Code section 148.6, as the requirements set out by the Penal Code can have a chilling effect on the submission of civilian complaints.

*Recommendations for the California Commission on Peace Officer Standards and Training (POST)*

The Board recommends that training for the prevention of racial and identity profiling emphasize perspectives of members of communities impacted by profiling. The training should also emphasize officer accountability, officer reporting obligations and protections, and active


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bystander or peer intervention skills. The Board recommends that the training incorporate data illustrating the disparate treatment of racial and other identity groups. The Board recommends that officers receive training in skills to mitigate the influence of explicit and implicit biases.

The Board reiterates the recommendation included in the 2020 Annual Report for dispatchers to receive mandatory training on how to identify and mitigate bias in calls for service and how dispatchers can mitigate personal biases. The Board recommends that POST consider including a three-step protocol that includes "adding friction" for addressing bias-based calls in training for officers and dispatchers.

The Board appreciates the participation of POST staff in Board meetings and the training development workshop opportunities that were provided. The Board recommends that POST and the Board commit to a schedule to review the two Academy courses that satisfy AB 953 training requirements. This will allow the Board to work closely with POST throughout the development and production process for future courses and course updates that address racial and identity profiling, including the Profiling and Implicit Bias Refresher Course for Supervisors.

*Potential Sources of Disparities Observed in the Stop Data*

Consistent with the Board's mandate to evaluate and eliminate racial and identity profiling in policing, the Report explores several potential driving forces shaping the patterns of stop data disparities revealed in the last two years of data collection. The Report discusses explicit bias, including recent examples of racist social media postings by law enforcement officers, and how this unchecked explicit bias may lead to some of the stop data disparities we have observed. The Report further summarizes several studies that may explain how implicit biases for and against certain groups of individuals may shape officers' interactions. Officers who are not aware of nor actively working to overcome their biases may consequently rely on them in their decision-making and interactions with community members, which may be a factor in the disparities that were observed in the stop data.

The Report contextualizes the issues of explicit and implicit biases within a large complex of systemic inequities that influence the frequency with which officers interact with people of certain races, ethnicities, or identities. Other systemic forces and inequities, such as a local governing body decision to increase law enforcement presence in a neighborhood that is majority Black, indigenous, or other people of color, may render some individuals more vulnerable to interactions with officers and in turn, drive some stop data disparities. In other words, even if it were possible to eliminate both explicit and implicit biases held by officers, stop data disparities would still likely exist because of systemic and structural inequities that lead to more frequent interactions between officers and members of certain communities.

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Given the multiple possible sources of the stop data disparities, the Report encourages a multi-pronged approach and provides some examples of ways agencies can reduce explicit and implicit bias. The Board also invites other stakeholders to think broadly – beyond the confines of law enforcement reform – about how they can reduce inequities in other systems that directly or indirectly contribute to the stop data disparities we observe.

*Findings Regarding RIPA Stop Data*

Between January 1, 2019 to December 31, 2019, the 15 largest law enforcement agencies in California, referred to as Wave 1 and Wave 2 agencies in this Report, collected data on pedestrian and vehicle stops and submitted these data to the California Department of Justice. Reporting agencies reported making 3,992,074 million stops during the stop data collection period. The California Highway Patrol conducted the most stops (54.4%) of all reporting agencies, which is foreseeable given the size and geographic jurisdiction of the agency and its primary mission with respect to highway safety. Below are some highlights from this year's analysis:

- Individuals perceived to be Hispanic (38.9%), White (33.1%), or Black (15.9%) comprised the majority of stopped individuals; officers stopped individuals of the other five racial/ethnic groups collectively in 12.1% of stops.

- Officers perceived 71.2% of individuals they stopped to be (cisgender) male, 28.6% to be (cisgender) female, and 0.2% to be transgender or gender-nonconforming.

- Individuals perceived to be between the ages of 25 and 34 (32.3%) constituted the largest proportion of stopped individuals of any one age group while individuals below the age of 10 constituted the smallest proportion of stopped individuals (<0.1%).

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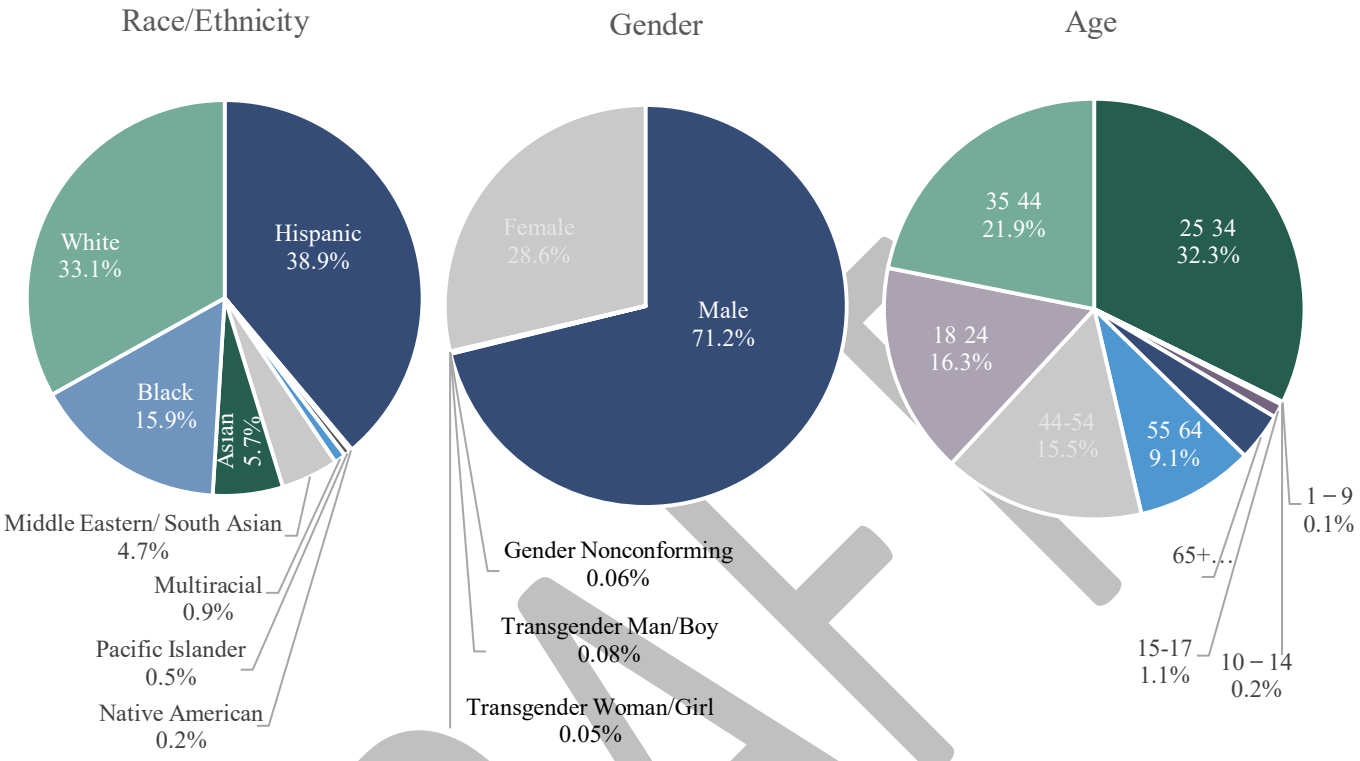


- Less than 1 percent of stopped individuals were perceived to be LGBT.
- Approximately 4.1 percent of stopped individuals were perceived to have limited or no English fluency.
- Officers perceived 1.1 percent of the individuals they stopped to have one or more disabilities. Of those perceived to have a disability, the most common disability reported by officers was a mental health condition (63.3%).
- The most commonly reported reason for a stop across all racial/ethnic groups was a traffic violation (85.0%), followed by reasonable suspicion that the person was engaged in criminal activity (12.1%). A higher percentage of Black individuals were stopped for reasonable suspicion than any other racial identity group.
- Officers stopped more than double the number of White individuals (1,322,201) than they did Black individuals (635,092), but searched, detained on the curb or in a patrol car, handcuffed, and removed more Black individuals from vehicles than they did White individuals.

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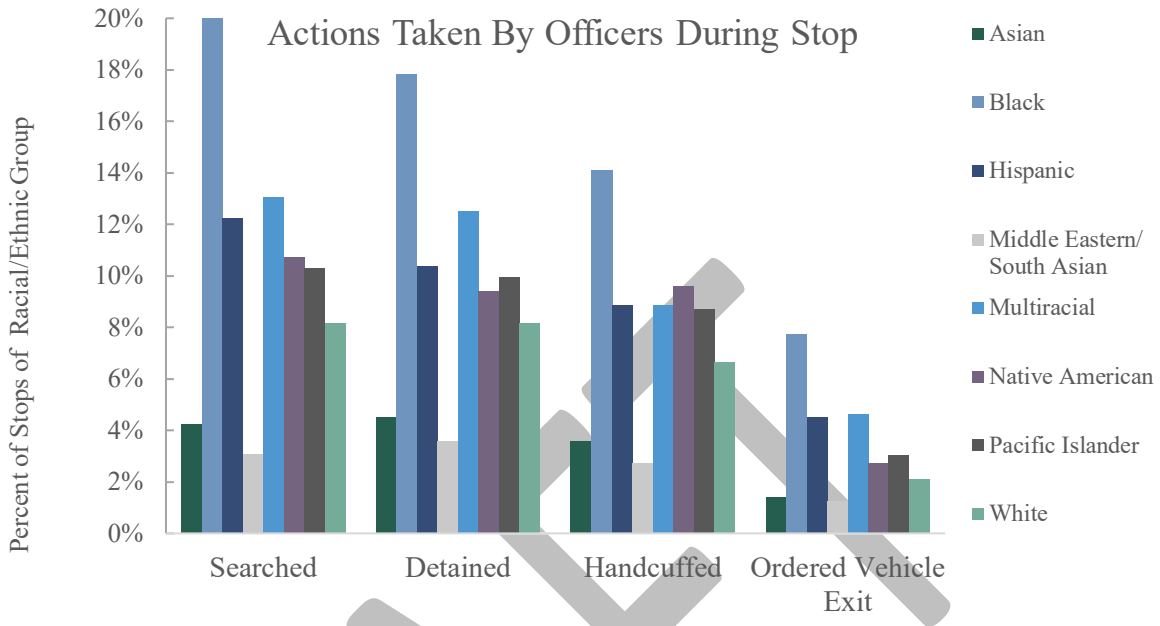
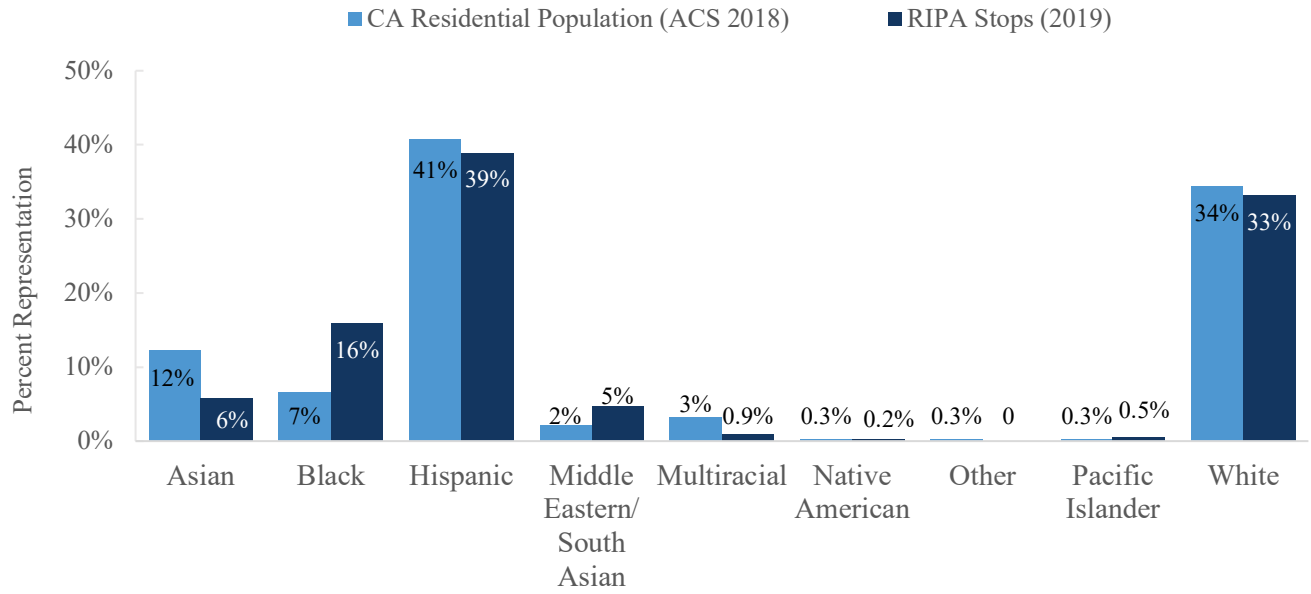



To provide context for the racial distribution of stopped individuals, the Board compared the stop data distribution to residential population data from the United States Census Bureau. Black individuals represented a higher proportion of stopped individuals than their relative proportion of the population in the ACS dataset.

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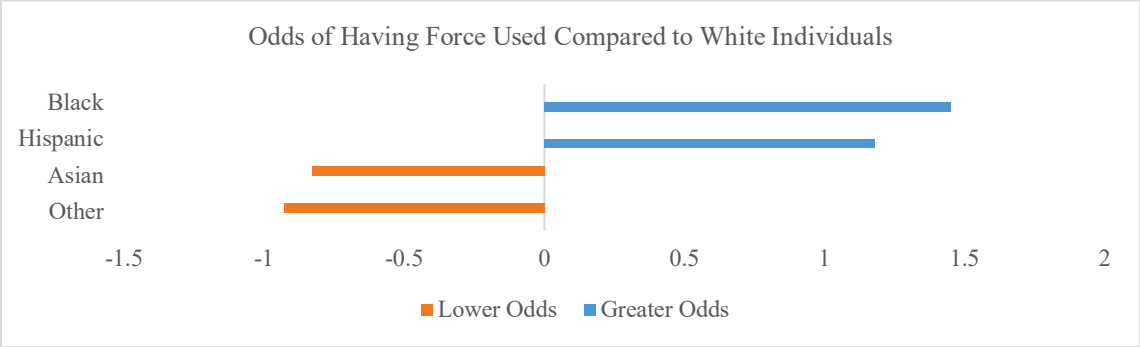
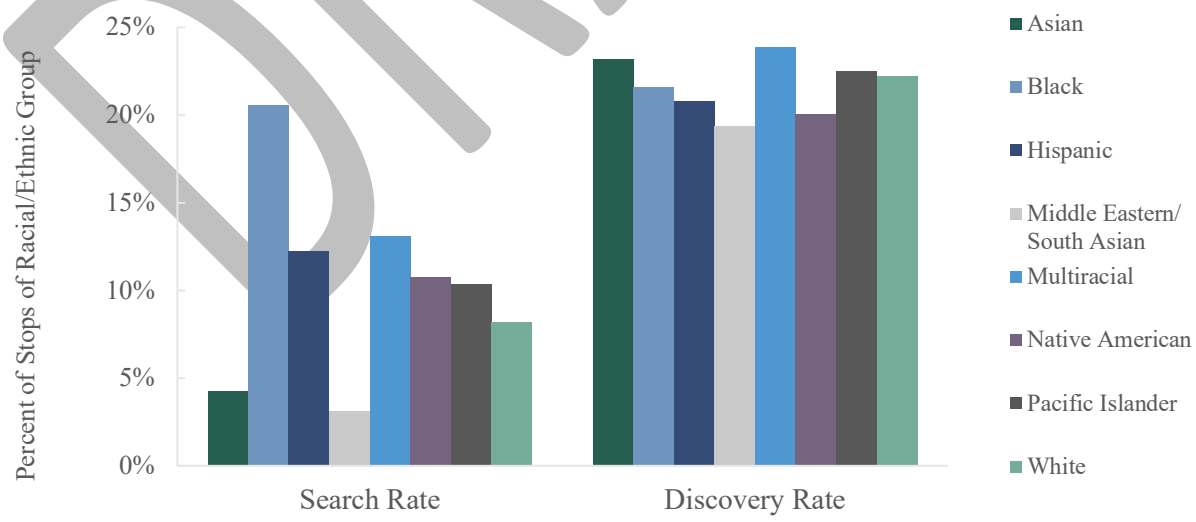
- Results of the Veil of Darkness analysis indicated that darkness (when it is presumably more difficult to perceive an individual's identity) decreased the rates at which Black and Hispanic individuals were stopped compared to White individuals.

- Black and Hispanic individuals were more likely to have force used against them compared to White individuals, while Asian and other individuals were less likely. Specifically, compared to White individuals, the odds of having force used during a stop were 1.45 times and 1.18 times greater for Black and Hispanic individuals, respectively. The odds of force being used during stops of Asian or other individuals were 0.83 and 0.93 times lower, respectively, compared to White individuals.




- Search discovery rate analyses showed that, when officers searched individuals, individuals perceived as Black, Hispanic, and Native American had higher search rates despite having lower rates of discovering contraband compared to individuals perceived as White.

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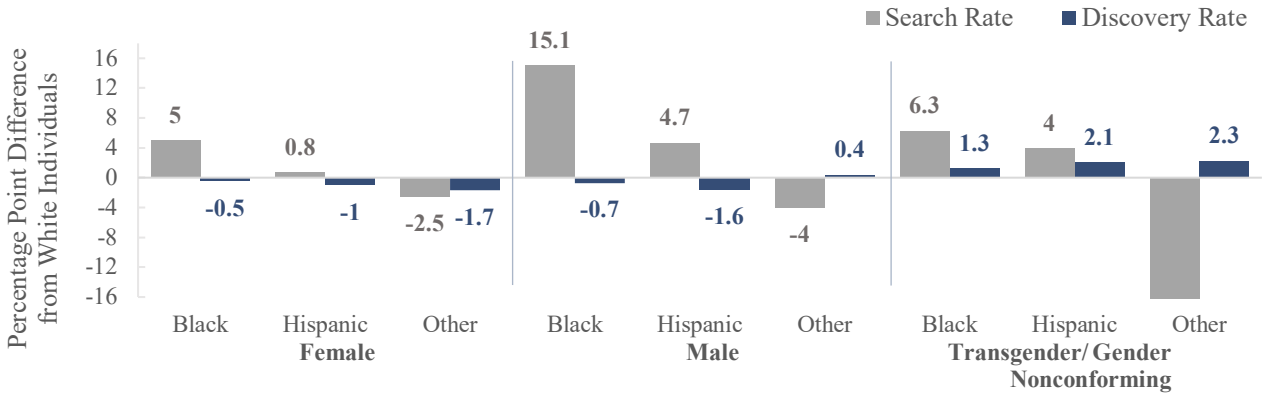
- Within each gender group, Black and Hispanic cisgender males and cisgender females had higher search rates but lower discovery rates in comparison to White cisgender males and White cisgender females. Black and Hispanic transgender/gender nonconforming individuals had higher search and discovery rates than White transgender/gender nonconforming individuals.




- 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%). Additionally, Black and Hispanic individuals perceived to have other types of disabilities or no disabilities had higher search rates in comparison to White individuals.

- Black individuals were searched at the highest rate of all the race/ethnicity groups for all age categories. Disparities in search rates between racial/ethnic groups were generally larger within the younger age groups; meanwhile, disparities in search discovery rates between racial/ethnic groups tended to be the smaller for younger age groups. The data show that officers searched younger Black and Hispanic individuals at rates that were disproportionately high when compared to younger White individuals, despite discovering contraband or evidence from younger Black, Hispanic and White individuals during a comparable proportion of these stops.

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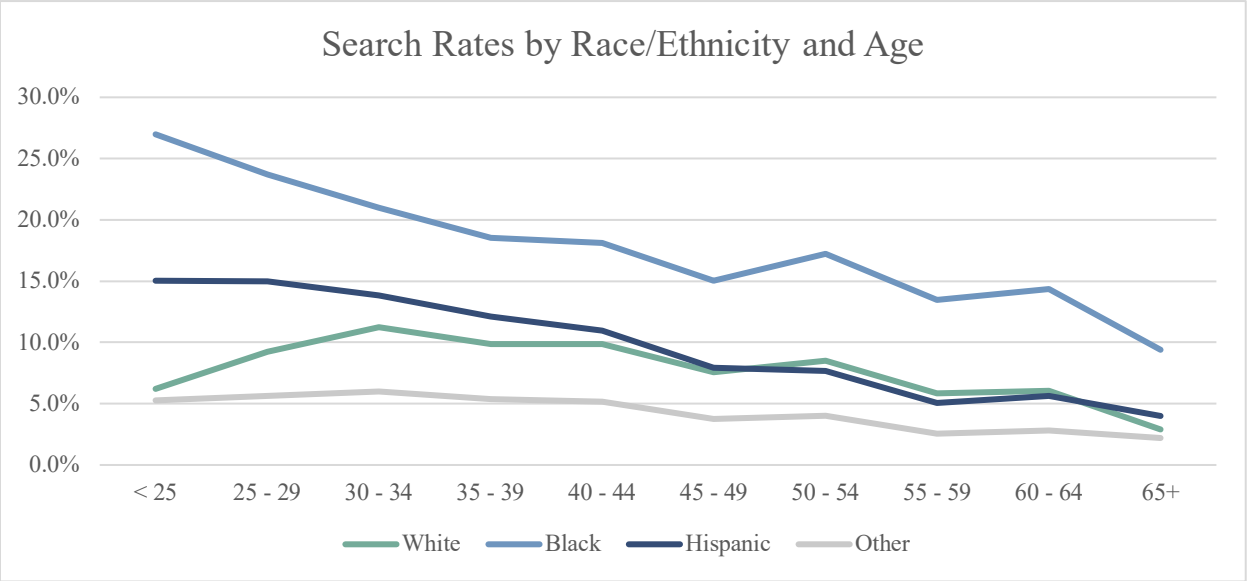


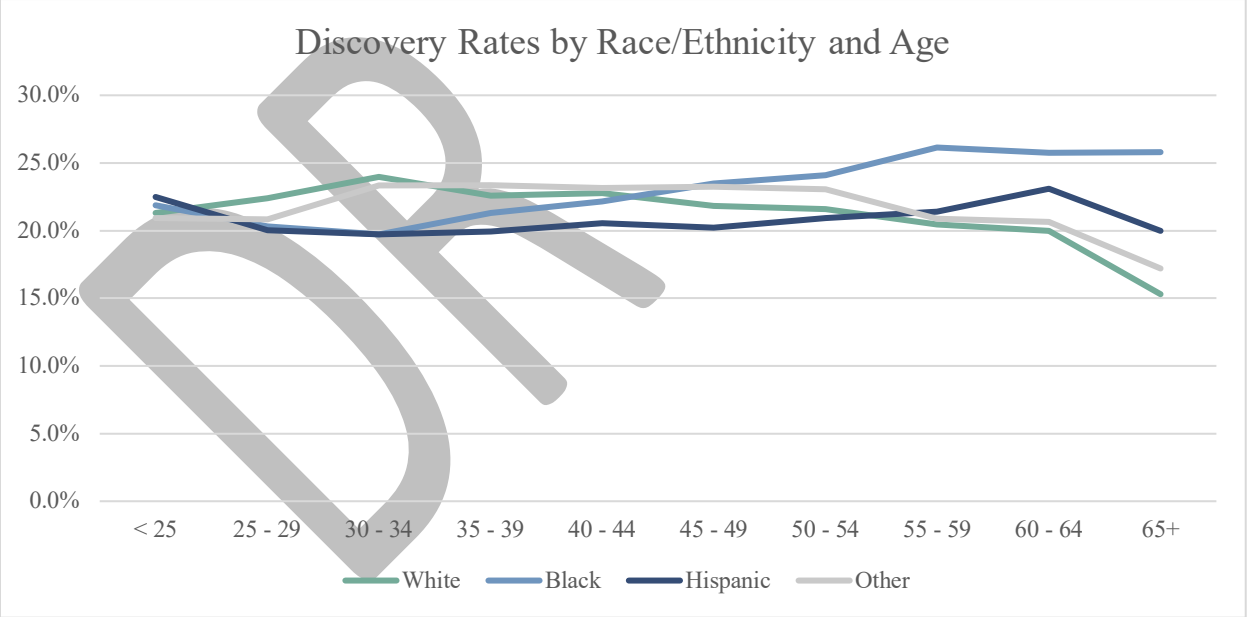


- The proportion of stopped individuals whom officers asked for consent to perform a search of varied widely between racial/ethnic groups, from a low of .7% of Middle Eastern/South Asian individuals to a high of 5.1% of Black individuals. Officers asked for consent to search Black individuals (5.1%) at twice the rate that they asked White individuals (2.5%).

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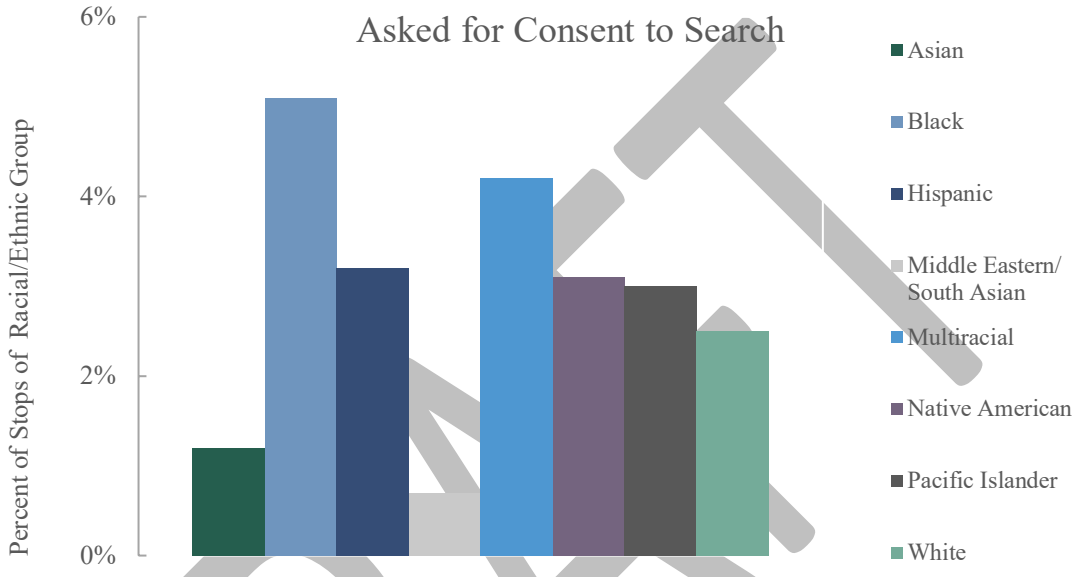
Officers also performed searches where the only basis provided for the search was that the stopped individual provided consent ("consent only" searches) of Black individuals (2.4%) at a rate twice that of the rate they performed these consent only searches of White individuals (1.2%). Despite having higher consent only search rates than White individuals, Black and Hispanic individuals had lower discovery rates for these types of searches than White individuals.




- Stopped individuals perceived to be Black had the highest proportion of their group stopped for known supervision (1.2%) while Middle Eastern/South Asian individuals (0.1%) had the lowest proportion. The proportion of stopped individuals whom officers searched where the only basis provided for the search was that stopped person was on community supervision with a search condition of varied widely between racial/ethnic groups, from a low of .2% of Middle Eastern/South Asian individuals to a high of 3.4% of Black individuals. Search discovery rates for these condition-of-supervision searches were lower for all racial/ethnic groups of color than they were for White individuals.

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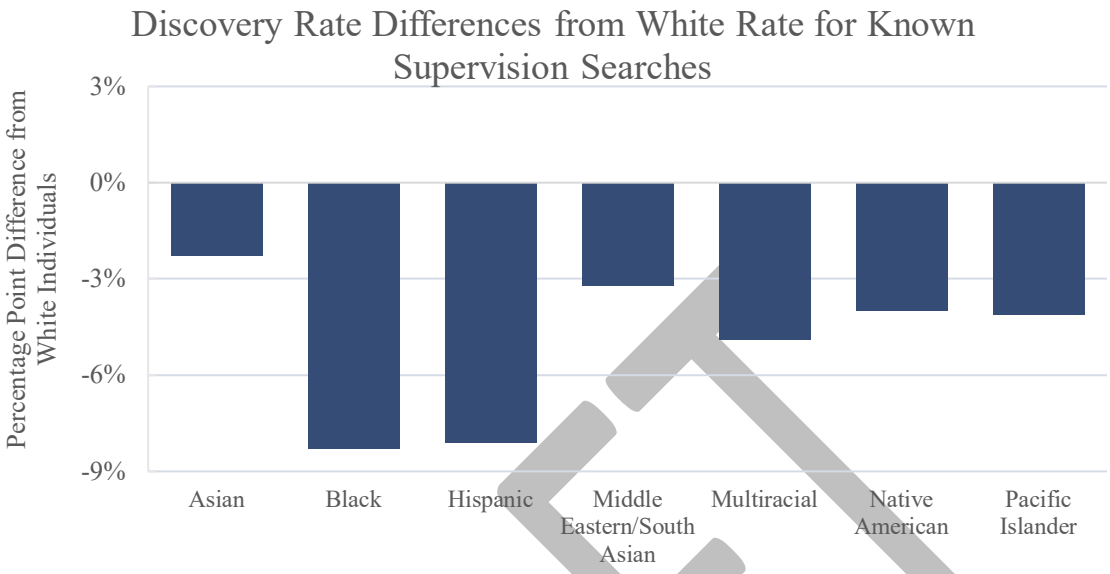


*Findings Regarding Civilian Complaint Data*

The Report includes an analysis of the number of complaints of racial or identity profiling received in 2019 by the 452 law enforcement agencies subject to RIPA's stop data reporting requirements and the disposition of these 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. The figure below displays the proportions of complaints reported by stop data reporting agencies that reached disposition in 2019 broken down by disposition type.

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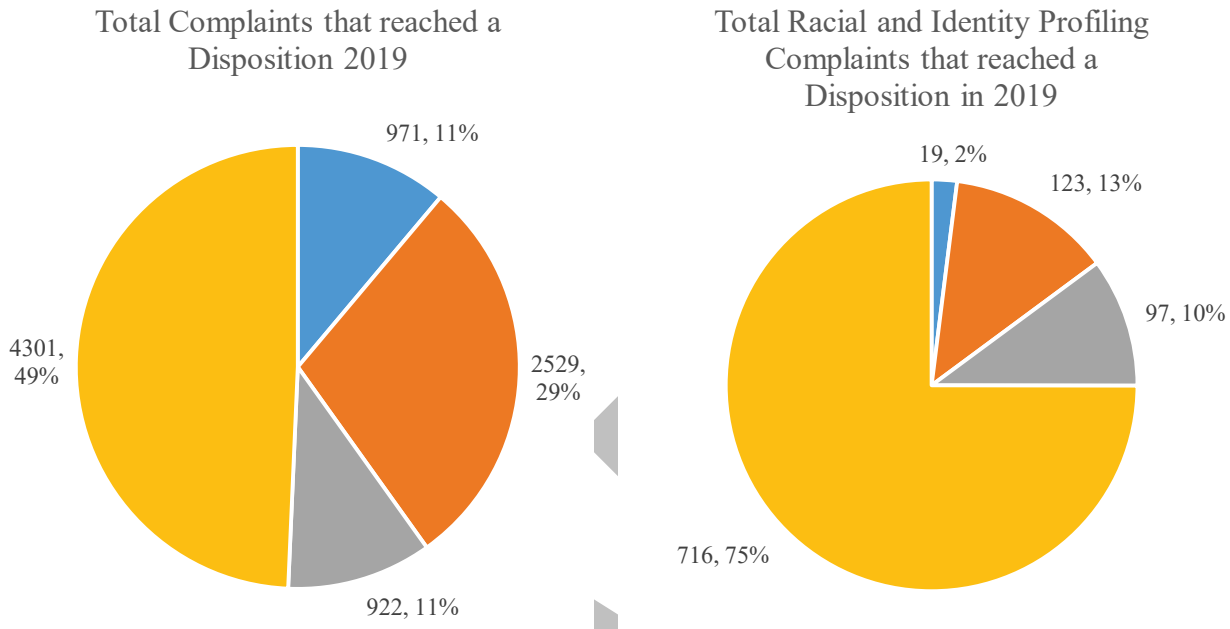
## Disposition Distribution of 2019 Complaints




Complaint Disposition Key

**Sustained:** investigation disclosed sufficient evidence to prove truth of allegation in complaint by preponderance of evidence.

**Exonerated:** investigation clearly established that employee's actions that formed basis of allegations in complaint were not a violation of law or agency policy.

**Not sustained:** investigation failed to disclose sufficient evidence to clearly prove or disprove complaint's allegation.

**Unfounded:** investigation clearly established that allegation is not true.

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## 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.[1] 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.[2]

*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 Sheriff's Department | 1,010 | 68 | 9,565 |
| 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 |

[1] 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.

[2] 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.

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