



Racial and
Identity
Profiling
Advisory
Board

Annual Report
Appendix

2023

January 1, 2023

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APPENDIX A – REPORT BODY DESCRIPTIVE TABLES

A.1 Stops by Identity Group and Reason for Stop

Identity Group	Traffic Violation	Reasonable Suspicion	Other Reasons	Total	
Race/Ethnicity	Asian	158097 (93.8%)	8608 (5.1%)	1787 (1.1%)	168492 (100.0%)
	Black	385773 (80.5%)	77789 (16.2%)	15375 (3.2%)	478937 (100.0%)
	Hispanic	1178055 (87.3%)	132049 (9.8%)	38867 (2.9%)	1348971 (100.0%)
	Middle Eastern/South Asian	145780 (95.6%)	5700 (3.7%)	961 (0.6%)	152441 (100.0%)
	Multiracial	27384 (86.3%)	3403 (10.7%)	934 (2.9%)	31721 (100.0%)
	Native American	8076 (85.8%)	981 (10.4%)	354 (3.8%)	9411 (100.0%)
	Pacific Islander	14662 (87.6%)	1593 (9.5%)	481 (2.9%)	16736 (100.0%)
	White	845418 (86.5%)	104747 (10.7%)	27667 (2.8%)	977832 (100.0%)
Gender	Cisgender Female	781283 (89.2%)	77019 (8.8%)	17470 (2.0%)	875772 (100.0%)
	Gender Nonconforming	7362 (91.6%)	475 (5.9%)	202 (2.5%)	8039 (100.0%)
	Cisgender Male	1972523 (85.9%)	255562 (11.1%)	68509 (3.0%)	2296594 (100.0%)
	Transgender Man/Boy	1290 (50.6%)	1095 (42.9%)	165 (6.5%)	2550 (100.0%)
	Transgender Woman/Girl	784 (49.5%)	719 (45.4%)	80 (5.1%)	1583 (100.0%)
Age Group	1-9	1092 (70.8%)	284 (18.4%)	166 (10.8%)	1542 (100.0%)
	10-14	1258 (28.2%)	2475 (55.5%)	727 (16.3%)	4460 (100.0%)
	15-17	25251 (71.6%)	7811 (22.1%)	2222 (6.3%)	35284 (100.0%)
	18-24	500279 (90.5%)	42137 (7.6%)	10211 (1.8%)	552627 (100.0%)
	25-34	905256 (86.0%)	115458 (11.0%)	31935 (3.0%)	1052649 (100.0%)
	35-44	600180 (84.9%)	83972 (11.9%)	22755 (3.2%)	706907 (100.0%)
	45-54	395034 (86.6%)	49387 (10.8%)	11775 (2.6%)	456196 (100.0%)
	55-64	232755 (88.3%)	25651 (9.7%)	5258 (2.0%)	263664 (100.0%)

Identity Group		Traffic Violation	Reasonable Suspicion	Other Reasons	Total
	65+	102138 (91.8%)	7695 (6.9%)	1377 (1.2%)	111210 (100.0%)
LGBT	LGBT	18830 (72.4%)	5911 (22.7%)	1254 (4.8%)	25995 (100.0%)
	Non-LGBT	2744415 (86.9%)	328959 (10.4%)	85172 (2.7%)	3158546 (100.0%)
Limited English Fluency	English Fluent	2655053 (86.9%)	317265 (10.4%)	83274 (2.7%)	3055592 (100.0%)
	Limited/No English Fluency	108192 (83.9%)	17605 (13.7%)	3152 (2.4%)	128949 (100.0%)
Disability	Disability	6397 (16.7%)	26855 (70.2%)	5029 (13.1%)	38281 (100.0%)
	No Disability	2756848 (87.6%)	308015 (9.8%)	81397 (2.6%)	3146260 (100.0%)
Overall		2763245 (86.8%)	334870 (10.5%)	86426 (2.7%)	3184541 (100.0%)

A.2 Stops by Identity Group and Traffic Violation Type

	Identity Group	Equipment	Moving	Non-moving	Total
Race/Ethnicity	Asian	13790 (8.7%)	126347 (79.9%)	17960 (11.4%)	158097 (100.0%)
	Black	66550 (17.3%)	262273 (68.0%)	56950 (14.8%)	385773 (100.0%)
	Hispanic	186878 (15.9%)	832090 (70.6%)	159086 (13.5%)	1178054 (100.0%)
	Middle Eastern/South Asian	16513 (11.3%)	112592 (77.2%)	16675 (11.4%)	145780 (100.0%)
	Multiracial	4013 (14.7%)	19942 (72.8%)	3429 (12.5%)	27384 (100.0%)
	Native American	779 (9.6%)	6462 (80.0%)	835 (10.3%)	8076 (100.0%)
	Pacific Islander	1731 (11.8%)	10887 (74.3%)	2044 (13.9%)	14662 (100.0%)
	White	91394 (10.8%)	633421 (74.9%)	120603 (14.3%)	845418 (100.0%)
Gender	Cisgender Female	76434 (9.8%)	602331 (77.1%)	102518 (13.1%)	781283 (100.0%)
	Gender Nonconforming*	801 (10.9%)	5715 (77.6%)	846 (11.5%)	7362 (100.0%)
	Cisgender Male	303989 (15.4%)	1394648 (70.7%)	273885 (13.9%)	1972522 (100.0%)
	Transgender Man/Boy	249 (19.3%)	838 (65.0%)	203 (15.7%)	1290 (100.0%)
	Transgender Woman/Girl	174 (22.2%)	480 (61.2%)	130 (16.6%)	784 (100.0%)
Age Group	1-9	189 (17.3%)	756 (69.2%)	147 (13.5%)	1092 (100.0%)
	10-14	282 (22.4%)	780 (62.0%)	196 (15.6%)	1258 (100.0%)
	15-17	3177 (12.6%)	19709 (78.1%)	2365 (9.4%)	25251 (100.0%)
	18-24	62991 (12.6%)	386287 (77.2%)	51000 (10.2%)	500278 (100.0%)
	25-34	131240 (14.5%)	649073 (71.7%)	124943 (13.8%)	905256 (100.0%)
	35-44	86670 (14.4%)	422370 (70.4%)	91140 (15.2%)	600180 (100.0%)
	45-54	57695 (14.6%)	277168 (70.2%)	60171 (15.2%)	395034 (100.0%)
	55-64	30329 (13.0%)	167828 (72.1%)	34598 (14.9%)	232755 (100.0%)
65+	9075 (8.9%)	80043 (78.4%)	13020 (12.7%)	102138 (100.0%)	

Identity Group		Equipment	Moving	Non-moving	Total
LGBT	LGBT	2739 (14.5%)	13774 (73.1%)	2317 (12.3%)	18830 (100.0%)
	Non-LGBT	378909 (13.8%)	1990240 (72.5%)	375265 (13.7%)	2744414 (100.0%)
Limited English Fluency	English Fluent	361568 (13.6%)	1930874 (72.7%)	362610 (13.7%)	2655052 (100.0%)
	Limited/No English Fluency	20080 (18.6%)	73140 (67.6%)	14972 (13.8%)	108192 (100.0%)
Disability	Disability	1038 (16.2%)	4253 (66.5%)	1106 (17.3%)	6397 (100.0%)
	No Disability	380610 (13.8%)	1999761 (72.5%)	376476 (13.7%)	2756847 (100.0%)
Overall		381648 (13.8%)	2004014 (72.5%)	377582 (13.7%)	2763244 (100.0%)

*A regulations update, which was approved after the 2021 data collection period, has since changed the value label for this gender identity category to “nonbinary person.”

A.3 Stops by Identity Group and Reason for Stop - Reasonable Suspicion Subcategories

Identity Group		Matched Suspect Description	Officer Witness	Witness Identification	Carrying Suspicious Object	Drug Transaction	Actions Indicative of Casing	Suspected of Acting as Lookout	Actions Indicative of Violent Crime	Other
Race/Ethnicity	Asian	3002 (34.9%)	2491 (28.9%)	1756 (20.4%)	108 (1.3%)	57 (0.7%)	82 (1.0%)	28 (0.3%)	57 (0.7%)	2603 (30.2%)
	Black	30384 (39.1%)	25094 (32.3%)	17009 (21.9%)	1709 (2.2%)	741 (1.0%)	543 (0.7%)	449 (0.6%)	752 (1.0%)	18834 (24.2%)
	Hispanic	44595 (33.8%)	46034 (34.9%)	22279 (16.9%)	2300 (1.7%)	1374 (1.0%)	1322 (1.0%)	797 (0.6%)	1077 (0.8%)	34432 (26.1%)
	Middle Eastern/South Asian	2299 (40.3%)	1479 (25.9%)	1294 (22.7%)	59 (1.0%)	76 (1.3%)	64 (1.1%)	15 (0.3%)	41 (0.7%)	1508 (26.5%)
	Multiracial	1442 (42.4%)	1076 (31.6%)	693 (20.4%)	63 (1.9%)	38 (1.1%)	51 (1.5%)	33 (1.0%)	36 (1.1%)	830 (24.4%)
	Native American	375 (38.2%)	267 (27.2%)	168 (17.1%)	9 (0.9%)	1 (0.1%)	9 (0.9%)	2 (0.2%)	7 (0.7%)	311 (31.7%)
	Pacific Islander	659 (41.4%)	430 (27.0%)	277 (17.4%)	21 (1.3%)	12 (0.8%)	23 (1.4%)	15 (0.9%)	20 (1.3%)	447 (28.1%)
	White	40212 (38.4%)	33833 (32.3%)	15704 (15.0%)	1160 (1.1%)	653 (0.6%)	950 (0.9%)	256 (0.2%)	586 (0.6%)	26717 (25.5%)
Gender	Cisgender Female	26399 (34.3%)	23530 (30.6%)	13986 (18.2%)	631 (0.8%)	624 (0.8%)	474 (0.6%)	297 (0.4%)	553 (0.7%)	22436 (29.1%)
	Gender Nonconforming	178 (37.5%)	134 (28.2%)	81 (17.1%)	6 (1.3%)	5 (1.1%)	5 (1.1%)	4 (0.8%)	6 (1.3%)	146 (30.7%)
	Cisgender Male	95700 (37.4%)	86496 (33.8%)	44659 (17.5%)	4769 (1.9%)	2313 (0.9%)	2551 (1.0%)	1288 (0.5%)	2002 (0.8%)	62661 (24.5%)
	Transgender Man/Boy	409 (37.4%)	347 (31.7%)	287 (26.2%)	15 (1.4%)	8 (0.7%)	12 (1.1%)	5 (0.5%)	11 (1.0%)	259 (23.7%)
Age Group	1-9	70 (24.6%)	33 (11.6%)	46 (16.2%)	1 (0.4%)	5 (1.8%)	2 (0.7%)	0 (0.0%)	4 (1.4%)	138 (48.6%)
	10-14	1023 (41.3%)	292 (11.8%)	442 (17.9%)	40 (1.6%)	6 (0.2%)	8 (0.3%)	7 (0.3%)	16 (0.6%)	951 (38.4%)
	15-17	2911 (37.3%)	1853 (23.7%)	1276 (16.3%)	210 (2.7%)	45 (0.6%)	67 (0.9%)	80 (1.0%)	122 (1.6%)	2571 (32.9%)
	18-24	13466 (32.0%)	14396 (34.2%)	6649 (15.8%)	901 (2.1%)	514 (1.2%)	432 (1.0%)	344 (0.8%)	491 (1.2%)	12288 (29.2%)
	25-34	44195 (38.3%)	36280 (31.4%)	21564 (18.7%)	2090 (1.8%)	1102 (1.0%)	1172 (1.0%)	621 (0.5%)	993 (0.9%)	29432 (25.5%)
	35-44	32815 (39.1%)	26942 (32.1%)	15526 (18.5%)	1279 (1.5%)	694 (0.8%)	812 (1.0%)	332 (0.4%)	552 (0.7%)	20669 (24.6%)
	45-54	17607 (35.7%)	17871 (36.2%)	8381 (17.0%)	621 (1.3%)	352 (0.7%)	383 (0.8%)	167 (0.3%)	266 (0.5%)	11721 (23.7%)

Identity Group		Matched Suspect Description	Officer Witness	Witness Identification	Carrying Suspicious Object	Drug Transaction	Actions Indicative of Casing	Suspected of Acting as Lookout	Actions Indicative of Violent Crime	Other
	55-64	8359 (32.6%)	10332 (40.3%)	4008 (15.6%)	244 (1.0%)	193 (0.8%)	140 (0.5%)	37 (0.1%)	105 (0.4%)	5844 (22.8%)
	65+	2522 (32.8%)	2705 (35.2%)	1288 (16.7%)	43 (0.6%)	41 (0.5%)	28 (0.4%)	7 (0.1%)	27 (0.4%)	2068 (26.9%)
LGBT	LGBT	2567 (43.4%)	1673 (28.3%)	1251 (21.2%)	75 (1.3%)	40 (0.7%)	68 (1.2%)	12 (0.2%)	63 (1.1%)	1316 (22.3%)
	Non-LGBT	120401 (36.6%)	109031 (33.1%)	57929 (17.6%)	5354 (1.6%)	2912 (0.9%)	2976 (0.9%)	1583 (0.5%)	2513 (0.8%)	84366 (25.6%)
Limited English Fluency	English Fluent	117264 (37.0%)	104357 (32.9%)	55018 (17.3%)	5194 (1.6%)	2716 (0.9%)	2897 (0.9%)	1539 (0.5%)	2477 (0.8%)	81454 (25.7%)
	Limited/No English Fluency	5704 (32.4%)	6347 (36.1%)	4162 (23.6%)	235 (1.3%)	236 (1.3%)	147 (0.8%)	56 (0.3%)	99 (0.6%)	4228 (24.0%)
Disability	Disability	12217 (45.5%)	4183 (15.6%)	6063 (22.6%)	359 (1.3%)	41 (0.2%)	127 (0.5%)	16 (0.1%)	205 (0.8%)	9888 (36.8%)
	No Disability	110751 (36.0%)	106521 (34.6%)	53117 (17.2%)	5070 (1.6%)	2911 (0.9%)	2917 (0.9%)	1579 (0.5%)	2371 (0.8%)	75794 (24.6%)

A.4 Stops by Identity Group and Calls for Service

	Identity Group	Officer-initiated Stops	Call for service Stops	Total
Race/Ethnicity	Asian	163088 (96.8%)	5404 (3.2%)	168492 (100.0%)
	Black	433249 (90.5%)	45688 (9.5%)	478937 (100.0%)
	Hispanic	1275068 (94.5%)	73904 (5.5%)	1348972 (100.0%)
	Middle Eastern/South Asian	148465 (97.4%)	3976 (2.6%)	152441 (100.0%)
	Multiracial	29515 (93.0%)	2206 (7.0%)	31721 (100.0%)
	Native American	8795 (93.5%)	616 (6.5%)	9411 (100.0%)
	Pacific Islander	15767 (94.2%)	969 (5.8%)	16736 (100.0%)
	White	917303 (93.8%)	60529 (6.2%)	977832 (100.0%)
Gender	Cisgender Female	829019 (94.7%)	46753 (5.3%)	875772 (100.0%)
	Gender Nonconforming	7686 (95.6%)	353 (4.4%)	8039 (100.0%)
	Cisgender Male	2151603 (93.7%)	144992 (6.3%)	2296595 (100.0%)
	Transgender Man/Boy	1812 (71.1%)	738 (28.9%)	2550 (100.0%)
	Transgender Woman/Girl	1127 (71.2%)	456 (28.8%)	1583 (100.0%)
Age Group	1-9	1349 (87.5%)	193 (12.5%)	1542 (100.0%)
	10-14	2652 (59.5%)	1808 (40.5%)	4460 (100.0%)
	15-17	30570 (86.6%)	4714 (13.4%)	35284 (100.0%)
	18-24	529174 (95.8%)	23453 (4.2%)	552627 (100.0%)
	25-34	983637 (93.4%)	69013 (6.6%)	1052650 (100.0%)
	35-44	657547 (93.0%)	49360 (7.0%)	706907 (100.0%)
	45-54	429253 (94.1%)	26943 (5.9%)	456196 (100.0%)
	55-64	250484 (95.0%)	13180 (5.0%)	263664 (100.0%)

Identity Group		Officer-initiated Stops	Call for service Stops	Total
	65+	106582 (95.8%)	4628 (4.2%)	111210 (100.0%)
LGBT	LGBT	22375 (86.1%)	3620 (13.9%)	25995 (100.0%)
	Non-LGBT	2968876 (94.0%)	189672 (6.0%)	3158548 (100.0%)
Limited English Fluency	English Fluent	2874073 (94.1%)	181521 (5.9%)	3055594 (100.0%)
	Limited/No English Fluency	117178 (90.9%)	11771 (9.1%)	128949 (100.0%)
Disability	Disability	15636 (40.8%)	22645 (59.2%)	38281 (100.0%)
	No Disability	2975614 (94.6%)	170647 (5.4%)	3146261 (100.0%)
	Overall	2991251 (93.9%)	193292 (6.1%)	3184543 (100.0%)

A.5 Stops by Identity Group and Calls for Service without Traffic Violations

	Identity Group	Officer-initiated Stops	Call-for-service Stops	Total
Race/Ethnicity	Asian	5822 (56.0%)	4573 (44.0%)	10395 (100.0%)
	Black	51183 (54.9%)	41981 (45.1%)	93164 (100.0%)
	Hispanic	108805 (63.7%)	62111 (36.3%)	170916 (100.0%)
	Middle Eastern/South Asian	3407 (51.1%)	3254 (48.9%)	6661 (100.0%)
	Multiracial	2399 (55.3%)	1938 (44.7%)	4337 (100.0%)
	Native American	797 (59.7%)	538 (40.3%)	1335 (100.0%)
	Pacific Islander	1214 (58.5%)	860 (41.5%)	2074 (100.0%)
	White	79487 (60.0%)	52927 (40.0%)	132414 (100.0%)
Gender	Cisgender Female	53983 (57.1%)	40506 (42.9%)	94489 (100.0%)
	Gender Nonconforming	410 (60.6%)	267 (39.4%)	677 (100.0%)
	Cisgender Male	197744 (61.0%)	126327 (39.0%)	324071 (100.0%)
	Transgender Man/Boy	606 (48.1%)	654 (51.9%)	1260 (100.0%)
	Transgender Woman/Girl	371 (46.4%)	428 (53.6%)	799 (100.0%)
Age Group	1-9	270 (60.0%)	180 (40.0%)	450 (100.0%)
	10-14	1452 (45.3%)	1750 (54.7%)	3202 (100.0%)
	15-17	5738 (57.2%)	4295 (42.8%)	10033 (100.0%)
	18-24	33491 (64.0%)	18857 (36.0%)	52348 (100.0%)
	25-34	86643 (58.8%)	60750 (41.2%)	147393 (100.0%)
	35-44	62835 (58.9%)	43892 (41.1%)	106727 (100.0%)
	45-54	37593 (61.5%)	23569 (38.5%)	61162 (100.0%)
	55-64	19719 (63.8%)	11190 (36.2%)	30909 (100.0%)

Identity Group		Officer-initiated Stops	Call-for-service Stops	Total
	65+	5373 (59.2%)	3699 (40.8%)	9072 (100.0%)
LGBT	LGBT	3909 (54.6%)	3256 (45.4%)	7165 (100.0%)
	Non-LGBT	249205 (60.2%)	164926 (39.8%)	414131 (100.0%)
Limited English Fluency	English Fluent	241688 (60.3%)	158851 (39.7%)	400539 (100.0%)
	Limited/No English Fluency	11426 (55.0%)	9331 (45.0%)	20757 (100.0%)
Disability	Disability	9806 (30.8%)	22078 (69.2%)	31884 (100.0%)
	No Disability	243308 (62.5%)	146104 (37.5%)	389412 (100.0%)
	Overall	253114 (60.1%)	168182 (39.9%)	421296 (100.0%)

A.6 Stops by Identity Group and Average Actions Taken During Stop

	Identity Group	Overall Average Actions Taken	Average Actions Taken During Stops with Actions
Race/Ethnicity	Asian	0.23	2.59
	Black	0.87	2.81
	Hispanic	0.60	2.75
	Middle Eastern/South Asian	0.18	2.49
	Multiracial	0.62	2.97
	Native American	0.52	2.79
	Pacific Islander	0.49	2.87
	White	0.43	2.71
Gender	Cisgender Female	0.35	2.49
	Gender Nonconforming	0.43	2.98
	Cisgender Male	0.62	2.82
	Transgender Man/Boy	1.42	2.57
	Transgender Woman/Girl	1.37	2.61
Age Group	1-9	0.47	1.98
	10-14	1.27	2.13
	15-17	0.95	2.54
	18-24	0.53	2.74
	25-34	0.66	2.84
	35-44	0.59	2.81
	45-54	0.43	2.62
	55-64	0.32	2.49

Identity Group	Overall Average Actions Taken	Average Actions Taken During Stops with Actions	
	65+	0.18	2.19
LGBT	Non-LGBT	0.54	2.75
	LGBT	0.90	2.80
Limited English Fluency	Limited/No English Fluency	0.54	2.75
	English Fluent	0.69	2.66
Disability	No Disability	0.53	2.76
	Disability	1.89	2.57
	Overall	0.55	2.75

Notes. The “actions taken during stop” field of the stop data collection template is a mandatory field that must be completed regardless of whether officers took action during the stop. Given that officers must input a value for this field, the entry of “no action taken” constitutes a selectable option for this field. Officers indicated “no action taken” for 80.1% of stop records. To account for the differences in stops that have actions taken in comparison to those in which officer selected “no action taken,” the analysis of average number of actions taken was calculated two ways: 1) examining all stops, including stops with no actions taken, and 2) examining only stops in which one or more actions were taken (633,335) excluding the stops with a selection of “no action taken.” For the purpose of these analyses, stops for which officers selected “no action taken” are treated as zeroes when calculating the sum portion of the equations. The average number of actions taken, for all stops, is calculated by obtaining the sum of the number of actions taken across all stops, then dividing the sum by the total number of stops. The average number of actions taken for stops with one or more actions taken is calculated by first filtering out all stops where officers selected “no action taken,” then obtaining the sum of the number of actions taken for the remaining stops, then dividing the sum by the number of stops during which officers took one or more actions.

A.7 Stops by Identity Group and Overall Actions Taken During Stop

	Identity Group	Actions Taken During Stop	No Action Taken During Stop	Total
Race/Ethnicity	Asian	15047 (8.9%)	153445 (91.1%)	168492 (100.0%)
	Black	148285 (31.0%)	330652 (69.0%)	478937 (100.0%)
	Hispanic	292428 (21.7%)	1056544 (78.3%)	1348972 (100.0%)
	Middle Eastern/South Asian	10836 (7.1%)	141605 (92.9%)	152441 (100.0%)
	Multiracial	6663 (21.0%)	25058 (79.0%)	31721 (100.0%)
	Native American	1748 (18.6%)	7663 (81.4%)	9411 (100.0%)
	Pacific Islander	2864 (17.1%)	13872 (82.9%)	16736 (100.0%)
	White	155464 (15.9%)	822368 (84.1%)	977832 (100.0%)
Gender	Cisgender Female	124900 (14.3%)	750872 (85.7%)	875772 (100.0%)
	Gender Nonconforming	1160 (14.4%)	6879 (85.6%)	8039 (100.0%)
	Cisgender Male	505038 (22.0%)	1791557 (78.0%)	2296595 (100.0%)
	Transgender Man/Boy	1406 (55.1%)	1144 (44.9%)	2550 (100.0%)
	Transgender Woman/Girl	831 (52.5%)	752 (47.5%)	1583 (100.0%)
Age Group	1-9	370 (24.0%)	1172 (76.0%)	1542 (100.0%)
	10-14	2662 (59.7%)	1798 (40.3%)	4460 (100.0%)
	15-17	13158 (37.3%)	22126 (62.7%)	35284 (100.0%)
	18-24	106847 (19.3%)	445780 (80.7%)	552627 (100.0%)
	25-34	244124 (23.2%)	808526 (76.8%)	1052650 (100.0%)
	35-44	148262 (21.0%)	558645 (79.0%)	706907 (100.0%)
	45-54	75027 (16.4%)	381169 (83.6%)	456196 (100.0%)

Identity Group		Actions Taken During Stop	No Action Taken During Stop	Total
	55-64	33558 (12.7%)	230106 (87.3%)	263664 (100.0%)
	65+	9326 (8.4%)	101884 (91.6%)	111210 (100.0%)
LGBT	LGBT	8321 (32.0%)	17674 (68.0%)	25995 (100.0%)
	Non-LGBT	625014 (19.8%)	2533533 (80.2%)	3158547 (100.0%)
Limited English Fluency	English Fluent	599836 (19.6%)	2455757 (80.4%)	3055593 (100.0%)
	Limited/No English Fluency	33499 (26.0%)	95450 (74.0%)	128949 (100.0%)
Disability	Disability	28185 (73.6%)	10096 (26.4%)	38281 (100.0%)
	No Disability	605150 (19.2%)	2541111 (80.8%)	3146261 (100.0%)
	Overall	633335 (19.9%)	2551207 (80.1%)	3184542 (100.0%)

A.8 Stops by Identity Group and Actions Taken During Stop

	Identity Group	Searched	Handcuffed	Detained	Ordered Vehicle Exit
Race/Ethnicity	Asian	7996 (4.7%)	7262 (4.3%)	8036 (4.8%)	2669 (1.6%)
	Black	96158 (20.1%)	73573 (15.4%)	85851 (17.9%)	36506 (7.6%)
	Hispanic	171454 (12.7%)	142099 (10.5%)	162550 (12.0%)	67703 (5.0%)
	Middle Eastern/South Asian	5322 (3.5%)	5155 (3.4%)	5708 (3.7%)	2142 (1.4%)
	Multiracial	4102 (12.9%)	3322 (10.5%)	4079 (12.9%)	1751 (5.5%)
	Native American	1105 (11.7%)	1041 (11.1%)	779 (8.3%)	280 (3.0%)
	Pacific Islander	1726 (10.3%)	1512 (9.0%)	1669 (10.0%)	611 (3.7%)
	White	89536 (9.2%)	76950 (7.9%)	90180 (9.2%)	25490 (2.6%)
Gender	Cisgender Female	62024 (7.1%)	57083 (6.5%)	72201 (8.2%)	25548 (2.9%)
	Gender Nonconforming	720 (9.0%)	568 (7.1%)	552 (6.9%)	289 (3.6%)
	Cisgender Male	313316 (13.6%)	251832 (11.0%)	284856 (12.4%)	110998 (4.8%)
	Transgender Man/Boy	867 (34.0%)	879 (34.5%)	768 (30.1%)	177 (6.9%)
	Transgender Woman/Girl	472 (29.8%)	552 (34.9%)	475 (30.0%)	140 (8.8%)
Age Group	1-9	170 (11.0%)	82 (5.3%)	218 (14.1%)	49 (3.2%)
	10-14	1324 (29.7%)	1208 (27.1%)	1690 (37.9%)	232 (5.2%)
	15-17	7640 (21.7%)	6397 (18.1%)	7430 (21.1%)	2625 (7.4%)
	18-24	62870 (11.4%)	48792 (8.8%)	55706 (10.1%)	29831 (5.4%)
	25-34	151887 (14.4%)	123176 (11.7%)	137171 (13.0%)	56874 (5.4%)
	35-44	90216 (12.8%)	76306 (10.8%)	87219 (12.3%)	29095 (4.1%)
	45-54	41668 (9.1%)	35867 (7.9%)	44850 (9.8%)	12428 (2.7%)
	55-64	17459 (6.6%)	15397 (5.8%)	19523 (7.4%)	4881 (1.9%)

Identity Group		Searched	Handcuffed	Detained	Ordered Vehicle Exit
	65+	4165 (3.7%)	3689 (3.3%)	5045 (4.5%)	1137 (1.0%)
LGBT	LGBT	5011 (19.3%)	4733 (18.2%)	4883 (18.8%)	1422 (5.5%)
	Non-LGBT	372388 (11.8%)	306181 (9.7%)	353969 (11.2%)	135730 (4.3%)
Limited English Fluency	English Fluent	359520 (11.8%)	294149 (9.6%)	342221 (11.2%)	129687 (4.2%)
	Limited/No English Fluency	17879 (13.9%)	16765 (13.0%)	16631 (12.9%)	7465 (5.8%)
Disability	Disability	17584 (45.9%)	18904 (49.4%)	17601 (46.0%)	1274 (3.3%)
	No Disability	359815 (11.4%)	292010 (9.3%)	341251 (10.8%)	135878 (4.3%)
	Overall	377399 (11.9%)	310914 (9.8%)	358852 (11.3%)	137152 (4.3%)

A.9 All Actions Taken During Stop by Race/Ethnicity

Action Taken	Asian	Black	Hispanic	Middle Eastern/South Asian	Multiracial	Native American	Pacific Islander	White
Removed from Vehicle by Order	2669 (1.6%)	36506 (7.6%)	67703 (5.0%)	2142 (1.4%)	1751 (5.5%)	280 (3.0%)	611 (3.7%)	25490 (2.6%)
Removed from Vehicle by Physical Contact	335 (0.2%)	4029 (0.8%)	7123 (0.5%)	185 (0.1%)	207 (0.7%)	16 (0.2%)	64 (0.4%)	2456 (0.3%)
Field Sobriety Test	2506 (1.5%)	8656 (1.8%)	37141 (2.8%)	1808 (1.2%)	649 (2.0%)	359 (3.8%)	405 (2.4%)	19854 (2.0%)
Curbside Detention	4378 (2.6%)	52856 (11.0%)	101746 (7.5%)	3270 (2.1%)	2196 (6.9%)	432 (4.6%)	994 (5.9%)	56488 (5.8%)
Handcuffed	7262 (4.3%)	73573 (15.4%)	142099 (10.5%)	5155 (3.4%)	3322 (10.5%)	1041 (11.1%)	1512 (9.0%)	76950 (7.9%)
Patrol Car Detention	4417 (2.6%)	41451 (8.7%)	75412 (5.6%)	2991 (2.0%)	2292 (7.2%)	441 (4.7%)	861 (5.1%)	42796 (4.4%)
Canine Search	56 (0.0%)	314 (0.1%)	1250 (0.1%)	31 (0.0%)	29 (0.1%)	5 (0.1%)	15 (0.1%)	439 (0.0%)
Firearm Point	355 (0.2%)	4744 (1.0%)	8087 (0.6%)	251 (0.2%)	181 (0.6%)	50 (0.5%)	102 (0.6%)	3595 (0.4%)
Firearm Discharge	2 (0.0%)	34 (0.0%)	76 (0.0%)	7 (0.0%)	2 (0.0%)	0 (0.0%)	0 (0.0%)	34 (0.0%)
Electronic Control Device	8 (0.0%)	234 (0.0%)	323 (0.0%)	11 (0.0%)	16 (0.1%)	5 (0.1%)	5 (0.0%)	221 (0.0%)
Impact Projectile Discharge	7 (0.0%)	75 (0.0%)	139 (0.0%)	5 (0.0%)	1 (0.0%)	1 (0.0%)	1 (0.0%)	88 (0.0%)
Canine Bite	3 (0.0%)	61 (0.0%)	95 (0.0%)	5 (0.0%)	5 (0.0%)	0 (0.0%)	1 (0.0%)	60 (0.0%)
Baton	4 (0.0%)	55 (0.0%)	82 (0.0%)	4 (0.0%)	3 (0.0%)	0 (0.0%)	0 (0.0%)	48 (0.0%)
Chemical Spray	6 (0.0%)	102 (0.0%)	113 (0.0%)	6 (0.0%)	8 (0.0%)	0 (0.0%)	4 (0.0%)	83 (0.0%)
Other Physical of Vehicle Contact	495 (0.3%)	3126 (0.7%)	5141 (0.4%)	529 (0.3%)	205 (0.6%)	35 (0.4%)	83 (0.5%)	4933 (0.5%)
Person Photographed	624 (0.4%)	3546 (0.7%)	8169 (0.6%)	326 (0.2%)	295 (0.9%)	76 (0.8%)	147 (0.9%)	5951 (0.6%)
Asked for Consent to Search Person	1640 (1.0%)	18690 (3.9%)	42309 (3.1%)	1026 (0.7%)	1134 (3.6%)	170 (1.8%)	332 (2.0%)	22643 (2.3%)
Searched Person	7251 (4.3%)	86053 (18.0%)	155262 (11.5%)	4808 (3.2%)	3729 (11.8%)	1035 (11.0%)	1555 (9.3%)	82391 (8.4%)
Asked for Consent to Search Property	1273 (0.8%)	16905 (3.5%)	31233 (2.3%)	757 (0.5%)	748 (2.4%)	124 (1.3%)	237 (1.4%)	14135 (1.4%)
Searched Property	3434 (2.0%)	51342 (10.7%)	77576 (5.8%)	2188 (1.4%)	2066 (6.5%)	424 (4.5%)	793 (4.7%)	39286 (4.0%)

Action Taken	Asian	Black	Hispanic	Middle Eastern/South Asian	Multiracial	Native American	Pacific Islander	White
Property Seized	993 (0.6%)	7005 (1.5%)	14173 (1.1%)	467 (0.3%)	422 (1.3%)	143 (1.5%)	215 (1.3%)	11229 (1.1%)
Vehicle Impound	1185 (0.7%)	7867 (1.6%)	29238 (2.2%)	1010 (0.7%)	554 (1.7%)	239 (2.5%)	278 (1.7%)	12016 (1.2%)
Admission/Written Statement Obtained from Student	3 (0.0%)	13 (0.0%)	35 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	26 (0.0%)
No Action Taken	153445 (91.1%)	330652 (69.0%)	1056544 (78.3%)	141605 (92.9%)	25058 (79.0%)	7663 (81.4%)	13872 (82.9%)	822368 (84.1%)
Search Person Consent Given	1572 (95.9%)	17734 (94.9%)	40809 (96.5%)	968 (94.3%)	1072 (94.5%)	158 (92.9%)	313 (94.3%)	21395 (94.5%)
Search Property Consent Given	1192 (93.6%)	15863 (93.8%)	29630 (94.9%)	703 (92.9%)	684 (91.4%)	113 (91.1%)	204 (86.1%)	12969 (91.8%)

Notes. Due to the values only being selectable under certain circumstances, percentages for the variables “Search Person Consent Given” and “Search Property Consent Given” are calculated based on the number of individuals from the given racial or ethnic group that officers asked for consent to perform a search, rather than the total number of stopped individuals from the given racial or ethnic group.

A.10 All Actions Taken During Stop by Gender

Action Taken	Cisgender Female	Gender Nonconforming	Cisgender Male	Transgender Man/Boy	Transgender Woman/Girl
Removed from Vehicle by Order	25548 (2.9%)	289 (3.6%)	110998 (4.8%)	177 (6.9%)	140 (8.8%)
Removed from Vehicle by Physical Contact	1946 (0.2%)	46 (0.6%)	12390 (0.5%)	20 (0.8%)	13 (0.8%)
Field Sobriety Test	15720 (1.8%)	297 (3.7%)	55290 (2.4%)	46 (1.8%)	25 (1.6%)
Curbside Detention	44591 (5.1%)	317 (3.9%)	176672 (7.7%)	472 (18.5%)	308 (19.5%)
Handcuffed	57083 (6.5%)	568 (7.1%)	251832 (11.0%)	879 (34.5%)	552 (34.9%)
Patrol Car Detention	34264 (3.9%)	288 (3.6%)	135481 (5.9%)	389 (15.3%)	239 (15.1%)
Canine Search	309 (0.0%)	5 (0.1%)	1822 (0.1%)	3 (0.1%)	0 (0.0%)
Firearm Point	2764 (0.3%)	17 (0.2%)	14508 (0.6%)	55 (2.2%)	21 (1.3%)
Firearm Discharge	26 (0.0%)	0 (0.0%)	129 (0.0%)	0 (0.0%)	0 (0.0%)
Electronic Control Device	59 (0.0%)	0 (0.0%)	761 (0.0%)	2 (0.1%)	1 (0.1%)
Impact Projectile Discharge	40 (0.0%)	0 (0.0%)	276 (0.0%)	0 (0.0%)	1 (0.1%)
Canine Bite	20 (0.0%)	1 (0.0%)	208 (0.0%)	1 (0.0%)	0 (0.0%)
Baton	17 (0.0%)	2 (0.0%)	177 (0.0%)	0 (0.0%)	0 (0.0%)
Chemical Spray	49 (0.0%)	1 (0.0%)	268 (0.0%)	3 (0.1%)	1 (0.1%)
Other Physical of Vehicle Contact	3822 (0.4%)	23 (0.3%)	10665 (0.5%)	21 (0.8%)	16 (1.0%)
Person Photographed	4277 (0.5%)	58 (0.7%)	14721 (0.6%)	36 (1.4%)	42 (2.7%)
Asked for Consent to Search Person	11589 (1.3%)	170 (2.1%)	75985 (3.3%)	145 (5.7%)	55 (3.5%)
Searched Person	52755 (6.0%)	665 (8.3%)	287457 (12.5%)	801 (31.4%)	406 (25.6%)
Asked for Consent to Search Property	9974 (1.1%)	138 (1.7%)	55130 (2.4%)	110 (4.3%)	60 (3.8%)
Searched Property	29195 (3.3%)	331 (4.1%)	147021 (6.4%)	339 (13.3%)	223 (14.1%)
Property Seized	6166 (0.7%)	59 (0.7%)	28323 (1.2%)	62 (2.4%)	37 (2.3%)

Action Taken	Cisgender Female	Gender Nonconforming	Cisgender Male	Transgender Man/Boy	Transgender Woman/Girl
Vehicle Impound	10208 (1.2%)	179 (2.2%)	41917 (1.8%)	50 (2.0%)	33 (2.1%)
Admission/Written Statement Obtained from Student	24 (0.0%)	0 (0.0%)	53 (0.0%)	0 (0.0%)	0 (0.0%)
No Action Taken	750872 (85.7%)	6879 (85.6%)	1791557 (78.0%)	1144 (44.9%)	752 (47.5%)
Search Person Consent Given	10966 (94.6%)	164 (96.5%)	72704 (95.7%)	135 (93.1%)	52 (94.5%)
Search Property Consent Given	9308 (93.3%)	131 (94.9%)	51765 (93.9%)	101 (91.8%)	53 (88.3%)

Notes. Due to the values only being selectable under certain circumstances, percentages for the variables “Search Person Consent Given” and “Search Property Consent Given” are calculated based on the number of individuals from the given gender group that officers asked for consent to perform a search, rather than the total number of stopped individuals from the given gender group.

A.11 All Actions Taken During Stop by Age Group

Action Taken	1-9	10-14	15-17	18-24	25-34	35-44	45-54	55-64	65+
Removed from Vehicle by Order	49 (3.2%)	232 (5.2%)	2625 (7.4%)	29831 (5.4%)	56874 (5.4%)	29095 (4.1%)	12428 (2.7%)	4881 (1.9%)	1137 (1.0%)
Removed from Vehicle by Physical Contact	9 (0.6%)	25 (0.6%)	300 (0.9%)	3014 (0.5%)	6196 (0.6%)	3212 (0.5%)	1170 (0.3%)	419 (0.2%)	70 (0.1%)
Field Sobriety Test	11 (0.7%)	6 (0.1%)	388 (1.1%)	13976 (2.5%)	27721 (2.6%)	15111 (2.1%)	8062 (1.8%)	4487 (1.7%)	1616 (1.5%)
Curbside Detention	103 (6.7%)	847 (19.0%)	4584 (13.0%)	35363 (6.4%)	83640 (7.9%)	53257 (7.5%)	28495 (6.2%)	12832 (4.9%)	3239 (2.9%)
Handcuffed	82 (5.3%)	1208 (27.1%)	6397 (18.1%)	48792 (8.8%)	123176 (11.7%)	76306 (10.8%)	35867 (7.9%)	15397 (5.8%)	3689 (3.3%)
Patrol Car Detention	127 (8.2%)	1009 (22.6%)	3596 (10.2%)	25258 (4.6%)	66799 (6.3%)	42732 (6.0%)	20588 (4.5%)	8393 (3.2%)	2159 (1.9%)
Canine Search	2 (0.1%)	9 (0.2%)	35 (0.1%)	354 (0.1%)	813 (0.1%)	545 (0.1%)	252 (0.1%)	101 (0.0%)	28 (0.0%)
Firearm Point	13 (0.8%)	68 (1.5%)	596 (1.7%)	3240 (0.6%)	6960 (0.7%)	4182 (0.6%)	1629 (0.4%)	555 (0.2%)	122 (0.1%)
Firearm Discharge	0 (0.0%)	0 (0.0%)	2 (0.0%)	25 (0.0%)	59 (0.0%)	40 (0.0%)	15 (0.0%)	11 (0.0%)	3 (0.0%)
Electronic Control Device	0 (0.0%)	1 (0.0%)	6 (0.0%)	85 (0.0%)	337 (0.0%)	267 (0.0%)	88 (0.0%)	31 (0.0%)	8 (0.0%)
Impact Projectile Discharge	0 (0.0%)	0 (0.0%)	2 (0.0%)	42 (0.0%)	109 (0.0%)	96 (0.0%)	48 (0.0%)	16 (0.0%)	4 (0.0%)
Canine Bite	0 (0.0%)	2 (0.0%)	2 (0.0%)	38 (0.0%)	95 (0.0%)	63 (0.0%)	22 (0.0%)	6 (0.0%)	2 (0.0%)
Baton	0 (0.0%)	0 (0.0%)	3 (0.0%)	17 (0.0%)	79 (0.0%)	67 (0.0%)	28 (0.0%)	2 (0.0%)	0 (0.0%)
Chemical Spray	1 (0.1%)	0 (0.0%)	1 (0.0%)	33 (0.0%)	137 (0.0%)	84 (0.0%)	50 (0.0%)	16 (0.0%)	0 (0.0%)
Other Physical of Vehicle Contact	15 (1.0%)	65 (1.5%)	256 (0.7%)	1873 (0.3%)	5414 (0.5%)	3586 (0.5%)	2085 (0.5%)	904 (0.3%)	349 (0.3%)
Person Photographed	12 (0.8%)	120 (2.7%)	457 (1.3%)	2832 (0.5%)	6539 (0.6%)	4813 (0.7%)	2589 (0.6%)	1345 (0.5%)	427 (0.4%)
Asked for Consent to Search Person	42 (2.7%)	222 (5.0%)	1609 (4.6%)	13696 (2.5%)	35204 (3.3%)	22206 (3.1%)	10308 (2.3%)	3923 (1.5%)	734 (0.7%)
Searched Person	108 (7.0%)	1196 (26.8%)	6936 (19.7%)	55842 (10.1%)	137411 (13.1%)	82494 (11.7%)	38279 (8.4%)	16063 (6.1%)	3755 (3.4%)
Asked for Consent to Search Property	25 (1.6%)	116 (2.6%)	1012 (2.9%)	11481 (2.1%)	27380 (2.6%)	15684 (2.2%)	6826 (1.5%)	2464 (0.9%)	423 (0.4%)
Searched Property	107 (6.9%)	387 (8.7%)	3082 (8.7%)	30798 (5.6%)	74393 (7.1%)	42152 (6.0%)	17842 (3.9%)	6917 (2.6%)	1431 (1.3%)
Property Seized	18 (1.2%)	90 (2.0%)	615 (1.7%)	4602 (0.8%)	12834 (1.2%)	9521 (1.3%)	4535 (1.0%)	1958 (0.7%)	474 (0.4%)

Action Taken	1-9	10-14	15-17	18-24	25-34	35-44	45-54	55-64	65+
Vehicle Impound	6 (0.4%)	52 (1.2%)	908 (2.6%)	11253 (2.0%)	20048 (1.9%)	11203 (1.6%)	5426 (1.2%)	2705 (1.0%)	786 (0.7%)
Admission/Written Statement Obtained from Student	1 (0.1%)	22 (0.5%)	51 (0.1%)	3 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
No Action Taken	1172 (76.0%)	1798 (40.3%)	22126 (62.7%)	445780 (80.7%)	808526 (76.8%)	558645 (79.0%)	381169 (83.6%)	230106 (87.3%)	101884 (91.6%)
Search Person Consent Given	39 (92.9%)	213 (95.9%)	1560 (97.0%)	13069 (95.4%)	33684 (95.7%)	21170 (95.3%)	9845 (95.5%)	3745 (95.5%)	696 (94.8%)
Search Property Consent Given	22 (88.0%)	112 (96.6%)	959 (94.8%)	10773 (93.8%)	25736 (94.0%)	14674 (93.6%)	6384 (93.5%)	2299 (93.3%)	398 (94.1%)

Notes. Due to the values only being selectable under certain circumstances, percentages for the variables “Search Person Consent Given” and “Search Property Consent Given” are calculated based on the number of individuals from the given age group that officers asked for consent to perform a search, rather than the total number of stopped individuals from the given age group.

A.12 All Actions Taken During Stop by LGBT, Limited English Fluency, or Disability Group

Action Taken	Non-LGBT	LGBT	English Fluent	Limited/No English Fluency	No Disability	Disability
Removed from Vehicle by Order	135730 (4.3%)	1422 (5.5%)	129687 (4.2%)	7465 (5.8%)	135878 (4.3%)	1274 (3.3%)
Removed from Vehicle by Physical Contact	14177 (0.4%)	238 (0.9%)	13939 (0.5%)	476 (0.4%)	14198 (0.5%)	217 (0.6%)
Field Sobriety Test	70397 (2.2%)	981 (3.8%)	63876 (2.1%)	7502 (5.8%)	70806 (2.3%)	572 (1.5%)
Curbside Detention	219531 (7.0%)	2829 (10.9%)	211427 (6.9%)	10933 (8.5%)	213288 (6.8%)	9072 (23.7%)
Handcuffed	306181 (9.7%)	4733 (18.2%)	294149 (9.6%)	16765 (13.0%)	292010 (9.3%)	18904 (49.4%)
Patrol Car Detention	168011 (5.3%)	2650 (10.2%)	163302 (5.3%)	7359 (5.7%)	159691 (5.1%)	10970 (28.7%)
Canine Search	2115 (0.1%)	24 (0.1%)	1902 (0.1%)	237 (0.2%)	2098 (0.1%)	41 (0.1%)
Firearm Point	17148 (0.5%)	217 (0.8%)	16509 (0.5%)	856 (0.7%)	16740 (0.5%)	625 (1.6%)
Firearm Discharge	152 (0.0%)	3 (0.0%)	144 (0.0%)	11 (0.0%)	149 (0.0%)	6 (0.0%)
Electronic Control Device	808 (0.0%)	15 (0.1%)	786 (0.0%)	37 (0.0%)	702 (0.0%)	121 (0.3%)
Impact Projectile Discharge	309 (0.0%)	8 (0.0%)	295 (0.0%)	22 (0.0%)	246 (0.0%)	71 (0.2%)
Canine Bite	223 (0.0%)	7 (0.0%)	220 (0.0%)	10 (0.0%)	219 (0.0%)	11 (0.0%)
Baton	192 (0.0%)	4 (0.0%)	181 (0.0%)	15 (0.0%)	173 (0.0%)	23 (0.1%)
Chemical Spray	312 (0.0%)	10 (0.0%)	314 (0.0%)	8 (0.0%)	286 (0.0%)	36 (0.1%)
Other Physical of Vehicle Contact	14321 (0.5%)	226 (0.9%)	14082 (0.5%)	465 (0.4%)	13402 (0.4%)	1145 (3.0%)
Person Photographed	18798 (0.6%)	336 (1.3%)	17661 (0.6%)	1473 (1.1%)	17945 (0.6%)	1189 (3.1%)
Asked for Consent to Search Person	86854 (2.7%)	1090 (4.2%)	84935 (2.8%)	3009 (2.3%)	84434 (2.7%)	3510 (9.2%)
Searched Person	337498 (10.7%)	4586 (17.6%)	325980 (10.7%)	16104 (12.5%)	325588 (10.3%)	16496 (43.1%)
Asked for Consent to Search Property	64710 (2.0%)	702 (2.7%)	63058 (2.1%)	2354 (1.8%)	63846 (2.0%)	1566 (4.1%)
Searched Property	174990 (5.5%)	2119 (8.2%)	170703 (5.6%)	6406 (5.0%)	172203 (5.5%)	4906 (12.8%)
Property Seized	34193 (1.1%)	454 (1.7%)	32539 (1.1%)	2108 (1.6%)	33347 (1.1%)	1300 (3.4%)

Action Taken	Non-LGBT	LGBT	English Fluent	Limited/No English Fluency	No Disability	Disability
Vehicle Impound	51753 (1.6%)	634 (2.4%)	46776 (1.5%)	5611 (4.4%)	51980 (1.7%)	407 (1.1%)
Admission/Written Statement Obtained from Student	76 (0.0%)	1 (0.0%)	76 (0.0%)	1 (0.0%)	75 (0.0%)	2 (0.0%)
No Action Taken	2533533 (80.2%)	17674 (68.0%)	2455757 (80.4%)	95450 (74.0%)	2541111 (80.8%)	10096 (26.4%)
Search Person Consent Given	82987 (95.5%)	1034 (94.9%)	81111 (95.5%)	2910 (96.7%)	80695 (95.6%)	3326 (94.8%)
Search Property Consent Given	60712 (93.8%)	646 (92.0%)	59102 (93.7%)	2256 (95.8%)	59906 (93.8%)	1452 (92.7%)

Notes. Due to the values only being selectable under certain circumstances, percentages for the variables “Search Person Consent Given” and “Search Property Consent Given” are calculated based on the number of individuals from the given identity group that officers asked for consent to perform a search, rather than the total number of stopped individuals from the given identity group.

A.13 Stops by Identity Group and Stop Result for Handcuffed Individuals

Identity Group		No Action	Arrested	Other	Total
Race/Ethnicity	Asian	628 (8.6%)	4746 (65.4%)	1888 (26.0%)	7262 (100.0%)
	Black	9462 (12.9%)	40922 (55.6%)	23189 (31.5%)	73573 (100.0%)
	Hispanic	16372 (11.5%)	85558 (60.2%)	40169 (28.3%)	142099 (100.0%)
	Middle Eastern/South Asian	471 (9.1%)	3163 (61.4%)	1521 (29.5%)	5155 (100.0%)
	Multiracial	309 (9.3%)	2002 (60.3%)	1011 (30.4%)	3322 (100.0%)
	Native American	53 (5.1%)	851 (81.7%)	137 (13.2%)	1041 (100.0%)
	Pacific Islander	121 (8.0%)	1017 (67.3%)	374 (24.7%)	1512 (100.0%)
	White	6980 (9.1%)	50864 (66.1%)	19106 (24.8%)	76950 (100.0%)
Gender	Cisgender Female	5045 (8.8%)	37216 (65.2%)	14822 (26.0%)	57083 (100.0%)
	Gender Nonconforming	20 (3.5%)	423 (74.5%)	125 (22.0%)	568 (100.0%)
	Cisgender Male	29193 (11.6%)	150682 (59.8%)	71957 (28.6%)	251832 (100.0%)
	Transgender Man/Boy	94 (10.7%)	486 (55.3%)	299 (34.0%)	879 (100.0%)
	Transgender Woman/Girl	44 (8.0%)	316 (57.2%)	192 (34.8%)	552 (100.0%)
Age Group	1-9	15 (18.3%)	33 (40.2%)	34 (41.5%)	82 (100.0%)
	10-14	121 (10.0%)	309 (25.6%)	778 (64.4%)	1208 (100.0%)
	15-17	931 (14.6%)	2323 (36.3%)	3143 (49.1%)	6397 (100.0%)
	18-24	6237 (12.8%)	26896 (55.1%)	15659 (32.1%)	48792 (100.0%)
	25-34	14564 (11.8%)	73993 (60.1%)	34619 (28.1%)	123176 (100.0%)
	35-44	7901 (10.4%)	48593 (63.7%)	19812 (26.0%)	76306 (100.0%)
	45-54	3266 (9.1%)	23682 (66.0%)	8919 (24.9%)	35867 (100.0%)
	55-64	1125 (7.3%)	10714 (69.6%)	3558 (23.1%)	15397 (100.0%)
65+	236 (6.4%)	2580 (69.9%)	873 (23.7%)	3689 (100.0%)	
LGBT	Non-LGBT	34013 (11.1%)	186025 (60.8%)	86143 (28.1%)	306181 (100.0%)

Identity Group		No Action	Arrested	Other	Total
	LGBT	383 (8.1%)	3098 (65.5%)	1252 (26.5%)	4733 (100.0%)
Limited English Fluency	English Fluent	33327 (11.3%)	176687 (60.1%)	84135 (28.6%)	294149 (100.0%)
	Limited/No English Fluency	1069 (6.4%)	12436 (74.2%)	3260 (19.4%)	16765 (100.0%)
Disability	No Disability	33391 (11.4%)	182459 (62.5%)	76160 (26.1%)	292010 (100.0%)
	Disability	1005 (5.3%)	6664 (35.3%)	11235 (59.4%)	18904 (100.0%)
Overall		34396 (11.1%)	189123 (60.8%)	87395 (28.1%)	310914 (100.0%)

A.14 Stops by Identity Group and Action Taken as a Result of Stop

	Identity Group	Action Taken for Result of Stop	No Action Taken for Result of Stop	Total
Race/Ethnicity	Asian	162088 (96.2%)	6404 (3.8%)	168492 (100.0%)
	Black	415923 (86.8%)	63014 (13.2%)	478937 (100.0%)
	Hispanic	1244397 (92.2%)	104575 (7.8%)	1348972 (100.0%)
	Middle Eastern/South Asian	147421 (96.7%)	5020 (3.3%)	152441 (100.0%)
	Multiracial	29524 (93.1%)	2197 (6.9%)	31721 (100.0%)
	Native American	8985 (95.5%)	426 (4.5%)	9411 (100.0%)
	Pacific Islander	15683 (93.7%)	1053 (6.3%)	16736 (100.0%)
	White	918422 (93.9%)	59410 (6.1%)	977832 (100.0%)
Gender	Cisgender Female	820855 (93.7%)	54917 (6.3%)	875772 (100.0%)
	Gender Nonconforming	7756 (96.5%)	283 (3.5%)	8039 (100.0%)
	Cisgender Male	2110276 (91.9%)	186319 (8.1%)	2296595 (100.0%)
	Transgender Man/Boy	2185 (85.7%)	365 (14.3%)	2550 (100.0%)
	Transgender Woman/Girl	1369 (86.5%)	214 (13.5%)	1583 (100.0%)
Age Group	1-9	1126 (73.0%)	416 (27.0%)	1542 (100.0%)
	10-14	3623 (81.2%)	837 (18.8%)	4460 (100.0%)
	15-17	30683 (87.0%)	4601 (13.0%)	35284 (100.0%)
	18-24	509000 (92.1%)	43627 (7.9%)	552627 (100.0%)
	25-34	959859 (91.2%)	92791 (8.8%)	1052650 (100.0%)
	35-44	653504 (92.4%)	53403 (7.6%)	706907 (100.0%)
	45-54	426541 (93.5%)	29655 (6.5%)	456196 (100.0%)

Identity Group		Action Taken for Result of Stop	No Action Taken for Result of Stop	Total
	55-64	251057 (95.2%)	12607 (4.8%)	263664 (100.0%)
	65+	107049 (96.3%)	4161 (3.7%)	111210 (100.0%)
LGBT	LGBT	23483 (90.3%)	2512 (9.7%)	25995 (100.0%)
	Non-LGBT	2918960 (92.4%)	239587 (7.6%)	3158547 (100.0%)
Limited English Fluency	English Fluent	2821597 (92.3%)	233996 (7.7%)	3055593 (100.0%)
	Limited/No English Fluency	120846 (93.7%)	8103 (6.3%)	128949 (100.0%)
Disability	Disability	33656 (87.9%)	4625 (12.1%)	38281 (100.0%)
	No Disability	2908787 (92.5%)	237474 (7.5%)	3146261 (100.0%)
Overall		2942443 (92.4%)	242099 (7.6%)	3184542 (100.0%)

A.15 Stops by Identity Group and Stop Result

	Identity Group	Warning	Citation	Arrest	Total
Race/Ethnicity	Asian	38818 (23.0%)	106541 (63.2%)	16369 (9.7%)	168492 (100.0%)
	Black	139415 (29.1%)	191474 (40.0%)	70026 (14.6%)	478937 (100.0%)
	Hispanic	323320 (24.0%)	715845 (53.1%)	189998 (14.1%)	1348972 (100.0%)
	Middle Eastern/South Asian	36867 (24.2%)	102901 (67.5%)	8341 (5.5%)	152441 (100.0%)
	Multiracial	8641 (27.2%)	16188 (51.0%)	4347 (13.7%)	31721 (100.0%)
	Native American	2313 (24.6%)	5241 (55.7%)	1747 (18.6%)	9411 (100.0%)
	Pacific Islander	4099 (24.5%)	9321 (55.7%)	2052 (12.3%)	16736 (100.0%)
	White	282750 (28.9%)	508787 (52.0%)	113643 (11.6%)	977832 (100.0%)
Gender	Cisgender Female	220026 (25.1%)	489024 (55.8%)	100967 (11.5%)	875772 (100.0%)
	Gender Nonconforming	2015 (25.1%)	4898 (60.9%)	839 (10.4%)	8039 (100.0%)
	Cisgender Male	613199 (26.7%)	1161443 (50.6%)	303623 (13.2%)	2296595 (100.0%)
	Transgender Man/Boy	634 (24.9%)	572 (22.4%)	681 (26.7%)	2550 (100.0%)
	Transgender Woman/Girl	347 (21.9%)	361 (22.8%)	413 (26.1%)	1583 (100.0%)
Age Group	1-9	295 (19.1%)	492 (31.9%)	149 (9.7%)	1542 (100.0%)
	10-14	693 (15.5%)	392 (8.8%)	585 (13.1%)	4460 (100.0%)
	15-17	7541 (21.4%)	14663 (41.6%)	4444 (12.6%)	35284 (100.0%)
	18-24	119187 (21.6%)	322650 (58.4%)	63021 (11.4%)	552627 (100.0%)
	25-34	269033 (25.6%)	532717 (50.6%)	144957 (13.8%)	1052650 (100.0%)
	35-44	195422 (27.6%)	349303 (49.4%)	99199 (14.0%)	706907 (100.0%)
	45-54	132370 (29.0%)	233509 (51.2%)	54893 (12.0%)	456196 (100.0%)
	55-64	75152 (28.5%)	143274 (54.3%)	29389 (11.1%)	263664 (100.0%)
	65+	36530 (32.8%)	59298 (53.3%)	9885 (8.9%)	111210 (100.0%)
LGBT	LGBT	6020 (23.2%)	10014 (38.5%)	5997 (23.1%)	25995 (100.0%)

Identity Group	Warning	Citation	Arrest	Total	
Non-LGBT	830203 (26.3%)	1646284 (52.1%)	400526 (12.7%)	3158547 (100.0%)	
Limited English Fluency	English Fluent	803024 (26.3%)	1590442 (52.1%)	385261 (12.6%)	3055593 (100.0%)
	Limited/No English Fluency	33199 (25.7%)	65856 (51.1%)	21262 (16.5%)	128949 (100.0%)
Disability	Disability	5389 (14.1%)	2739 (7.2%)	8590 (22.4%)	38281 (100.0%)
	No Disability	830834 (26.4%)	1653559 (52.6%)	397933 (12.6%)	3146261 (100.0%)
Overall	836223 (26.3%)	1656298 (52.0%)	406523 (12.8%)	3184543 (100.0%)	

A.16 Consent Inquiries and Search Rates

Identity Group	Asked for Consent and Response			Consent Response Search Rates	
	Asked for Consent	Consent Received	Consent Not Received	Consent Received & Searched	Consent Not Received & Searched
Asian	2107 (1.3%)	1994 (94.6%)	113 (5.4%)	1615 (81.0%)	64 (56.6%)
Black	25507 (5.3%)	24149 (94.7%)	1358 (5.3%)	18856 (78.1%)	757 (55.7%)
Hispanic	53591 (4.0%)	51451 (96.0%)	2140 (4.0%)	40879 (79.5%)	1202 (56.2%)
Middle Eastern/South Asian	1340 (0.9%)	1261 (94.1%)	79 (5.9%)	982 (77.9%)	47 (59.5%)
Multiracial	1343 (4.2%)	1263 (94.0%)	80 (6.0%)	1098 (86.9%)	40 (50.0%)
Native American	210 (2.2%)	192 (91.4%)	18 (8.6%)	145 (75.5%)	9 (50.0%)
Pacific Islander	403 (2.4%)	369 (91.6%)	34 (8.4%)	279 (75.6%)	20 (58.8%)
White	26413 (2.7%)	24764 (93.8%)	1649 (6.2%)	20300 (82.0%)	951 (57.7%)
Overall	110914 (3.5%)	105443 (95.1%)	5471 (4.9%)	84154 (79.8%)	3090 (56.5%)

A.17 Consent Search Rates

Identity Group	Search Rates					
	Proportion of Stops Involving Consent Only Searches	Proportion of Searches with Consent Only Basis	Proportion of Stops Involving Consent Plus Searches	Proportion of Searches with Consent Plus Bases	Proportion of Stops Involving Other Discretionary Searches	Proportion of Searches with Other Discretionary Basis
Asian	888 (0.5%)	888 (11.1%)	819 (0.5%)	819 (10.2%)	2140 (1.3%)	2140 (26.8%)
Black	8297 (1.7%)	8297 (8.6%)	10937 (2.3%)	10937 (11.4%)	43707 (9.1%)	43707 (45.5%)
Hispanic	19982 (1.5%)	19982 (11.7%)	21769 (1.6%)	21769 (12.7%)	57496 (4.3%)	57496 (33.5%)
Middle Eastern/South Asian	480 (0.3%)	480 (9.0%)	526 (0.3%)	526 (9.9%)	1461 (1.0%)	1461 (27.5%)
Multiracial	367 (1.2%)	367 (8.9%)	754 (2.4%)	754 (18.4%)	1362 (4.3%)	1362 (33.2%)
Native American	69 (0.7%)	69 (6.2%)	85 (0.9%)	85 (7.7%)	287 (3.0%)	287 (26.0%)
Pacific Islander	143 (0.9%)	143 (8.3%)	172 (1.0%)	172 (10.0%)	482 (2.9%)	482 (27.9%)
White	9429 (1.0%)	9429 (10.5%)	11393 (1.2%)	11393 (12.7%)	26655 (2.7%)	26655 (29.8%)
Overall	39655 (1.2%)	39655 (10.5%)	46455 (1.5%)	46455 (12.3%)	133590 (4.2%)	133590 (35.4%)

A.18 Consent Search Discovery Rates

Identity Group	Discovery Rates		
	Consent Only Searches	Consent Plus Basis	Other Discretionary Searches
Asian	152 (17.1%)	263 (32.1%)	526 (24.6%)
Black	759 (9.1%)	2894 (26.5%)	12568 (28.8%)
Hispanic	2888 (14.5%)	5838 (26.8%)	14148 (24.6%)
Middle Eastern/South Asian	75 (15.6%)	150 (28.5%)	312 (21.4%)
Multiracial	66 (18.0%)	239 (31.7%)	351 (25.8%)
Native American	13 (18.8%)	20 (23.5%)	88 (30.7%)
Pacific Islander	21 (14.7%)	47 (27.3%)	155 (32.2%)
White	1761 (18.7%)	3334 (29.3%)	7680 (28.8%)
Overall	5735 (14.5%)	12785 (27.5%)	35828 (26.8%)

A.19 Reason for Stop for Consent Only Searches

Race/Ethnicity	Traffic	Consensual	Education Code	School Policy	Supervision	Suspicion	Truancy	Warrant/Wanted
Asian	420 (47.3%)	215 (24.2%)	0 (0.0%)	0 (0.0%)	12 (1.4%)	219 (24.7%)	9 (1.0%)	13 (1.5%)
Black	5863 (70.7%)	928 (11.2%)	0 (0.0%)	1 (0.0%)	31 (0.4%)	1357 (16.4%)	62 (0.7%)	55 (0.7%)
Hispanic	11775 (58.9%)	3446 (17.2%)	0 (0.0%)	0 (0.0%)	171 (0.9%)	4179 (20.9%)	144 (0.7%)	267 (1.3%)
Middle Eastern/South Asian	237 (49.4%)	91 (19.0%)	0 (0.0%)	0 (0.0%)	4 (0.8%)	141 (29.4%)	2 (0.4%)	5 (1.0%)
Multiracial	201 (54.8%)	64 (17.4%)	0 (0.0%)	0 (0.0%)	1 (0.3%)	90 (24.5%)	2 (0.5%)	9 (2.5%)
Native American	20 (29.0%)	23 (33.3%)	0 (0.0%)	0 (0.0%)	1 (1.4%)	20 (29.0%)	1 (1.4%)	4 (5.8%)
Pacific Islander	66 (46.2%)	32 (22.4%)	0 (0.0%)	0 (0.0%)	2 (1.4%)	39 (27.3%)	1 (0.7%)	3 (2.1%)
White	3280 (34.8%)	2930 (31.1%)	0 (0.0%)	0 (0.0%)	116 (1.2%)	2789 (29.6%)	118 (1.3%)	196 (2.1%)
Total	21862 (55.1%)	7729 (19.5%)	0 (0.0%)	1 (0.0%)	338 (0.9%)	8834 (22.3%)	339 (0.9%)	552 (1.4%)

A.20 Reason for Stop for Consent Only Searches by Search Type

Search Type & Race/Ethnicity		Asian	Black	Hispanic	Middle Eastern/ South Asian	Multiracial	Native American	Pacific Islander	White	Overall
Traffic Violation	Person	80 (19.0%)	1327 (22.6%)	3078 (26.1%)	59 (24.9%)	36 (17.9%)	3 (15.0%)	11 (16.7%)	851 (25.9%)	5445 (24.9%)
	Property	154 (36.7%)	1190 (20.3%)	2720 (23.1%)	73 (30.8%)	45 (22.4%)	4 (20.0%)	14 (21.2%)	621 (18.9%)	4821 (22.1%)
	Person & Property	186 (44.3%)	3346 (57.1%)	5977 (50.8%)	105 (44.3%)	120 (59.7%)	13 (65.0%)	41 (62.1%)	1808 (55.1%)	11596 (53.0%)
Non- Traffic Violation	Person	221 (47.2%)	1302 (53.5%)	4384 (53.4%)	126 (51.9%)	84 (50.6%)	18 (36.7%)	44 (57.1%)	3206 (52.1%)	9385 (52.7%)
	Property	61 (13.0%)	416 (17.1%)	1019 (12.4%)	33 (13.6%)	26 (15.7%)	8 (16.3%)	11 (14.3%)	792 (12.9%)	2366 (13.3%)
	Person & Property	186 (39.7%)	716 (29.4%)	2804 (34.2%)	84 (34.6%)	56 (33.7%)	23 (46.9%)	22 (28.6%)	2151 (35.0%)	6042 (34.0%)

A.21 Known Supervision Searches

Identity Group	Stopped for Known Supervision	Stopped for Known Supervision and Searched	Search Rates					
			Proportion of Stops Involving Supervision Only Searches	Proportion of Searches with Supervision Only Basis	Proportion of Stops Involving Supervision Plus Searches	Proportion of Searches with Supervision Plus Bases	Proportion of Stops Involving Other Discretionary Searches	Proportion of Searches with Other Discretionary Basis
Asian	324 (0.2%)	249 (76.9%)	744 (0.4%)	744 (9.3%)	323 (0.2%)	323 (4.0%)	2679 (1.6%)	2679 (33.5%)
Black	3855 (0.8%)	2982 (77.4%)	14818 (3.1%)	14818 (15.4%)	8199 (1.7%)	8199 (8.5%)	39993 (8.4%)	39993 (41.6%)
Hispanic	11372 (0.8%)	8140 (71.6%)	20295 (1.5%)	20295 (11.8%)	12519 (0.9%)	12519 (7.3%)	64798 (4.8%)	64798 (37.8%)
Middle Eastern/South Asian	169 (0.1%)	129 (76.3%)	436 (0.3%)	436 (8.2%)	247 (0.2%)	247 (4.6%)	1738 (1.1%)	1738 (32.7%)
Multiracial	230 (0.7%)	186 (80.9%)	485 (1.5%)	485 (11.8%)	423 (1.3%)	423 (10.3%)	1494 (4.7%)	1494 (36.4%)
Native American	79 (0.8%)	65 (82.3%)	148 (1.6%)	148 (13.4%)	58 (0.6%)	58 (5.2%)	236 (2.5%)	236 (21.4%)
Pacific Islander	104 (0.6%)	72 (69.2%)	204 (1.2%)	204 (11.8%)	89 (0.5%)	89 (5.2%)	489 (2.9%)	489 (28.3%)
White	5786 (0.6%)	4275 (73.9%)	11386 (1.2%)	11386 (12.7%)	5742 (0.6%)	5742 (6.4%)	29320 (3.0%)	29320 (32.7%)
Overall	21919 (0.7%)	16098 (73.4%)	48516 (1.5%)	48516 (12.9%)	27600 (0.9%)	27600 (7.3%)	140747 (4.4%)	140747 (37.3%)

A.22 Supervision Search Discovery Rates

Identity Group	Discovery Rates		
	Supervision Only Searches	Supervision Plus Searches	Other Discretionary Searches
Asian	180 (24.2%)	146 (45.2%)	593 (22.1%)
Black	2507 (16.9%)	2764 (33.7%)	11126 (27.8%)
Hispanic	3940 (19.4%)	3655 (29.2%)	14898 (23.0%)
Middle Eastern/South Asian	104 (23.9%)	88 (35.6%)	342 (19.7%)
Multiracial	120 (24.7%)	115 (27.2%)	385 (25.8%)
Native American	34 (23.0%)	28 (48.3%)	67 (28.4%)
Pacific Islander	59 (28.9%)	33 (37.1%)	135 (27.6%)
White	3334 (29.3%)	2140 (37.3%)	7042 (24.0%)
Overall	10278 (21.2%)	8969 (32.5%)	34588 (24.6%)

A.23 Reason for Stop by Search Type

Type of Search	Race/Ethnicity	Traffic	Consensual	Education Code	School Policy	Supervision	Suspicion	Truancy	Warrant/Wanted	Total
Supervision Only Searches	Asian	388 (52.2%)	30 (4.0%)	0 (0.0%)	0 (0.0%)	165 (22.2%)	133 (17.9%)	4 (0.5%)	24 (3.2%)	744 (100.0%)
	Black	9863 (66.6%)	502 (3.4%)	0 (0.0%)	0 (0.0%)	1936 (13.1%)	2258 (15.2%)	41 (0.3%)	218 (1.5%)	14818 (100.0%)
	Hispanic	10540 (51.9%)	946 (4.7%)	0 (0.0%)	0 (0.0%)	5394 (26.6%)	2976 (14.7%)	58 (0.3%)	381 (1.9%)	20295 (100.0%)
	Middle Eastern/South Asian	232 (53.2%)	24 (5.5%)	0 (0.0%)	0 (0.0%)	85 (19.5%)	89 (20.4%)	3 (0.7%)	3 (0.7%)	436 (100.0%)
	Multiracial	244 (50.3%)	21 (4.3%)	0 (0.0%)	0 (0.0%)	104 (21.4%)	111 (22.9%)	0 (0.0%)	5 (1.0%)	485 (100.0%)
	Native American	41 (27.7%)	11 (7.4%)	0 (0.0%)	0 (0.0%)	47 (31.8%)	39 (26.4%)	0 (0.0%)	10 (6.8%)	148 (100.0%)
	Pacific Islander	92 (45.1%)	12 (5.9%)	0 (0.0%)	0 (0.0%)	50 (24.5%)	44 (21.6%)	1 (0.5%)	5 (2.5%)	204 (100.0%)
	White	4172 (36.6%)	921 (8.1%)	0 (0.0%)	0 (0.0%)	2945 (25.9%)	2960 (26.0%)	45 (0.4%)	343 (3.0%)	11386 (100.0%)
	Overall	25572 (52.7%)	2467 (5.1%)	0 (0.0%)	0 (0.0%)	10726 (22.1%)	8610 (17.7%)	152 (0.3%)	989 (2.0%)	48516 (100.0%)
Supervision Plus Searches	Asian	132 (40.9%)	31 (9.6%)	0 (0.0%)	0 (0.0%)	39 (12.1%)	89 (27.6%)	4 (1.2%)	28 (8.7%)	323 (100.0%)
	Black	4562 (55.6%)	252 (3.1%)	0 (0.0%)	0 (0.0%)	728 (8.9%)	2297 (28.0%)	33 (0.4%)	327 (4.0%)	8199 (100.0%)
	Hispanic	5978 (47.8%)	693 (5.5%)	0 (0.0%)	0 (0.0%)	1975 (15.8%)	3245 (25.9%)	72 (0.6%)	556 (4.4%)	12519 (100.0%)
	Middle Eastern/South Asian	109 (44.1%)	12 (4.9%)	0 (0.0%)	0 (0.0%)	30 (12.1%)	75 (30.4%)	1 (0.4%)	20 (8.1%)	247 (100.0%)
	Multiracial	217 (51.3%)	20 (4.7%)	0 (0.0%)	0 (0.0%)	72 (17.0%)	94 (22.2%)	1 (0.2%)	19 (4.5%)	423 (100.0%)
	Native American	16 (27.6%)	3 (5.2%)	0 (0.0%)	0 (0.0%)	9 (15.5%)	25 (43.1%)	0 (0.0%)	5 (8.6%)	58 (100.0%)
	Pacific Islander	31 (34.8%)	3 (3.4%)	0 (0.0%)	0 (0.0%)	12 (13.5%)	30 (33.7%)	0 (0.0%)	13 (14.6%)	89 (100.0%)
	White	1993 (34.7%)	564 (9.8%)	0 (0.0%)	0 (0.0%)	870 (15.2%)	1887 (32.9%)	50 (0.9%)	378 (6.6%)	5742 (100.0%)
	Overall	13038 (47.2%)	1578 (5.7%)	0 (0.0%)	0 (0.0%)	3735 (13.5%)	7742 (28.1%)	161 (0.6%)	1346 (4.9%)	27600 (100.0%)
	Asian	926 (34.6%)	467 (17.4%)	0 (0.0%)	0 (0.0%)	23 (0.9%)	1210 (45.2%)	29 (1.1%)	24 (0.9%)	2679 (100.0%)
	Black	21723 (54.3%)	2459 (6.1%)	2 (0.0%)	4 (0.0%)	150 (0.4%)	14975 (37.4%)	333 (0.8%)	348 (0.9%)	39994 (100.0%)

Type of Search	Race/Ethnicity	Traffic	Consensual	Education Code	School Policy	Supervision	Suspicion	Truancy	Warrant/Wanted	Total
Other Discretionary Searches	Hispanic	31905 (49.2%)	6928 (10.7%)	3 (0.0%)	3 (0.0%)	481 (0.7%)	23932 (36.9%)	728 (1.1%)	820 (1.3%)	64800 (100.0%)
	Middle Eastern/South Asian	665 (38.3%)	194 (11.2%)	0 (0.0%)	0 (0.0%)	6 (0.3%)	845 (48.6%)	16 (0.9%)	12 (0.7%)	1738 (100.0%)
	Multiracial	640 (42.8%)	194 (13.0%)	1 (0.1%)	0 (0.0%)	6 (0.4%)	604 (40.4%)	19 (1.3%)	31 (2.1%)	1495 (100.0%)
	Native American	73 (30.9%)	49 (20.8%)	0 (0.0%)	0 (0.0%)	3 (1.3%)	99 (41.9%)	6 (2.5%)	6 (2.5%)	236 (100.0%)
	Pacific Islander	183 (37.4%)	76 (15.5%)	0 (0.0%)	0 (0.0%)	2 (0.4%)	213 (43.6%)	5 (1.0%)	10 (2.0%)	489 (100.0%)
	White	8237 (28.1%)	6175 (21.1%)	0 (0.0%)	3 (0.0%)	219 (0.7%)	13637 (46.5%)	528 (1.8%)	521 (1.8%)	29320 (100.0%)
	Overall	64352 (45.7%)	16542 (11.8%)	6 (0.0%)	10 (0.0%)	890 (0.6%)	55515 (39.4%)	1664 (1.2%)	1772 (1.3%)	140751 (100.0%)

APPENDIX B – DISPARITY TEST METHODS

B.1 Residential Population Comparison Analysis Methodology

Considerations and limitations. Utilizing data collected by the United States Census Bureau as a benchmark to compare the racial and ethnic distribution of individuals stopped by law enforcement against is a common method for monitoring enforcement patterns. There are a number of known limitations associated with using residential data to benchmark stop data. Residential population (i.e., the racial/ethnic distribution of individuals who reside within a given area) is a proxy for the set of people who may be stopped by officers. However, individuals may be stopped outside of their residential area (e.g. commuting to work, tourists). The rate of these “commuter” stops likely varies from agency to agency, but RIPA stop data do not include information on where stopped individuals reside to account for this issue. Additionally, agencies may concentrate their patrol efforts in certain areas and, thus, may not have an equal likelihood of encountering residents throughout all areas in their jurisdiction. There are also concerns with response bias in compiling information derived from residential surveys, such as the census; some groups are more difficult to count, and thus may be underestimated in official data. The COVID-19 pandemic presented additional challenges to the Census Bureau’s data collection efforts that subsequently affected the 2020 American Community Survey (ACS) data.¹ The Census Bureau announced that, for purposes of addressing non-response bias due to pandemic-related data collection disruptions, the methodology implemented for the 2020 ACS data is different from previous years. For additional information about the methodological changes implemented, please visit <<https://www.census.gov/programs-surveys/acs/technical-documentation/user-notes/2022-03.html>>.

In addition to general concerns with residential population benchmarking, there are also several limitations that are unique to comparing RIPA Stop Data to American Community Survey (ACS) data. First, 2021 ACS data were not available through Integrated Public Use Microdata Series (IPUMS) at the time this report was written.² The 2021 RIPA Stop Data demographics were instead compared to the 2020 ACS demographics. Moreover, RIPA Stop Data regulations and the ACS categorize racial/ethnic groups differently.³ ACS data have racial/ethnic groups that are not explicitly captured by RIPA regulations. These individuals within the ACS have been collectively grouped together in an “Other” category that does not have a match in RIPA regulations.

Finally, the source of race/ethnicity information for each dataset is collected differently. Race/ethnicity is recorded for RIPA based on officer’s perception while ACS respondents self-

¹ For information about the United States Census Bureau’s American Community Survey, please visit <<https://www.census.gov/programs-surveys/acs/about.html>> [as of Nov. 22, 2022].

² For information about IPUMS, please visit <<https://www.ipums.org/>> [as of Nov. 22, 2022].

³ For example, RIPA regulations explicitly include Israeli individuals in the Middle Eastern/South Asian group, but the ACS does not have an Israeli category.

identify. This distinction represents a key difference in objectives between the two databases. The purpose of RIPA is to eliminate racial and identity profiling, a practice that is based on how officers perceive the individuals they stop. RIPA data are intended to facilitate the implementation of policies that will achieve this purpose. On the other hand, the objective of the ACS is to provide a representation of information regarding community residents. Thus, comparisons between these datasets operate under the assumption that officers' perceptions often agree with how an individual self identifies.

Statistical Analysis. Stop demographics for each police or sheriff's department were compared to their primary city or county of service, respectively. ⁴ For example, the racial/ethnic distribution of individuals stopped by San Francisco Police Department was compared to the racial/ethnic distribution of San Francisco city residents in the ACS data. There are two exceptions, the first being for California Highway Patrol, which was compared to the state population. Second, the following agencies were not included in the residential comparison analysis since their agency's jurisdiction is not as clearly defined as the jurisdiction of municipal police and county sheriff agencies: Los Angeles United School District Police Department, Los Angeles World Airport Police, CSU Chico Police Department, CSU Stanislaus Police Department, Sonoma County Junior College District Police Department, Sonoma State University Police Department, UC Irvine Police Department, and UC San Francisco Police Department.

In previous RIPA reports, one year estimates captured in the ACS data were used for residential comparisons. However, one year estimates only provide data for populations of 65,000 or more. Starting last year for the 2022 RIPA report, it was necessary to start using the five year ACS estimates in order to capture residential population data for these areas as smaller agencies have started to submit RIPA data. Five year ACS estimates provide population data for all areas, no matter the size of the population served. However, unlike the one year estimates, the five year ACS estimates do not provide racial and ethnicity categorizations that are specific enough to create a comparable grouping to serve as a benchmark for the Middle Eastern/South Asian racial/ethnic group captured in RIPA. The following table provides information for the racial/ethnic categories used from the ACS data and the associated RIPA racial/ethnic group for which comparisons were made against.

B.1.1 Census Table B03002

ACS Variable Name	ACS Variable Label	RIPA Racial/Ethnic Comparison Group
B03002_003	Not Hispanic or Latino: White alone	White
B03002_004	Not Hispanic or Latino :Black or African American alone	Black

⁴ These comparisons are approximate since agency jurisdictions do not always map perfectly to the boundaries of their primary city or county of service.

B03002_005	Not Hispanic or Latino: American Indian and Alaska Native alone	Native American
B03002_006	Not Hispanic or Latino: Asian alone	Asian
B03002_007	Not Hispanic or Latino: Native Hawaiian and Other Pacific Islander alone	Pacific Islander
B03002_008	Not Hispanic or Latino: Some other race alone	N/A
<i>Multiracial</i>		
B03002_009	Not Hispanic or Latino: Two or more races	Multiracial
B03002_019	Hispanic or Latino: Two or more races	
<i>Hispanic/Latino</i>		
B03002_013	Hispanic or Latino: White alone	Hispanic/Latino
B03002_014	Hispanic or Latino: Black or African American alone	
B03002_015	Hispanic or Latino: American Indian and Alaska Native alone	
B03002_016	Hispanic or Latino: Asian alone	
B03002_017	Hispanic or Latino: Native Hawaiian and Other Pacific Islander alone	
B03002_018	Hispanic or Latino: Some other race alone	

Benchmarking using residential population data involves comparing the distribution of racial/ethnic groups stopped by law enforcement to the distribution of residents in the areas serviced by agencies who submitted data in 2021. However, it is important to note that not all jurisdictions within the state collected RIPA data in 2021. Given that RIPA data were only collected in some areas of the state in 2021, presenting the overall state residential population as a benchmark would include far more people in the comparison distribution than were likely to have contact with the 58 agencies that collected data in 2021. To create a comparison distribution intended to be more reflective of just the areas served by the agencies that collected RIPA data in 2021, the overall ACS benchmark was calculated using a series of weights. First, the distribution of racial/ethnic groups within each agency’s approximate jurisdiction were calculated using each group’s mean proportion weighted by the person-weight variable reported in the ACS. These values were then multiplied by the number of stop records submitted by the respective agency (i.e. agency weights) and each racial/ethnic group’s values from all agencies were summed together.⁵ Each racial/ethnic group’s aggregate was then divided by the sum of all racial/ethnic aggregates in order to generate the final residential population benchmark for the overall comparisons.

⁵ The agency-level comparisons in Table C.1 of Appendix C do not employ weights to account for the number of stop records submitted by each agency, given that these comparisons examine the data of each agency separately.

B.2 Discovery Rate Analysis Methodology

Considerations and limitations. Discovery rate analyses avoid some of the issues associated with other methods because they do not require the stop data to be compared to external information (e.g. residential population data). However, discovery rate analyses also rely on assumptions about the behavior of individuals in different identity groups. Disparate treatment between racial/ethnic groups is identified when search and discovery rates are opposed (e.g. Black individuals have high search rates but low discovery rates).⁶ When these statistics do not move in opposite directions, it is more difficult to determine whether disparate treatment is present. It is also possible that there are observable factors that could influence an officer's decision to search someone that are not captured by RIPA Stop Data. The effectiveness in predicting the presence of contraband based on certain suspicious behaviors may also vary between racial/ethnic groups.⁷ Finally, the strength of the assumptions for discovery rate analyses may vary depending on the type of search being conducted. For example, consent searches include all searches where the only basis included was consent given. Thus, these searches do not include an element of probable cause, which may impact the assumptions underlying their analysis and results.

Statistical Analysis. The discovery rate analysis was conducted in three steps. First, linear probability models were used to test whether there were differences in search rates between White individuals and each racial/ethnic group of color independently. Second, similar analyses were used to test for differences in contraband or evidence discovery rates during stops with discretionary searches. Discretionary searches exclude those where at least one of the search bases was either incident to arrest, search warrant, or vehicle inventory. Third, similar analyses were used to test for differences in contraband or evidence discovery rates during stops with administrative searches. Administrative searches only include those where at least one of the search bases was either incident to arrest, search warrant, or vehicle inventory. Each of these analyses were applied to all agencies combined, all municipal agencies combined (excluding California Highway Patrol), and for each individual agency.⁸ Both sets of analyses included the following considerations:

⁶ See Anwar and Fang, *An Alternative Test of Racial Prejudice in Motor Vehicle Searches: Theory and Evidence* (2006) Am. Econ. Rev. 96(1)

<<https://www.aeaweb.org/articles?id=10.1257/000282806776157579>>.

⁷ See Simoui et al., *The Problem of Infra-Marginality in Outcome Tests for Discrimination* (2017) Ann. Appl. Stat. 11(3) <<https://arxiv.org/abs/1607.05376>>

⁸ The following agencies' discovery rates for discretionary searches were not able to be analyzed individually due to insufficient sample sizes for inclusion in the model: Arcata PD, Capitola PD, Cotati PD, CSU Chico PD, CSU Stanislaus PD, Emeryville PD, Hillsborough PD, Los Angeles United School District Police Department, Mill Valley PD, San Francisco CO SD, Sonoma County Junior College District PD, Sonoma PD, Sonoma State University PD, and UC San Francisco PD. The following agencies' discovery rates for administrative searches were not able to be analyzed individually due to insufficient sample sizes for inclusion in the model: CSU Chico PD, CSU Stanislaus PD, Hillsborough

1. The four racial/ethnic groups who were stopped least frequently were aggregated into a single category to increase statistical power. These groups include Middle Eastern/South Asian, Multiracial, Native American, and Pacific Islander individuals.
2. A set of high dimensional fixed effects were included in the analysis as controls, including gender, age, hour of the day, day of the week, month of the year, and the officer conducting the stop.
3. The standard errors were clustered at the officer level to better allow for unobserved correlations between stops made by the same officers.

Using these criteria, we estimated the effect of an individual (i) belonging to a racial/ethnic group of color (m) on a resulting binary search or contraband/evidence discovery outcome (j) with the aforementioned controls (...) using the following specification:

$$Outcome_{j,i} = \beta_{j,0} + \beta_{j,1}m_i + \dots$$

PD, Los Angeles School District Police Department, Los Altos PD, Mill Valley PD, Petaluma PD, Piedmont PD, Rohnert Park PD, Sonoma County Junior College District PD, Sonoma PD, Sonoma State University PD, and UC San Francisco PD. The Department is currently discussing future approaches that aggregate these agencies' stop data over several years to provide sufficient sample sizes for analysis.

B.3 Use of Force Analysis Methodology

Considerations and limitations. This analysis tests for equality of outcomes in the rates of force used during stops. Please note that RIPA does not contain variables that may help explain the context surrounding the decisions to use force. Thus, it is impossible to tell from the data *why* force was used; the data can only be used to show *when* force was used.

Statistical Analysis. Logistic regressions were used to test whether there were differences in use of force rates between White individuals and each racial/ethnic group of color independently. A stop was considered to include force when at least one of the following actions were taken by officers:

- Removal from vehicle by physical contact
- Other physical or vehicle contact
- Electronic control devices
- Impact projectiles (e.g. rubber bullets)
- Canine bites and holds
- Baton or other impact weapon
- Firearm pointed at person
- Chemical spray
- Discharge of a firearm

These analyses were applied to all agencies combined, all municipal agencies combined (excluding California Highway Patrol), and for each individual agency.⁹ Both sets of analyses included the following considerations:

1. Only records where actions were taken during stop—regardless of whether they involved force—were included in the analysis.
2. The 4 racial/ethnic groups who were stopped least frequently were aggregated into a single category to increase statistical power. These groups include Middle Eastern/South Asian, Multiracial, Native American, and Pacific Islander individuals.

⁹ The following agencies' stops involving the use of force were not able to be analyzed individually due to insufficient sample sizes for inclusion in the model: Belmont PD, Capitola PD, Contra Costa CO SO, Cotati PD, CSU Chico PD, CSU Stanislaus, Emeryville PD, Fresno PD, Hillsborough PD, Los Angeles United School District, Los Angeles World Airport Police Department, Long Beach PD, Los Altos PD, Mill Valley PD, Piedmont PD, Pomona PD, Rohnert Park PD, San Francisco CO SD, Santa Barbara PD, Sonoma CO SO, Sonoma County Junior College District PD, Sonoma PD, Sonoma State University PD, UC Irvine PD, UC San Francisco PD, and Windsor PD. The Department is currently discussing future approaches that aggregate these agencies stop data over several years that would provide sufficient sample sizes for analysis.

3. A set of high dimensional fixed effects were included in the analysis as controls, including gender, age, hour of the day, day of the week, month of the year, and the officer conducting the stop.
4. The standard errors were clustered at the officer level to account for unobserved correlations between stops made by the same officers.

Using these criteria, we estimated the effect of an individual (i) belonging to a racial/ethnic group of color (m) on a resulting binary use of force outcome (j) with the aforementioned controls (...) using the following specification:

$$Outcome_{j,i} = \beta_{j,0} + \beta_{j,1}m_i + \dots$$

APPENDIX C – DISPARITY TEST TABLES

C.1 Residential Population Comparison Tables

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity							
		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Overall	Asian	5.29%	14.25%	-8.96%	-62.90%	0.37	0.42
	Black	15.02%	6.15%	8.87%	144.18%	2.44	2.75
	Hispanic	42.39%	36.15%	6.25%	17.29%	1.17	1.32
	Middle Eastern/South Asian	4.79%					
	Multiracial	1.00%	7.87%	-6.87%	-87.35%	0.13	0.14
	Native American	0.30%	0.29%	0.01%	3.06%	1.03	1.16
	Other		0.33%				
	Pacific Islander	0.53%	0.33%	0.20%	59.65%	1.60	1.80
	White	30.70%	34.64%	-3.93%	-11.36%	0.89	
	Asian	4.55%	13.82%	-9.28%	-67.11%	0.33	0.38
Municipal	Black	19.55%	7.01%	12.54%	178.83%	2.79	3.25
	Hispanic	42.91%	38.14%	4.76%	12.48%	1.12	1.31
	Middle Eastern/South Asian	3.35%					
	Multiracial	1.13%	7.78%	-6.65%	-85.43%	0.15	0.17
	Native American	0.34%	0.23%	0.11%	48.11%	1.48	1.73
	Other		0.36%				
	Pacific Islander	0.47%	0.31%	0.16%	51.08%	1.51	1.76
	White	27.71%	32.34%	-4.63%	-14.32%	0.86	
	Asian	8.59%	31.00%	-22.41%	-72.29%	0.28	0.35

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Alameda CO SO	Black	24.75%	10.07%	14.68%	145.82%	2.46	3.07
	Hispanic	27.46%	18.99%	8.48%	44.65%	1.45	1.80
	Middle Eastern/South Asian	8.86%					
	Multiracial	4.59%	7.85%	-3.27%	-41.61%	0.58	0.73
	Native American	0.11%	0.30%	-0.19%	-63.14%	0.37	0.46
	Other		0.41%				
	Pacific Islander	1.11%	0.78%	0.33%	42.62%	1.43	1.78
	White	24.53%	30.61%	-6.07%	-19.85%	0.80	
	Asian	6.70%	17.14%	-10.44%	-60.89%	0.39	0.30
	Black	6.17%	2.52%	3.65%	144.52%	2.45	1.86
Anaheim PD	Hispanic	51.02%	47.35%	3.67%	7.75%	1.08	0.82
	Middle Eastern/South Asian	3.42%					
	Multiracial	0.50%	8.20%	-7.70%	-93.89%	0.06	0.05
	Native American	0.08%	0.17%	-0.08%	-50.28%	0.50	0.38
	Other		0.28%				
	Pacific Islander	0.72%	0.45%	0.28%	62.01%	1.62	1.23
	White	31.38%	23.90%	7.48%	31.31%	1.31	
	Asian	0.49%	3.94%	-3.45%	-87.55%	0.12	0.11
	Black	5.53%	1.85%	3.68%	198.97%	2.99	2.60
	Hispanic	6.93%	11.91%	-4.98%	-41.80%	0.58	0.51
Arcata PD	Middle Eastern/South Asian	0.91%					

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Bakersfield PD	Multiracial	0.35%	9.04%	-8.69%	-96.13%	0.04	0.03
	Native American	5.25%	2.53%	2.72%	107.65%	2.08	1.81
	Other		0.20%				
	Pacific Islander	0.63%	1.03%	-0.40%	-38.76%	0.61	0.53
	White	79.90%	69.51%	10.40%	14.96%	1.15	
	Asian	2.13%	7.15%	-5.02%	-70.26%	0.30	0.27
	Black	15.22%	6.98%	8.25%	118.27%	2.18	2.01
	Hispanic	44.71%	44.90%	-0.19%	-0.41%	1.00	0.92
	Middle Eastern/South Asian	2.73%					
	Multiracial	0.63%	8.85%	-8.22%	-92.91%	0.07	0.07
	Native American	0.24%	0.24%	0.00%	0.33%	1.00	0.92
	Other		0.37%				
	Pacific Islander	0.27%	0.17%	0.10%	58.23%	1.58	1.46
	White	34.07%	31.35%	2.72%	8.67%	1.09	
Asian	9.79%	30.47%	-20.68%	-67.88%	0.32	0.41	
Black	8.63%	1.12%	7.51%	672.92%	7.73	9.81	
Hispanic	31.04%	10.33%	20.71%	200.59%	3.01	3.81	
Middle Eastern/South Asian	7.86%						
Belmont PD	Multiracial	2.12%	7.22%	-5.09%	-70.56%	0.29	0.37
	Native American	0.13%	0.21%	-0.08%	-37.99%	0.62	0.79
	Other		0.80%				
	Pacific Islander	2.25%	1.42%	0.83%	58.66%	1.59	2.01

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Berkeley PD	White	38.18%	48.44%	-10.26%	-21.17%	0.79	
	Asian	6.71%	20.74%	-14.03%	-67.65%	0.32	0.49
	Black	35.36%	7.81%	27.56%	352.95%	4.53	6.91
	Hispanic	14.79%	8.75%	6.04%	68.98%	1.69	2.58
	Middle Eastern/South Asian	5.80%					
	Multiracial	1.68%	8.28%	-6.60%	-79.68%	0.20	0.31
	Native American	0.13%	0.17%	-0.04%	-22.79%	0.77	1.18
	Other		0.42%				
	Pacific Islander	0.48%	0.39%	0.08%	21.13%	1.21	1.85
	White	35.05%	53.44%	-18.39%	-34.41%	0.66	
California Highway Patrol	Asian	5.89%	14.60%	-8.71%	-59.65%	0.40	0.44
	Black	11.31%	5.44%	5.87%	107.76%	2.08	2.29
	Hispanic	41.98%	34.52%	7.46%	21.62%	1.22	1.34
	Middle Eastern/South Asian	5.96%					
	Multiracial	0.88%	7.93%	-7.05%	-88.88%	0.11	0.12
	Native American	0.26%	0.33%	-0.07%	-22.01%	0.78	0.86
	Other		0.32%				
	Pacific Islander	0.57%	0.34%	0.23%	65.95%	1.66	1.83
	White	33.14%	36.51%	-3.37%	-9.22%	0.91	
	Asian	3.01%	4.18%	-1.17%	-28.00%	0.72	0.79
Capitola PD	Black	2.69%	0.21%	2.49%	1194.47%	12.94	14.13
	Hispanic	28.21%	20.63%	7.57%	36.71%	1.37	1.49

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Carlsbad PD	Middle Eastern/South Asian	0.63%					
	Multiracial	2.06%	5.47%	-3.41%	-62.34%	0.38	0.41
	Native American		0.51%				
	Other		0.00%				
	Pacific Islander	0.16%	0.00%	0.16%	-	-	-
	White	63.23%	69.00%	-5.77%	-8.36%	0.92	
	Asian	2.89%	8.75%	-5.86%	-66.94%	0.33	0.38
	Black	6.57%	0.99%	5.58%	561.26%	6.61	7.58
	Hispanic	26.46%	13.26%	13.19%	99.47%	1.99	2.29
	Middle Eastern/South Asian	2.52%					
	Multiracial	0.15%	7.04%	-6.89%	-97.87%	0.02	0.02
	Native American	0.11%	0.21%	-0.10%	-46.74%	0.53	0.61
	Other		0.21%				
	Pacific Islander	0.79%	0.19%	0.60%	308.25%	4.08	4.68
White	60.51%	69.34%	-8.82%	-12.73%	0.87		
Asian	6.12%	17.16%	-11.04%	-64.34%	0.36	0.33	
Black	15.86%	8.23%	7.63%	92.74%	1.93	1.76	
Hispanic	24.88%	21.86%	3.02%	13.82%	1.14	1.04	
Contra Costa CO SO	Middle Eastern/South Asian	4.73%					
	Multiracial	0.95%	9.13%	-8.18%	-89.63%	0.10	0.09

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Cotati PD	Native American	0.06%	0.19%	-0.13%	-67.06%	0.33	0.30
	Other		0.36%				
	Pacific Islander	0.79%	0.46%	0.33%	71.74%	1.72	1.57
	White	46.61%	42.62%	3.99%	9.37%	1.09	
	Asian	2.94%	2.06%	0.88%	42.83%	1.43	1.65
	Black	5.53%	0.99%	4.54%	459.50%	5.59	6.45
	Hispanic	27.25%	19.93%	7.32%	36.73%	1.37	1.58
	Middle Eastern/South Asian	1.44%					
	Multiracial	0.81%	6.33%	-5.52%	-87.26%	0.13	0.15
	Native American	0.29%	0.00%	0.29%	-	-	-
	Other		0.27%				
	Pacific Islander	0.86%	0.27%	0.60%	223.46%	3.23	3.73
	White	60.89%	70.16%	-9.27%	-13.22%	0.87	
	Asian	4.52%	17.44%	-12.92%	-74.10%	0.26	0.43
	Black	28.38%	9.14%	19.24%	210.64%	3.11	5.16
Hispanic	32.93%	17.26%	15.66%	90.73%	1.91	3.17	
Culver City PD	Middle Eastern/South Asian	5.15%					
	Multiracial	0.28%	8.36%	-8.08%	-96.71%	0.03	0.05
	Native American	0.17%	0.11%	0.06%	53.15%	1.53	2.54
	Other		0.62%				
	Pacific Islander	0.38%	0.25%	0.13%	51.20%	1.51	2.51
	White	28.20%	46.82%	-18.62%	-39.77%	0.60	

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Davis PD	Asian	10.68%	23.01%	-12.33%	-53.59%	0.46	0.52
	Black	10.05%	2.23%	7.82%	349.69%	4.50	5.06
	Hispanic	20.10%	11.52%	8.58%	74.44%	1.74	1.96
	Middle Eastern/South Asian	6.56%					
	Multiracial	4.06%	8.00%	-3.94%	-49.26%	0.51	0.57
	Native American	0.37%	0.30%	0.06%	21.19%	1.21	1.36
	Other		0.53%				
	Pacific Islander	0.33%	0.49%	-0.16%	-33.29%	0.67	0.75
	White	47.86%	53.91%	-6.05%	-11.21%	0.89	
	Asian	6.13%	29.82%	-23.70%	-79.46%	0.21	0.36
Emeryville PD	Black	48.05%	15.16%	32.88%	216.86%	3.17	5.57
	Hispanic	18.02%	9.47%	8.55%	90.26%	1.90	3.34
	Middle Eastern/South Asian	4.38%					
	Multiracial	0.66%	5.77%	-5.11%	-88.55%	0.11	0.20
	Native American	0.06%	0.21%	-0.15%	-70.77%	0.29	0.51
	Other		1.07%				
	Pacific Islander	1.02%	0.39%	0.64%	164.99%	2.65	4.66
	White	21.68%	38.11%	-16.43%	-43.11%	0.57	
	Asian	1.62%	6.14%	-4.53%	-73.67%	0.26	0.23
	Black	6.13%	2.30%	3.83%	166.56%	2.67	2.34
Eureka PD	Hispanic	9.88%	13.61%	-3.73%	-27.43%	0.73	0.64

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Fresno CO SO	Middle Eastern/South Asian	0.45%					
	Multiracial	0.93%	10.16%	-9.23%	-90.86%	0.09	0.08
	Native American	5.75%	1.55%	4.20%	271.24%	3.71	3.26
	Other		0.38%				
	Pacific Islander	0.45%	0.23%	0.22%	97.55%	1.98	1.73
	White	74.81%	65.63%	9.18%	13.99%	1.14	
	Asian	3.16%	10.40%	-7.24%	-69.63%	0.30	0.34
	Black	9.21%	4.41%	4.80%	108.83%	2.09	2.31
	Hispanic	56.51%	47.19%	9.32%	19.75%	1.20	1.32
	Middle Eastern/South Asian	2.29%					
	Multiracial	2.05%	8.52%	-6.47%	-75.93%	0.24	0.27
	Native American	0.55%	0.45%	0.10%	23.05%	1.23	1.36
	Other		0.20%				
	Pacific Islander	0.26%	0.13%	0.13%	96.47%	1.96	2.17
White	25.97%	28.70%	-2.73%	-9.50%	0.90		
Asian	4.07%	14.04%	-9.98%	-71.05%	0.29	0.30	
Black	13.00%	6.86%	6.14%	89.50%	1.89	1.95	
Hispanic	52.18%	43.03%	9.16%	21.28%	1.21	1.25	
Fresno PD	Middle Eastern/South Asian	4.85%					
	Multiracial	0.28%	9.19%	-8.92%	-96.99%	0.03	0.03

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Hillsborough PD	Native American	0.12%	0.46%	-0.34%	-74.21%	0.26	0.26
	Other		0.20%				
	Pacific Islander	0.10%	0.14%	-0.04%	-26.51%	0.73	0.75
	White	25.41%	26.08%	-0.67%	-2.58%	0.97	
	Asian	16.10%	30.79%	-14.69%	-47.71%	0.52	0.65
	Black	2.79%	0.19%	2.60%	1370.19%	14.70	18.22
	Hispanic	26.01%	2.98%	23.03%	772.49%	8.72	10.81
	Middle Eastern/South Asian	6.50%					
	Multiracial	1.08%	8.13%	-7.05%	-86.68%	0.13	0.17
	Native American	0.15%	0.00%	0.15%	-	-	-
	Other		0.25%				
	Pacific Islander	0.93%	0.11%	0.82%	729.34%	8.29	10.28
	White	46.44%	57.55%	-11.11%	-19.30%	0.81	
	Asian	0.84%	4.66%	-3.82%	-82.00%	0.18	0.14
	Black	8.90%	5.08%	3.83%	75.35%	1.75	1.34
Hispanic	45.67%	47.81%	-2.13%	-4.47%	0.96	0.73	
Kern CO SO	Middle Eastern/South Asian	0.85%					
	Multiracial	0.02%	8.43%	-8.41%	-99.81%	0.00	0.00
	Native American	0.16%	0.46%	-0.30%	-64.96%	0.35	0.27
	Other		0.23%				
	Pacific Islander	0.11%	0.11%	0.00%	0.66%	1.01	0.77
	White	43.45%	33.22%	10.22%	30.77%	1.31	

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Livermore PD	Asian	5.32%	12.93%	-7.61%	-58.88%	0.41	0.60
	Black	10.43%	1.66%	8.78%	529.96%	6.30	9.19
	Hispanic	31.20%	16.80%	14.40%	85.70%	1.86	2.71
	Middle Eastern/South Asian	8.52%					
	Multiracial	2.75%	8.74%	-5.99%	-68.57%	0.31	0.46
	Native American	0.15%	0.11%	0.04%	39.71%	1.40	2.04
	Other		0.13%				
	Pacific Islander	1.10%	0.49%	0.61%	125.49%	2.25	3.29
	White	40.53%	59.15%	-18.62%	-31.47%	0.69	
	Asian	6.16%	12.49%	-6.34%	-50.72%	0.49	0.55
Long Beach PD	Black	25.01%	12.09%	12.92%	106.86%	2.07	2.30
	Hispanic	38.43%	39.60%	-1.17%	-2.96%	0.97	1.08
	Middle Eastern/South Asian	2.03%					
	Multiracial	2.05%	6.65%	-4.59%	-69.12%	0.31	0.34
	Native American	0.13%	0.25%	-0.12%	-46.78%	0.53	0.59
	Other		0.30%				
	Pacific Islander	0.93%	0.55%	0.39%	70.39%	1.70	1.89
	White	25.25%	28.07%	-2.82%	-10.04%	0.90	
	Asian	16.11%	32.40%	-16.29%	-50.28%	0.50	0.68
	Black	4.26%	0.65%	3.60%	553.71%	6.54	8.88
Los Altos PD	Hispanic	19.86%	4.39%	15.47%	352.20%	4.52	6.15

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Los Angeles CO SD	Middle Eastern/South Asian	14.49%					
	Multiracial	1.32%	5.83%	-4.51%	-77.39%	0.23	0.31
	Native American	0.61%	0.06%	0.55%	1004.17%	11.04	15.01
	Other		0.63%				
	Pacific Islander	2.13%	0.00%	2.13%	-	-	-
	White	41.24%	56.04%	-14.81%	-26.42%	0.74	
	Asian	6.13%	14.61%	-8.49%	-58.07%	0.42	0.47
	Black	16.57%	7.76%	8.81%	113.50%	2.14	2.40
	Hispanic	49.68%	43.63%	6.05%	13.87%	1.14	1.28
	Middle Eastern/South Asian	2.56%					
	Multiracial	1.52%	7.27%	-5.74%	-79.04%	0.21	0.24
	Native American	0.04%	0.20%	-0.16%	-81.51%	0.18	0.21
	Other		0.38%				
	Pacific Islander	0.42%	0.22%	0.20%	91.75%	1.92	2.15
White	23.08%	25.93%	-2.84%	-10.97%	0.89		
Asian	2.91%	11.60%	-8.68%	-74.87%	0.25	0.45	
Black	26.30%	8.43%	17.87%	211.94%	3.12	5.56	
Hispanic	49.89%	43.79%	6.10%	13.93%	1.14	2.03	
Los Angeles PD	Middle Eastern/South Asian	4.01%					
	Multiracial	0.63%	6.95%	-6.32%	-90.90%	0.09	0.16

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Mill Valley PD	Native American	0.06%	0.15%	-0.09%	-61.98%	0.38	0.68
	Other		0.44%				
	Pacific Islander	0.20%	0.12%	0.08%	61.94%	1.62	2.89
	White	15.99%	28.51%	-12.52%	-43.92%	0.56	
	Asian	5.01%	5.49%	-0.48%	-8.75%	0.91	1.11
	Black	4.18%	1.41%	2.77%	195.97%	2.96	3.59
	Hispanic	14.56%	2.38%	12.18%	511.79%	6.12	7.42
	Middle Eastern/South Asian	4.42%					
	Multiracial	0.72%	5.04%	-4.33%	-85.80%	0.14	0.17
	Native American	0.00%	0.00%	-	-	-	-
	Other		0.00%				
	Pacific Islander	0.48%	0.00%	0.48%	-	-	-
	White	70.64%	85.67%	-15.03%	-17.54%	0.82	
	Asian	4.33%	15.58%	-11.25%	-72.20%	0.28	0.70
	Black	52.58%	22.22%	30.36%	136.63%	2.37	5.95
Hispanic	27.48%	23.82%	3.65%	15.34%	1.15	2.90	
Oakland PD	Middle Eastern/South Asian	2.28%					
	Multiracial	1.02%	8.43%	-7.40%	-87.86%	0.12	0.31
	Native American	0.12%	0.34%	-0.22%	-63.55%	0.36	0.92
	Other		0.52%				
	Pacific Islander	0.84%	0.56%	0.28%	49.95%	1.50	3.77
	White	11.35%	28.53%	-17.18%	-60.22%	0.40	

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Orange CO SO	Asian	5.99%	20.85%	-14.86%	-71.28%	0.29	0.25
	Black	3.87%	1.56%	2.31%	148.36%	2.48	2.20
	Hispanic	32.85%	30.22%	2.63%	8.69%	1.09	0.96
	Middle Eastern/South Asian	5.10%					
	Multiracial	1.00%	6.85%	-5.85%	-85.42%	0.15	0.13
	Native American	5.71%	0.17%	5.55%	3313.34%	34.13	30.27
	Other		0.26%				
	Pacific Islander	0.56%	0.26%	0.30%	112.99%	2.13	1.89
	White	44.91%	39.83%	5.09%	12.78%	1.13	
	Asian	2.69%	4.28%	-1.59%	-37.10%	0.63	0.73
Petaluma PD	Black	6.03%	1.15%	4.88%	426.32%	5.26	6.11
	Hispanic	29.85%	18.94%	10.91%	57.59%	1.58	1.83
	Middle Eastern/South Asian	2.10%					
	Multiracial	0.13%	6.97%	-6.84%	-98.16%	0.02	0.02
	Native American	0.23%	0.30%	-0.07%	-23.23%	0.77	0.89
	Other		0.60%				
	Pacific Islander	0.62%	0.03%	0.58%	1684.05%	17.84	20.71
	White	58.35%	67.72%	-9.38%	-13.84%	0.86	
	Asian	8.45%	19.48%	-11.03%	-56.61%	0.43	0.88
	Black	28.95%	1.77%	27.18%	1533.55%	16.34	33.29
Piedmont PD	Hispanic	21.60%	3.62%	17.97%	496.06%	5.96	12.15

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Pomona PD	Middle Eastern/South Asian	5.63%					
	Multiracial	0.16%	4.72%	-4.57%	-96.69%	0.03	0.07
	Native American	0.00%	0.00%	-	-	-	-
	Other		0.08%				
	Pacific Islander	0.78%	0.17%	0.62%	371.71%	4.72	9.61
	White	34.43%	70.16%	-35.73%	-50.93%	0.49	
	Asian	2.87%	10.42%	-7.54%	-72.41%	0.28	0.23
	Black	15.98%	5.56%	10.42%	187.24%	2.87	2.36
	Hispanic	66.17%	64.47%	1.71%	2.65%	1.03	0.84
	Middle Eastern/South Asian	1.04%					
	Multiracial	0.46%	8.24%	-7.78%	-94.45%	0.06	0.05
	Native American	0.17%	0.17%	0.00%	1.61%	1.02	0.84
	Other		0.26%				
	Pacific Islander	0.11%	0.04%	0.07%	188.56%	2.89	2.37
White	13.19%	10.85%	2.35%	21.62%	1.22		
Asian	2.84%	6.52%	-3.69%	-56.52%	0.43	0.46	
Black	12.84%	6.07%	6.77%	111.44%	2.11	2.23	
Hispanic	48.12%	44.30%	3.82%	8.61%	1.09	1.15	
Riverside CO SO	Middle Eastern/South Asian	1.97%					
	Multiracial	0.83%	7.83%	-7.01%	-89.45%	0.11	0.11

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Riverside PD	Native American	0.37%	0.37%	0.00%	0.18%	1.00	1.06
	Other		0.26%				
	Pacific Islander	0.48%	0.27%	0.20%	73.50%	1.74	1.83
	White	32.56%	34.37%	-1.80%	-5.25%	0.95	
	Asian	1.98%	8.42%	-6.44%	-76.45%	0.24	0.20
	Black	12.83%	5.50%	7.32%	133.12%	2.33	2.01
	Hispanic	46.40%	49.11%	-2.71%	-5.51%	0.94	0.81
	Middle Eastern/South Asian	1.31%					
	Multiracial	3.54%	7.26%	-3.72%	-51.22%	0.49	0.42
	Native American	0.12%	0.28%	-0.15%	-55.06%	0.45	0.39
	Other		0.29%				
	Pacific Islander	0.24%	0.20%	0.04%	19.77%	1.20	1.03
	White	33.58%	28.95%	4.63%	15.99%	1.16	
	Asian	4.43%	6.60%	-2.17%	-32.87%	0.67	0.69
	Black	7.90%	1.73%	6.17%	356.02%	4.56	4.70
Hispanic	26.14%	22.59%	3.56%	15.74%	1.16	1.19	
Rohnert Park PD	Middle Eastern/South Asian	2.11%					
	Multiracial	0.25%	8.72%	-8.46%	-97.09%	0.03	0.03
	Native American	0.84%	0.44%	0.41%	93.25%	1.93	1.99
	Other		0.71%				
	Pacific Islander	0.97%	0.12%	0.85%	710.53%	8.11	8.35
	White	57.35%	59.09%	-1.74%	-2.95%	0.97	

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Sacramento CO SD	Asian	3.62%	16.40%	-12.78%	-77.93%	0.22	0.22
	Black	30.80%	9.28%	21.52%	231.74%	3.32	3.36
	Hispanic	16.96%	19.73%	-2.77%	-14.02%	0.86	0.87
	Middle Eastern/South Asian	2.77%					
	Multiracial	1.94%	9.15%	-7.21%	-78.79%	0.21	0.22
	Native American	0.14%	0.31%	-0.17%	-54.61%	0.45	0.46
	Other		0.35%				
	Pacific Islander	0.68%	1.08%	-0.39%	-36.34%	0.64	0.65
	White	43.08%	43.69%	-0.62%	-1.41%	0.99	
	Asian	5.01%	18.95%	-13.94%	-73.57%	0.26	0.33
Sacramento PD	Black	41.94%	12.88%	29.06%	225.64%	3.26	4.06
	Hispanic	23.07%	24.18%	-1.11%	-4.60%	0.95	1.19
	Middle Eastern/South Asian	2.51%					
	Multiracial	1.07%	9.61%	-8.54%	-88.88%	0.11	0.14
	Native American	0.11%	0.32%	-0.22%	-67.00%	0.33	0.41
	Other		0.46%				
	Pacific Islander	0.64%	1.62%	-0.99%	-60.69%	0.39	0.49
	White	25.67%	31.97%	-6.31%	-19.73%	0.80	
	Asian	3.52%	7.18%	-3.66%	-51.01%	0.49	0.39
	Black	16.02%	7.71%	8.30%	107.62%	2.08	1.67
San Bernardino CO SO	Hispanic	41.73%	47.35%	-5.62%	-11.87%	0.88	0.71

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
San Diego CO SO	Middle Eastern/South Asian	1.98%					
	Multiracial	1.74%	9.34%	-7.60%	-81.37%	0.19	0.15
	Native American	0.27%	0.33%	-0.06%	-19.39%	0.81	0.65
	Other		0.23%				
	Pacific Islander	0.48%	0.28%	0.20%	71.16%	1.71	1.38
	White	34.27%	27.57%	6.70%	24.30%	1.24	
	Asian	3.79%	11.70%	-7.91%	-67.60%	0.32	0.28
	Black	5.50%	4.61%	0.89%	19.35%	1.19	1.05
	Hispanic	32.29%	29.22%	3.07%	10.50%	1.10	0.97
	Middle Eastern/South Asian	3.30%					
	Multiracial	2.41%	8.61%	-6.20%	-71.99%	0.28	0.25
	Native American	0.50%	0.36%	0.14%	40.63%	1.41	1.23
	Other		0.24%				
	Pacific Islander	0.98%	0.38%	0.61%	161.14%	2.61	2.29
San Diego PD	White	51.22%	44.89%	6.33%	14.09%	1.14	
	Asian	5.21%	16.94%	-11.73%	-69.24%	0.31	0.34
	Black	19.65%	5.73%	13.92%	242.79%	3.43	3.74
	Hispanic	31.00%	26.35%	4.65%	17.65%	1.18	1.28
	Middle Eastern/South Asian	3.11%					
	Multiracial	1.21%	7.77%	-6.56%	-84.46%	0.16	0.17

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
San Francisco CO SD	Native American	0.21%	0.21%	0.00%	-0.81%	0.99	1.08
	Other		0.31%				
	Pacific Islander	0.80%	0.40%	0.41%	101.74%	2.02	2.20
	White	38.81%	42.30%	-3.49%	-8.25%	0.92	
	Asian	5.10%	33.98%	-28.89%	-85.01%	0.15	0.17
	Black	30.57%	4.89%	25.68%	524.84%	6.25	7.01
	Hispanic	21.66%	13.03%	8.63%	66.24%	1.66	1.86
	Middle Eastern/South Asian	3.66%					
	Multiracial	1.11%	7.17%	-6.05%	-84.45%	0.16	0.17
	Native American	0.00%	0.21%	-	-	-	-
	Other		0.55%				
	Pacific Islander	2.39%	0.35%	2.04%	591.41%	6.91	7.76
	White	35.51%	39.83%	-4.32%	-10.85%	0.89	
Asian	10.89%	33.98%	-23.09%	-67.94%	0.32	0.36	
Black	24.70%	4.89%	19.80%	404.74%	5.05	5.71	
Hispanic	20.58%	13.03%	7.55%	57.99%	1.58	1.79	
San Francisco PD	Middle Eastern/South Asian	5.01%					
	Multiracial	2.20%	7.17%	-4.97%	-69.31%	0.31	0.35
	Native American	0.09%	0.21%	-0.11%	-53.87%	0.46	0.52
	Other		0.55%				
	Pacific Islander	1.30%	0.35%	0.96%	277.48%	3.77	4.27
	White	35.22%	39.83%	-4.62%	-11.59%	0.88	

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
San Jose PD	Asian	18.47%	36.95%	-18.48%	-50.02%	0.50	0.58
	Black	5.94%	2.79%	3.15%	112.95%	2.13	2.47
	Hispanic	46.03%	26.42%	19.61%	74.21%	1.74	2.02
	Middle Eastern/South Asian	5.91%					
	Multiracial	1.35%	7.85%	-6.51%	-82.87%	0.17	0.20
	Native American	0.03%	0.16%	-0.12%	-77.80%	0.22	0.26
	Other		0.29%				
	Pacific Islander	0.66%	0.46%	0.20%	43.77%	1.44	1.67
	White	21.61%	25.09%	-3.47%	-13.85%	0.86	
	Asian	3.25%	11.96%	-8.72%	-72.87%	0.27	0.27
Santa Ana PD	Black	2.60%	0.84%	1.76%	210.96%	3.11	3.07
	Hispanic	82.13%	71.13%	11.01%	15.48%	1.15	1.14
	Middle Eastern/South Asian	0.98%					
	Multiracial	0.64%	5.70%	-5.06%	-88.76%	0.11	0.11
	Native American	0.08%	0.12%	-0.04%	-30.22%	0.70	0.69
	Other		0.10%				
	Pacific Islander	0.22%	0.17%	0.05%	27.09%	1.27	1.26
	White	10.10%	9.98%	0.12%	1.16%	1.01	
	Asian	1.82%	3.61%	-1.79%	-49.58%	0.50	0.58
	Black	6.18%	1.34%	4.84%	360.86%	4.61	5.31
Santa Barbara PD	Hispanic	40.90%	31.50%	9.40%	29.86%	1.30	1.50

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Santa Clara CO SO	Middle Eastern/South Asian	1.48%					
	Multiracial	0.43%	7.13%	-6.70%	-93.94%	0.06	0.07
	Native American	0.32%	0.20%	0.12%	62.58%	1.63	1.87
	Other		0.41%				
	Pacific Islander	0.45%	0.05%	0.40%	726.84%	8.27	9.52
	White	48.41%	55.76%	-7.35%	-13.18%	0.87	
	Asian	16.95%	37.43%	-20.49%	-54.73%	0.45	0.50
	Black	6.84%	2.33%	4.51%	193.18%	2.93	3.23
	Hispanic	36.60%	21.34%	15.26%	71.51%	1.72	1.89
	Middle Eastern/South Asian	9.84%					
	Multiracial	1.11%	7.48%	-6.36%	-85.10%	0.15	0.16
	Native American	0.10%	0.16%	-0.06%	-39.51%	0.60	0.67
	Other		0.29%				
	Pacific Islander	0.78%	0.33%	0.46%	139.11%	2.39	2.64
White	27.78%	30.64%	-2.86%	-9.34%	0.91		
Asian	1.80%	5.89%	-4.09%	-69.44%	0.31	0.32	
Black	7.18%	2.29%	4.89%	213.11%	3.13	3.29	
Hispanic	36.62%	29.10%	7.53%	25.87%	1.26	1.32	
Santa Rosa PD	Middle Eastern/South Asian	1.01%					
	Multiracial	0.16%	6.95%	-6.79%	-97.65%	0.02	0.02

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Sonoma CO SO	Native American	1.07%	0.52%	0.55%	105.37%	2.05	2.16
	Other		0.43%				
	Pacific Islander	0.52%	0.53%	-0.01%	-2.17%	0.98	1.03
	White	51.63%	54.29%	-2.66%	-4.90%	0.95	
	Asian	1.55%	4.17%	-2.62%	-62.88%	0.37	0.42
	Black	6.27%	1.49%	4.79%	322.36%	4.22	4.74
	Hispanic	33.81%	23.54%	10.27%	43.63%	1.44	1.61
	Middle Eastern/South Asian	1.16%					
	Multiracial	0.27%	7.04%	-6.76%	-96.15%	0.04	0.04
	Native American	0.89%	0.45%	0.45%	99.88%	2.00	2.25
	Other		0.50%				
	Pacific Islander	0.39%	0.30%	0.09%	29.92%	1.30	1.46
	White	55.65%	62.52%	-6.87%	-10.98%	0.89	
	Asian	1.20%	1.71%	-0.50%	-29.36%	0.71	0.80
Black	2.41%	1.21%	1.20%	99.28%	1.99	2.26	
Hispanic	27.71%	14.90%	12.81%	86.00%	1.86	2.11	
Sonoma PD	Middle Eastern/South Asian	0.00%					
	Multiracial	0.00%	4.88%	-	-	-	-
	Native American	0.00%	0.00%	-	-	-	-
	Other		0.00%				
	Pacific Islander	0.40%	0.00%	0.40%	-	-	-
	White	68.27%	77.31%	-9.03%	-11.68%	0.88	

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity

		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
Stockton PD	Asian	7.04%	20.46%	-13.42%	-65.60%	0.34	0.32
	Black	27.22%	10.99%	16.23%	147.68%	2.48	2.31
	Hispanic	40.07%	32.94%	7.12%	21.62%	1.22	1.13
	Middle Eastern/South Asian	3.34%					
	Multiracial	1.07%	15.16%	-14.09%	-92.92%	0.07	0.07
	Native American	0.09%	0.16%	-0.07%	-44.68%	0.55	0.52
	Other		0.40%				
	Pacific Islander	0.31%	0.45%	-0.14%	-31.54%	0.68	0.64
	White	20.86%	19.43%	1.43%	7.38%	1.07	
	Asian	2.77%	7.07%	-4.30%	-60.84%	0.39	0.41
Ventura CO SO	Black	4.42%	1.69%	2.72%	160.82%	2.61	2.71
	Hispanic	45.75%	37.19%	8.56%	23.02%	1.23	1.28
	Middle Eastern/South Asian	2.68%					
	Multiracial	0.40%	8.50%	-8.10%	-95.25%	0.05	0.05
	Native American	0.07%	0.22%	-0.15%	-68.05%	0.32	0.33
	Other		0.20%				
	Pacific Islander	0.60%	0.20%	0.41%	208.98%	3.09	3.21
	White	43.31%	44.94%	-1.63%	-3.62%	0.96	
	Asian	1.87%	3.08%	-1.21%	-39.25%	0.61	0.67
	Black	4.08%	0.75%	3.33%	442.29%	5.42	6.00
Windsor PD	Hispanic	38.95%	29.42%	9.53%	32.38%	1.32	1.46

RIPA Stop Distribution Compared to Weighted Population Distribution by Race/Ethnicity							
		A	B	C	D	E	F
Equation				A-B	C/B*100	A/B	E/E(w)
Agency	Race/Ethnicity	RIPA 2021	ACS 2020	Absolute % Difference	Relative % Difference	Disparity Index	Ratio of Disparity
	Middle Eastern/South Asian	1.02%					
	Multiracial	0.68%	7.02%	-6.34%	-90.31%	0.10	0.11
	Native American	0.68%	0.89%	-0.21%	-23.89%	0.76	0.84
	Other		0.54%				
	Pacific Islander	0.34%	0.37%	-0.03%	-8.74%	0.91	1.01
	White	52.38%	57.92%	-5.54%	-9.56%	0.90	

Notes. 2021 RIPA stop data were compared to 2020 residential population data from the American Community Survey. For a full description of the methodology, please see Appendix B.1. “Overall” refers to all agencies combined while “Municipal” excludes California Highway Patrol. E/E(w); disparity index for racial/ethnic group of color, E, divided by the value for White individuals, E(w).

C.2 Discovery Rate Analysis Tables

C.2.1 Search Rates

Regression Statistics for Search Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
Overall	Coefficients	***-0.021 (0.001)	***0.004 (0.001)	***0.003 (0.001)	***-0.017 (0.001)
	Observations	1146324	1456768	2326803	1188140
	Adjusted R ²	0.324	0.354	0.326	0.322
Municipal	Coefficients	***-0.038 (0.002)	***0.008 (0.001)	-0.001 (0.001)	***-0.033 (0.002)
	Observations	463358	678950	1012453	473979
	Adjusted R ²	0.311	0.309	0.301	0.306
Alameda CO SO	Coefficients	***-0.098 (0.015)	0.001 (0.011)	** -0.030 (0.009)	***-0.074 (0.013)
	Observations	5136	7642	8062	6077

Regression Statistics for Search Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	0.280	0.227	0.236	0.279
Anaheim PD	Coefficients	*-0.023 (0.010)	-0.006 (0.012)	-0.000 (0.007)	-0.023 (0.011)
	Observations	10118	9976	21892	9593
	Adjusted R ²	0.384	0.360	0.375	0.371
	Coefficients	-0.203 (0.137)	-0.010 (0.041)	*-0.127 (0.047)	0.059 (0.080)
Arcata PD	Observations	1148	1220	1240	1243
	Adjusted R ²	0.106	0.105	0.113	0.103
	Coefficients	-0.050 (0.022)	0.013 (0.012)	0.013 (0.009)	-0.028 (0.019)
Bakersfield PD	Observations	4325	5890	9413	4533
	Adjusted R ²	0.377	0.351	0.354	0.368
	Coefficients	** -0.125 (0.030)	0.035 (0.054)	*-0.079 (0.024)	*-0.080 (0.030)
Belmont PD	Observations	745	727	1075	785
	Adjusted R ²	0.088	0.076	0.066	0.080
	Coefficients	*-0.048 (0.020)	0.008 (0.016)	-0.017 (0.015)	-0.030 (0.022)
Berkeley PD	Observations	2284	3851	2726	2359
	Adjusted R ²	0.225	0.169	0.235	0.200
	Coefficients	***-0.010 (0.001)	*-0.001 (0.000)	***0.007 (0.000)	***-0.007 (0.001)
California Highway Patrol	Observations	682966	777818	1314350	714161
	Adjusted R ²	0.091	0.092	0.109	0.089
	Coefficients	-0.033 (0.078)	0.064 (0.077)	-0.033 (0.019)	-0.084 (0.038)
Capitola PD	Observations	418	416	577	417
	Adjusted R ²	0.133	0.140	0.158	0.132
	Coefficients	*-0.096 (0.034)	-0.005 (0.021)	-0.006 (0.015)	** -0.104 (0.026)
Carlsbad PD	Observations	3377	3573	4632	3413
	Adjusted R ²	0.234	0.231	0.218	0.232
	Coefficients	*-0.071 (0.023)	0.004 (0.020)	-0.004 (0.013)	*-0.051 (0.020)
Contra Costa CO SO	Coefficients	*-0.071 (0.023)	0.004 (0.020)	-0.004 (0.013)	*-0.051 (0.020)

Regression Statistics for Search Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Observations	1672	1981	2267	1685
	Adjusted R ²	0.232	0.208	0.238	0.249
Cotati PD	Coefficients	*-0.088 (0.028)	0.030 (0.041)	-0.010 (0.014)	0.018 (0.029)
	Observations	1108	1153	1530	1116
	Adjusted R ²	0.102	0.108	0.075	0.099
	Coefficients	-0.128 (0.051)	0.117 (0.062)	0.034 (0.049)	-0.035 (0.072)
CSU Chico PD	Observations	233	253	291	247
	Adjusted R ²	0.023	0.067	0.007	0.023
	Coefficients	-0.078 (0.069)	*-0.128 (0.041)	0.002 (0.039)	0.004 (0.059)
CSU Stanislaus	Observations	129	136	229	151
	Adjusted R ²	0.370	0.335	0.102	0.278
	Coefficients	** -0.078 (0.021)	*0.053 (0.017)	0.023 (0.012)	** -0.082 (0.021)
Culver City PD	Observations	3093	5349	5779	3231
	Adjusted R ²	0.255	0.207	0.236	0.246
	Coefficients	***-0.131 (0.025)	-0.033 (0.025)	-0.021 (0.016)	** -0.100 (0.026)
Davis PD	Observations	2697	2668	3131	2726
	Adjusted R ²	0.224	0.204	0.212	0.215
	Coefficients	-0.086 (0.044)	-0.026 (0.028)	-0.019 (0.032)	*-0.137 (0.043)
Emeryville PD	Observations	463	1161	661	463
	Adjusted R ²	0.171	0.129	0.165	0.165
	Coefficients	-0.091 (0.053)	-0.029 (0.034)	-0.069 (0.029)	0.040 (0.033)
Eureka PD	Observations	2221	2352	2461	2394
	Adjusted R ²	0.252	0.254	0.252	0.251
	Coefficients	*-0.058 (0.022)	*-0.032 (0.013)	-0.019 (0.009)	*-0.067 (0.026)
Fresno CO SO	Observations	5625	6793	15927	6010
	Adjusted R ²	0.167	0.154	0.146	0.157

Regression Statistics for Search Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
Fresno PD	Coefficients	-0.012 (0.007)	0.003 (0.006)	0.003 (0.004)	-0.002 (0.005)
	Observations	3197	4166	8417	3336
	Adjusted R ²	0.513	0.443	0.465	0.523
Hillsborough PD	Coefficients	0.054 (0.035)	-0.054 (0.046)	0.006 (0.037)	-0.018 (0.017)
	Observations	404	318	468	356
	Adjusted R ²	0.038	0.072	0.087	0.024
Kern CO SO	Coefficients	*-0.126 (0.049)	-0.016 (0.016)	-0.024 (0.012)	*-0.115 (0.047)
	Observations	5437	6427	10941	5474
	Adjusted R ²	0.193	0.179	0.194	0.182
LAUSD	Coefficients			0.053 (0.123)	
	Observations	21	22	87	18
	Adjusted R ²	1.000	1.000	0.969	1.000
LAWA	Coefficients	-0.015 (0.020)	0.036 (0.019)	-0.015 (0.012)	-0.009 (0.019)
	Observations	1467	2730	2423	1538
	Adjusted R ²	0.245	0.261	0.224	0.279
Livermore PD	Coefficients	** -0.086 (0.024)	0.032 (0.018)	0.001 (0.014)	* -0.069 (0.027)
	Observations	2087	2320	3265	2415
	Adjusted R ²	0.245	0.256	0.222	0.247
Long Beach PD	Coefficients	-0.008 (0.009)	-0.005 (0.007)	-0.005 (0.006)	-0.026 (0.013)
	Observations	3765	6025	7633	3644
	Adjusted R ²	0.458	0.388	0.369	0.443
Los Altos PD	Coefficients	0.005 (0.014)	0.019 (0.049)	-0.014 (0.030)	-0.030 (0.023)
	Observations	566	449	603	590
	Adjusted R ²	0.132	0.023	0.134	0.014
Los Angeles CO SD	Coefficients	*** -0.040 (0.005)	*** -0.016 (0.004)	** -0.008 (0.002)	*** -0.020 (0.004)
	Observations	52573	71363	130960	49711

Regression Statistics for Search Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	0.424	0.393	0.405	0.426
Los Angeles PD	Coefficients	***-0.020 (0.003)	***0.016 (0.003)	***0.010 (0.002)	***-0.023 (0.003)
	Observations	81143	181532	282829	89696
	Adjusted R ²	0.328	0.353	0.308	0.323
	Coefficients	-0.021 (0.057)	0.179 (0.088)	-0.024 (0.032)	***-0.122 (0.024)
Mill Valley PD	Observations	634	627	714	639
	Adjusted R ²	0.099	0.100	0.132	0.098
	Coefficients	-0.012 (0.026)	***0.072 (0.014)	*0.050 (0.017)	*-0.062 (0.023)
Oakland PD	Observations	2161	8810	5351	2152
	Adjusted R ²	0.261	0.216	0.264	0.234
	Coefficients	***-0.044 (0.009)	-0.018 (0.011)	0.001 (0.005)	***-0.041 (0.009)
Orange CO SO	Observations	23560	22581	35992	26514
	Adjusted R ²	0.421	0.405	0.381	0.425
	Coefficients	***-0.118 (0.024)	-0.040 (0.024)	*-0.034 (0.011)	*-0.073 (0.028)
Petaluma PD	Observations	2380	2510	3439	2395
	Adjusted R ²	0.132	0.128	0.116	0.128
	Coefficients	-0.077 (0.038)	-0.009 (0.045)	0.090 (0.045)	-0.024 (0.034)
Piedmont PD	Observations	274	405	358	262
	Adjusted R ²	0.132	0.088	0.110	0.110
	Coefficients	-0.032 (0.022)	0.017 (0.019)	-0.010 (0.010)	*-0.101 (0.035)
Pomona PD	Observations	738	1340	3646	688
	Adjusted R ²	0.427	0.379	0.368	0.401
	Coefficients	***-0.027 (0.006)	**-.014 (0.004)	*-0.008 (0.003)	**-.017 (0.005)
Riverside CO SO	Observations	26853	34439	61201	27468
	Adjusted R ²	0.365	0.338	0.312	0.358
	Coefficients	*-0.022 (0.009)	0.013 (0.008)	0.002 (0.005)	-0.011 (0.009)

Regression Statistics for Search Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Observations	6851	8939	15408	7473
	Adjusted R ²	0.303	0.302	0.282	0.305
Rohnert Park PD	Coefficients	** -0.101 (0.029)	0.026 (0.027)	-0.028 (0.018)	-0.057 (0.024)
	Observations	1463	1545	1977	1457
	Adjusted R ²	0.125	0.133	0.114	0.130
	Coefficients	-0.017 (0.015)	**0.023 (0.007)	*0.021 (0.008)	***-0.052 (0.011)
Sacramento CO SD	Observations	15418	24393	19823	16053
	Adjusted R ²	0.217	0.204	0.210	0.214
	Coefficients	-0.017 (0.010)	0.015 (0.006)	-0.004 (0.007)	*-0.032 (0.013)
Sacramento PD	Observations	14319	31557	22749	13998
	Adjusted R ²	0.255	0.214	0.236	0.238
	Coefficients	***-0.098 (0.012)	** -0.020 (0.005)	***-0.031 (0.005)	***-0.058 (0.009)
San Bernardino CO SO	Observations	37280	49609	74979	38211
	Adjusted R ²	0.263	0.240	0.241	0.257
	Coefficients	***-0.040 (0.010)	-0.011 (0.011)	-0.013 (0.006)	-0.015 (0.008)
San Diego CO SO	Observations	12091	12468	18356	12840
	Adjusted R ²	0.394	0.378	0.347	0.383
	Coefficients	***-0.033 (0.005)	**0.015 (0.004)	0.004 (0.003)	*-0.014 (0.005)
San Diego PD	Observations	57272	76058	90828	57436
	Adjusted R ²	0.195	0.175	0.186	0.192
	Coefficients	-0.113 (0.064)	-0.014 (0.054)	-0.013 (0.041)	-0.057 (0.059)
San Francisco CO SD	Observations	255	415	359	268
	Adjusted R ²	0.312	0.248	0.201	0.323
	Coefficients	** -0.029 (0.008)	***0.030 (0.008)	-0.000 (0.008)	***-0.041 (0.010)
San Francisco PD	Observations	12659	16448	15318	12032
	Adjusted R ²	0.360	0.316	0.337	0.343

Regression Statistics for Search Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
San Jose PD	Coefficients	*-0.018 (0.007)	0.009 (0.011)	0.001 (0.006)	*-0.022 (0.009)
	Observations	6880	4730	11612	5075
	Adjusted R ²	0.465	0.454	0.387	0.458
Santa Ana PD	Coefficients	*-0.035 (0.014)	-0.026 (0.016)	0.014 (0.010)	-0.007 (0.020)
	Observations	2936	2794	20291	2645
	Adjusted R ²	0.301	0.260	0.341	0.267
Santa Barbara PD	Coefficients	-0.040 (0.027)	-0.022 (0.035)	0.029 (0.015)	*-0.114 (0.042)
	Observations	2209	2401	3928	2247
	Adjusted R ²	0.283	0.258	0.265	0.278
Santa Clara CO SO	Coefficients	***-0.041 (0.009)	0.010 (0.014)	0.009 (0.009)	***-0.039 (0.009)
	Observations	6503	5034	9360	5760
	Adjusted R ²	0.182	0.171	0.173	0.190
Santa Rosa PD	Coefficients	-0.061 (0.036)	-0.003 (0.024)	0.013 (0.011)	0.033 (0.036)
	Observations	3593	3955	5935	3658
	Adjusted R ²	0.203	0.198	0.184	0.207
Sonoma CO SO	Coefficients	*-0.144 (0.053)	-0.076 (0.042)	*-0.071 (0.023)	-0.023 (0.059)
	Observations	1477	1599	2310	1507
	Adjusted R ²	0.198	0.188	0.189	0.191
Sonoma County Junior College District PD	Coefficients	** -0.088 (0.017)	** -0.126 (0.018)	-0.078 (0.036)	-0.128 (0.071)
	Observations	331	346	469	323
	Adjusted R ²	0.233	0.247	0.157	0.207
Sonoma PD	Coefficients	**0.509 (0.123)	-0.031 (0.279)	-0.036 (0.084)	*-0.514 (0.202)
	Observations	173	176	239	171
	Adjusted R ²	0.309	0.247	0.237	0.295
Sonoma State Univ PD	Coefficients	0.005 (0.016)	0.063 (0.083)	0.000 (0.022)	-0.023 (0.030)
	Observations	172	189	238	171

Regression Statistics for Search Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	0.390	0.278	0.392	0.384
Stockton PD	Coefficients	*-0.028 (0.010)	0.003 (0.007)	-0.012 (0.006)	***-0.042 (0.011)
	Observations	6683	11518	14594	6149
	Adjusted R ²	0.413	0.367	0.374	0.399
	Coefficients	-0.094 (0.054)	0.024 (0.068)	-0.074 (0.057)	*-0.162 (0.060)
UC Irvine PD	Observations	372	310	510	346
	Adjusted R ²	0.241	0.202	0.194	0.240
	Coefficients	0.019 (0.031)	0.019 (0.017)	-0.014 (0.022)	-0.009 (0.063)
UC San Francisco PD	Observations	259	358	296	236
	Adjusted R ²	0.472	0.236	0.226	0.195
	Coefficients	***-0.062 (0.009)	0.005 (0.009)	***0.018 (0.004)	***-0.048 (0.008)
Ventura CO SO	Observations	21791	22571	42117	22260
	Adjusted R ²	0.226	0.221	0.203	0.226
	Coefficients	0.100 (0.080)	0.201 (0.085)	0.057 (0.044)	0.113 (0.084)
Windsor PD	Observations	319	332	537	324
	Adjusted R ²	0.204	0.210	0.183	0.228

Notes. For a full description of the methodology, please see Appendix B.2. Each set of model statistics for a particular agency and race/ethnicity corresponds to a single regression test. Each model only contained a single racial/ethnic group of color and White individuals; White individuals were the reference group for all analyses. 'Overall' refers to all agencies combined while 'Municipal' excludes California Highway Patrol. Asterisks represent level of significance for adjusted p values using the Benjamini-Hochberg Procedure for multiple comparisons *** p < 0.001; ** p < 0.01; * p < 0.05. Coefficients; estimate (standard error). Observations represent the number of stops analyzed by the statistical model.

C.2.2 Discovery Rates during Stops with Discretionary Searches

Regression Statistics for Discretionary-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
Overall	Coefficients	-0.014 (0.009)	***-0.019 (0.004)	***-0.017 (0.003)	-0.015 (0.007)
	Observations	47829	105010	138236	49952
	Adjusted R ²	0.172	0.195	0.174	0.176
Municipal	Coefficients	-0.015 (0.009)	***-0.020 (0.004)	***-0.017 (0.003)	-0.013 (0.008)
	Observations	46151	102807	134781	48188
	Adjusted R ²	0.162	0.190	0.166	0.166
Alameda CO SO	Coefficients	*-0.224 (0.068)	-0.043 (0.032)	-0.012 (0.030)	-0.138 (0.057)
	Observations	580	1240	1095	621
	Adjusted R ²	0.102	0.120	0.114	0.142
Anaheim PD	Coefficients	0.052 (0.038)	-0.094 (0.037)	-0.053 (0.019)	-0.093 (0.049)
	Observations	1206	1356	3260	1240
	Adjusted R ²	0.124	0.102	0.083	0.113
Bakersfield PD	Coefficients	-0.065 (0.097)	-0.057 (0.034)	-0.006 (0.030)	-0.167 (0.061)
	Observations	558	848	1237	588
	Adjusted R ²	0.107	0.102	0.151	0.114
Belmont PD	Coefficients		-0.236 (0.123)	-0.078 (0.128)	
	Observations	61	83	102	61

Regression Statistics for Discretionary-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	1.000	0.085	0.211	1.000
Berkeley PD	Coefficients	0.202 (0.139)	0.044 (0.070)	0.115 (0.084)	-0.053 (0.080)
	Observations	174	386	216	188
	Adjusted R ²	0.126	0.181	0.125	0.290
	Coefficients	0.025 (0.053)	-0.007 (0.028)	-0.028 (0.021)	-0.072 (0.042)
California Highway Patrol	Observations	1678	2203	3455	1764
	Adjusted R ²	0.323	0.316	0.317	0.339
	Coefficients	0.287 (0.267)	-0.042 (0.090)	0.024 (0.035)	-0.193 (0.095)
	Observations	317	347	498	324
Carlsbad PD	Adjusted R ²	0.255	0.201	0.195	0.269
	Coefficients	-5.757 (27451835.658)	0.053 (0.103)	0.071 (0.069)	-0.277 (0.107)
	Observations	114	165	195	118
	Adjusted R ²	0.539	-0.007	0.190	0.564
Contra Costa CO SO	Coefficients	-0.085 (0.061)	-0.001 (0.022)	0.044 (0.023)	-0.046 (0.048)
	Observations	296	852	712	318
	Adjusted R ²	0.259	0.190	0.150	0.181
	Coefficients	-0.045 (0.125)	-0.053 (0.101)	-0.016 (0.058)	-0.152 (0.076)
Culver City PD	Observations				
	Adjusted R ²				
	Coefficients				
	Observations				
Davis PD	Adjusted R ²				
	Coefficients				
	Observations				
	Adjusted R ²				

Regression Statistics for Discretionary-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Observations	314	357	412	340
	Adjusted R ²	0.057	0.029	0.073	0.084
Eureka PD	Coefficients	*-1.298 (0.368)	0.058 (0.124)	-0.194 (0.129)	-0.139 (0.106)
	Observations	200	213	217	232
	Adjusted R ²	-0.029	-0.039	-0.023	0.034
	Coefficients	0.015 (0.023)	-0.004 (0.012)	-0.000 (0.010)	0.004 (0.022)
Fresno CO SO	Observations	1167	1446	3265	1239
	Adjusted R ²	0.113	0.135	0.060	0.123
	Coefficients			-0.126 (0.127)	
	Observations	48	71	123	48
Fresno PD	Adjusted R ²	1.000	1.000	-4.791	1.000
	Coefficients	-0.068 (0.128)	-0.046 (0.021)	-0.010 (0.014)	-0.137 (0.058)
	Observations	1876	2244	3722	1894
	Adjusted R ²	0.101	0.102	0.098	0.108
Kern CO SO	Coefficients		-0.190 (0.071)	-0.061 (0.109)	
	Observations	110	261	178	117
	Adjusted R ²	1.000	0.160	-0.076	1.000
	Coefficients				
LAWA	Observations				
	Adjusted R ²				
	Coefficients				
	Observations				

Regression Statistics for Discretionary-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
Livermore PD	Coefficients	-0.263 (0.202)	-0.093 (0.064)	0.023 (0.060)	-0.157 (0.077)
	Observations	193	245	316	218
	Adjusted R ²	0.088	0.135	0.092	0.116
Long Beach PD	Coefficients	-0.055 (0.121)	-0.028 (0.036)	-0.013 (0.030)	0.035 (0.096)
	Observations	316	677	748	317
	Adjusted R ²	0.231	0.248	0.214	0.328
Los Altos PD	Coefficients				
	Observations	15	15	21	13
	Adjusted R ²	1.000	1.000	1.000	1.000
Los Angeles CO SD	Coefficients	0.014 (0.038)	***-0.061 (0.012)	-0.016 (0.010)	-0.011 (0.028)
	Observations	3457	8628	14714	3978
	Adjusted R ²	0.109	0.159	0.133	0.117
Los Angeles PD	Coefficients	-0.038 (0.022)	0.001 (0.009)	-0.014 (0.007)	-0.012 (0.014)
	Observations	5307	35027	42216	6216
	Adjusted R ²	0.231	0.263	0.206	0.263
Oakland PD	Coefficients	0.110 (0.052)	0.042 (0.021)	0.026 (0.029)	-0.003 (0.056)
	Observations	531	2383	1259	529

Regression Statistics for Discretionary-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	0.045	0.105	0.149	-0.060
Orange CO SO	Coefficients	-0.020 (0.025)	** -0.111 (0.026)	* -0.045 (0.014)	-0.057 (0.032)
	Observations	3905	3938	7450	3830
	Adjusted R ²	0.184	0.186	0.153	0.180
Petaluma PD	Coefficients	0.151 (0.234)	-0.074 (0.086)	-0.065 (0.070)	0.220 (0.160)
	Observations	271	288	363	276
	Adjusted R ²	0.003	-0.004	0.030	0.009
Piedmont PD	Coefficients				
	Observations	21	35	34	21
	Adjusted R ²	1.000	1.000	1.000	1.000
Pomona PD	Coefficients		-0.089 (0.127)	-0.061 (0.084)	
	Observations	51	134	292	54
	Adjusted R ²	1.000	0.257	0.087	1.000
Riverside CO SO	Coefficients	0.010 (0.072)	0.002 (0.021)	-0.002 (0.015)	0.103 (0.049)
	Observations	1639	2324	4020	1685
	Adjusted R ²	0.141	0.161	0.148	0.145
Riverside PD	Coefficients	0.121 (0.145)	-0.016 (0.048)	-0.017 (0.045)	-0.237 (0.161)

Regression Statistics for Discretionary-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Observations	282	455	876	285
	Adjusted R ²	0.171	0.150	0.167	0.168
	Coefficients	0.269 (0.442)	-0.133 (0.106)	0.183 (0.093)	-0.606 (0.318)
Rohnert Park PD	Observations	119	137	159	121
	Adjusted R ²	-0.044	0.286	-0.021	0.175
	Coefficients	0.075 (0.038)	-0.022 (0.012)	-0.041 (0.014)	-0.001 (0.026)
Sacramento CO SD	Observations	2939	5067	3955	3013
	Adjusted R ²	0.092	0.078	0.080	0.090
	Coefficients	-0.045 (0.030)	-0.028 (0.013)	0.009 (0.015)	0.043 (0.032)
Sacramento PD	Observations	2809	8904	5194	2781
	Adjusted R ²	0.081	0.072	0.080	0.087
	Coefficients	-0.054 (0.037)	** -0.036 (0.008)	-0.021 (0.007)	-0.016 (0.019)
San Bernardino CO SO	Observations	7014	9715	13818	7160
	Adjusted R ²	0.150	0.158	0.155	0.156
	Coefficients	0.188 (0.102)	0.077 (0.068)	-0.005 (0.027)	0.062 (0.061)
San Diego CO SO	Observations	910	1012	1606	952
	Adjusted R ²	0.114	0.103	0.083	0.126

Regression Statistics for Discretionary-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
San Diego PD	Coefficients	-0.014 (0.030)	0.019 (0.022)	0.002 (0.018)	0.026 (0.035)
	Observations	3391	5863	6961	3438
	Adjusted R ²	0.115	0.130	0.118	0.114
San Francisco PD	Coefficients	0.002 (0.059)	0.045 (0.029)	0.007 (0.035)	-0.057 (0.039)
	Observations	969	1792	1420	1018
	Adjusted R ²	0.120	0.102	0.114	0.125
San Jose PD	Coefficients	-0.080 (0.117)	0.032 (0.068)	-0.052 (0.042)	-0.207 (0.127)
	Observations	330	364	1084	292
	Adjusted R ²	0.203	0.122	0.079	0.081
Santa Ana PD	Coefficients	-0.160 (0.079)	-0.229 (0.075)	-0.065 (0.024)	-0.028 (0.074)
	Observations	351	349	3483	342
	Adjusted R ²	0.069	0.107	0.153	0.115
Santa Barbara PD	Coefficients	-0.266 (0.205)	-0.169 (0.066)	-0.071 (0.051)	-0.054 (0.237)
	Observations	211	243	487	218
	Adjusted R ²	0.169	0.173	0.148	0.079
Santa Clara CO SO	Coefficients	0.038 (0.087)	0.010 (0.067)	-0.017 (0.031)	-0.180 (0.084)
	Observations	337	382	825	319

Regression Statistics for Discretionary-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	0.208	0.127	0.104	0.181
Santa Rosa PD	Coefficients	0.082 (0.197)	0.054 (0.063)	-0.012 (0.036)	-0.160 (0.080)
	Observations	577	655	1021	606
	Adjusted R ²	0.106	0.127	0.098	0.119
	Coefficients	0.033 (0.230)	-0.145 (0.067)	-0.080 (0.062)	-0.078 (0.151)
Sonoma CO SO	Observations	366	395	579	375
	Adjusted R ²	0.216	0.250	0.104	0.216
	Coefficients	-0.092 (0.064)	-0.004 (0.032)	0.011 (0.040)	-0.218 (0.096)
Stockton PD	Observations	528	1279	1300	465
	Adjusted R ²	0.189	0.149	0.089	0.068
	Coefficients	0.290 (0.103)	0.486 (0.172)	0.167 (0.115)	**0.867 (0.143)
UC Irvine PD	Observations	93	91	144	89
	Adjusted R ²	-0.179	-0.090	-0.195	-0.222
	Coefficients	0.005 (0.095)	-0.046 (0.035)	-0.002 (0.017)	-0.007 (0.070)
Ventura CO SO	Observations	1660	1834	4460	1682
	Adjusted R ²	0.071	0.076	0.047	0.064
	Coefficients			-0.146 (0.080)	
Windsor PD	Coefficients			-0.146 (0.080)	

Regression Statistics for Discretionary-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Observations	59	64	105	63
	Adjusted R ²	1.000	1.000	0.403	1.000

Notes. For a full description of the methodology, please see Appendix B.2. Each set of model statistics for a particular agency and race/ethnicity corresponds to a single regression test. Each model only contained a single racial/ethnic group of color and White individuals; White individuals were the reference group for all analyses. “Overall’ refers to all agencies combined while “Municipal’ excludes California Highway Patrol. Asterisks represent level of significance for adjusted p values using the Benjamini-Hochberg Procedure for multiple comparisons *** p < 0.001; ** p < 0.01; * p < 0.05. Coefficients; estimate (standard error). Observations represent the number of stops analyzed by the statistical model.

C.2.3 Discovery Rates during Stops with Administrative Searches

Regression Statistics for Administrative-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
Overall	Coefficients	** -0.024 (0.008)	0.003 (0.004)	** -0.009 (0.003)	*** -0.023 (0.006)
	Observations	49701	80680	122750	51837
	Adjusted R ²	0.199	0.186	0.213	0.193
Municipal	Coefficients	-0.017 (0.012)	0.005 (0.005)	-0.003 (0.004)	-0.019 (0.009)
	Observations	35518	62246	85176	37086
	Adjusted R ²	0.163	0.159	0.166	0.159
Alameda CO SO	Coefficients	-0.100 (0.081)	-0.047 (0.045)	-0.037 (0.047)	-0.074 (0.079)
	Observations	351	709	633	393
	Adjusted R ²	0.043	0.097	0.065	0.038
Anaheim PD	Coefficients	-0.054 (0.085)	-0.032 (0.056)	-0.022 (0.029)	-0.007 (0.084)
	Observations	632	727	1545	632
	Adjusted R ²	0.178	0.178	0.119	0.125
Arcata PD	Coefficients	-0.289 (0.137)	0.023 (0.105)	-0.014 (0.138)	-0.173 (0.088)
	Observations	296	315	313	321
	Adjusted R ²	0.012	0.012	0.010	0.039
Bakersfield PD	Coefficients	-0.052 (0.135)	0.042 (0.037)	0.003 (0.028)	-0.077 (0.083)
	Observations	679	1040	1615	719
	Adjusted R ²	0.114	0.094	0.102	0.095
Belmont PD	Coefficients				
	Observations	50	56	66	61
	Adjusted R ²	1.000	1.000	1.000	1.000
Berkeley PD	Coefficients	-0.605 (0.249)	0.038 (0.046)	-0.016 (0.092)	0.060 (0.090)
	Observations	189	390	256	213
	Adjusted R ²	0.056	0.162	0.055	0.092

Regression Statistics for Administrative-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
California Highway Patrol	Coefficients	** -0.036 (0.009)	-0.008 (0.006)	*** -0.021 (0.004)	** -0.030 (0.008)
	Observations	14183	18434	37574	14751
	Adjusted R ²	0.163	0.155	0.160	0.155
Capitola PD	Coefficients				
	Observations	20	20	26	20
	Adjusted R ²	1.000	1.000	1.000	1.000
Carlsbad PD	Coefficients	-0.136 (0.119)	-0.008 (0.058)	0.040 (0.035)	0.055 (0.193)
	Observations	432	484	606	430
	Adjusted R ²	0.010	0.017	0.045	-0.001
Contra Costa CO SO	Coefficients				
	Observations	33	49	52	34
	Adjusted R ²	1.000	1.000	1.000	1.000
Cotati PD	Coefficients				
	Observations	35	39	48	36
	Adjusted R ²	1.000	1.000	1.000	1.000
Culver City PD	Coefficients	-0.151 (0.111)	-0.019 (0.057)	0.036 (0.062)	-0.290 (0.127)
	Observations	187	410	446	205
	Adjusted R ²	0.210	0.122	0.117	0.117
Davis PD	Coefficients	-0.255 (0.121)	0.029 (0.077)	-0.172 (0.060)	-0.081 (0.088)
	Observations	303	344	385	325
	Adjusted R ²	0.094	0.072	0.065	0.046
Emeryville PD	Coefficients		0.175 (0.422)		
	Observations	31	76	49	29
	Adjusted R ²	1.088	-2.745	1.163	1.092
Eureka PD	Coefficients	0.039 (0.077)	0.041 (0.094)	0.001 (0.057)	-0.049 (0.048)
	Observations	517	548	564	563

Regression Statistics for Administrative-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	0.086	0.093	0.103	0.085
Fresno CO SO	Coefficients	0.015 (0.079)	0.027 (0.054)	-0.038 (0.022)	-0.033 (0.060)
	Observations	608	696	1617	633
	Adjusted R ²	0.093	0.086	0.069	0.078
	Coefficients			0.169 (0.063)	
Fresno PD	Observations	60	102	212	60
	Adjusted R ²	1.000	1.000	0.008	1.000
	Coefficients	-0.010 (0.086)	-0.091 (0.034)	-0.039 (0.019)	0.072 (0.089)
Kern CO SO	Observations	1506	1778	3178	1500
	Adjusted R ²	0.176	0.138	0.196	0.143
	Coefficients		0.044 (0.074)	-0.034 (0.060)	
LAWA	Observations	128	356	218	134
	Adjusted R ²	1.000	0.258	0.353	2.884
	Coefficients	-0.218 (0.139)	-0.027 (0.078)	0.021 (0.062)	0.084 (0.112)
Livermore PD	Observations	204	262	360	221
	Adjusted R ²	0.155	0.084	0.162	0.077
	Coefficients		0.124 (0.078)	-0.059 (0.122)	
Long Beach PD	Observations	111	239	281	111
	Adjusted R ²	1.000	-0.018	0.052	1.000
	Coefficients	** -0.188 (0.051)	** -0.074 (0.020)	-0.030 (0.015)	-0.024 (0.038)
Los Angeles CO SD	Observations	2052	3850	7056	2291
	Adjusted R ²	0.119	0.094	0.136	0.112
	Coefficients	0.005 (0.025)	0.020 (0.009)	0.009 (0.008)	0.004 (0.019)
Los Angeles PD	Observations	6438	16970	26035	6896

Regression Statistics for Administrative-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	0.221	0.197	0.189	0.223
Oakland PD	Coefficients	0.122 (0.064)	0.068 (0.027)	0.011 (0.036)	0.014 (0.065)
	Observations	510	2784	1639	505
	Adjusted R ²	-0.001	0.179	0.089	-0.022
	Coefficients	-0.069 (0.068)	-0.010 (0.066)	-0.058 (0.035)	-0.043 (0.099)
Orange CO SO	Observations	549	578	966	548
	Adjusted R ²	0.307	0.246	0.302	0.260
	Coefficients		-0.007 (0.085)	0.049 (0.046)	
Pomona PD	Observations	57	166	277	58
	Adjusted R ²	1.000	0.549	0.484	1.000
	Coefficients	0.184 (0.097)	0.000 (0.035)	0.003 (0.023)	-0.038 (0.072)
Riverside CO SO	Observations	900	1214	2436	950
	Adjusted R ²	0.097	0.088	0.113	0.043
	Coefficients	-1.071 (0.264)	0.088 (0.084)	-0.015 (0.062)	0.004 (0.266)
Riverside PD	Observations	114	224	330	119
	Adjusted R ²	-0.612	-0.043	0.157	-0.289
	Coefficients	0.013 (0.039)	-0.004 (0.018)	-0.011 (0.019)	*-0.093 (0.030)
Sacramento CO SD	Observations	1746	2938	2339	1798
	Adjusted R ²	0.126	0.096	0.128	0.123
	Coefficients	-0.099 (0.044)	-0.026 (0.022)	-0.006 (0.027)	-0.019 (0.049)
Sacramento PD	Observations	1135	2366	1820	1143
	Adjusted R ²	0.155	0.141	0.128	0.112
	Coefficients	0.098 (0.055)	*-0.051 (0.015)	-0.023 (0.011)	0.017 (0.031)
San Bernardino CO SO	Observations	4033	5601	8246	4222

Regression Statistics for Administrative-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
San Diego CO SO	Adjusted R ²	0.164	0.142	0.150	0.151
	Coefficients	0.008 (0.102)	-0.008 (0.064)	-0.032 (0.036)	-0.135 (0.081)
	Observations	577	643	1076	610
	Adjusted R ²	0.129	0.111	0.157	0.112
San Diego PD	Coefficients	-0.030 (0.018)	0.030 (0.010)	0.026 (0.009)	-0.010 (0.016)
	Observations	6780	10151	11509	6975
	Adjusted R ²	0.128	0.124	0.145	0.135
San Francisco CO SD	Coefficients				
	Observations	28	68	49	33
	Adjusted R ²	1.000	1.000	1.000	1.000
San Francisco PD	Coefficients	0.025 (0.047)	0.063 (0.025)	0.048 (0.032)	-0.061 (0.051)
	Observations	1086	2109	1806	1165
	Adjusted R ²	0.058	0.131	0.146	0.033
San Jose PD	Coefficients	-0.322 (0.154)	-0.367 (0.123)	-0.068 (0.064)	
	Observations	175	196	476	158
	Adjusted R ²	-0.272	-0.310	0.050	1.105
Santa Ana PD	Coefficients	** -0.421 (0.100)	-0.105 (0.153)	-0.023 (0.043)	0.475 (0.193)
	Observations	165	156	905	139
	Adjusted R ²	0.513	-0.061	0.236	0.300
Santa Barbara PD	Coefficients	-0.134 (0.093)	-0.004 (0.085)	0.036 (0.040)	0.122 (0.124)
	Observations	340	395	678	347
	Adjusted R ²	0.306	0.215	0.187	0.292
Santa Clara CO SO	Coefficients	0.332 (0.168)	-0.057 (0.118)	0.158 (0.066)	* -0.393 (0.110)
	Observations	181	235	505	173
	Adjusted R ²	-0.178	0.009	0.270	-0.016

Regression Statistics for Administrative-Search Discovery Rates by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
Santa Rosa PD	Coefficients	-0.466 (0.165)	-0.099 (0.083)	-0.028 (0.058)	0.300 (0.186)
	Observations	225	263	379	232
	Adjusted R ²	-0.309	-0.213	-0.089	-0.287
Sonoma CO SO	Coefficients	0.277 (0.219)	0.025 (0.156)	0.112 (0.081)	-0.003 (0.241)
	Observations	173	183	236	176
	Adjusted R ²	0.149	-0.011	0.178	0.161
Stockton PD	Coefficients	-0.098 (0.054)	0.032 (0.035)	-0.017 (0.032)	-0.046 (0.098)
	Observations	444	929	923	441
	Adjusted R ²	0.273	0.178	0.219	0.198
UC Irvine PD	Coefficients				
	Observations	15	16	24	14
	Adjusted R ²	1.000	1.000	1.000	1.000
Ventura CO SO	Coefficients	0.084 (0.118)	0.126 (0.046)	-0.039 (0.021)	-0.149 (0.063)
	Observations	1063	1171	2465	1084
	Adjusted R ²	0.041	0.071	0.064	0.053
Windsor PD	Coefficients				
	Observations	19	20	40	18
	Adjusted R ²	1.000	1.000	1.000	1.000

Notes. For a full description of the methodology, please see Appendix B.2. Each set of model statistics for a particular agency and race/ethnicity corresponds to a single regression test. Each model only contained a single racial/ethnic group of color and White individuals; White individuals were the reference group for all analyses. "Overall" refers to all agencies combined while "Municipal" excludes California Highway Patrol. Asterisks represent level of significance for adjusted p values using the Benjamini-Hochberg Procedure for multiple comparisons *** p < 0.001; ** p < 0.01; * p < 0.05. Coefficients; estimate (standard error). Observations represent the number of stops analyzed by the statistical model.

C.3 Use of Force Analysis Table

Regression Statistics for Use of Force by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
Overall	Coefficients	***0.687 (0.054)	***1.236 (0.022)	***1.090 (0.022)	***0.835 (0.039)
	Observations	286075	515190	904315	308674
	Adjusted R ²	0.235	0.217	0.243	0.241
Municipal	Coefficients	***0.718 (0.059)	***1.222 (0.023)	***1.092 (0.024)	***0.843 (0.042)
	Observations	160850	334394	524492	172112
	Adjusted R ²	0.202	0.190	0.209	0.209
Alameda CO SO	Coefficients	0.651 (0.289)	1.210 (0.136)	0.833 (0.136)	0.780 (0.242)
	Observations	1790	4387	4262	2192
	Adjusted R ²	0.032	0.094	0.080	0.049
Anaheim PD	Coefficients	1.095 (0.193)	1.434 (0.141)	1.154 (0.114)	1.026 (0.222)
	Observations	4859	5988	15290	4799
	Adjusted R ²	0.140	0.147	0.213	0.125
Arcata PD	Coefficients	***0.000 (1.911)	1.715 (0.433)	1.840 (0.379)	0.574 (0.758)
	Observations	509	599	590	581
	Adjusted R ²	0.048	0.053	0.076	0.041
Bakersfield PD	Coefficients	0.932 (0.369)	1.187 (0.138)	1.166 (0.115)	0.896 (0.327)
	Observations	1880	3805	6211	1975
	Adjusted R ²	0.016	0.086	0.188	0.024
Berkeley PD	Coefficients	0.266 (1.504)	0.986 (0.274)	0.655 (0.373)	0.278 (0.737)
	Observations	581	1965	938	579
	Adjusted R ²	-0.037	-0.005	-0.025	-0.064
California Highway Patrol	Coefficients	***0.476 (0.127)	**1.310 (0.068)	1.055 (0.051)	0.786 (0.098)
	Observations	123375	178475	375606	134153

Regression Statistics for Use of Force by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	0.011	0.018	0.044	0.010
Carlsbad PD	Coefficients	*0.125 (0.650)	1.091 (0.486)	1.479 (0.256)	0.877 (0.853)
	Observations	849	981	1942	919
	Adjusted R ²	-0.003	0.000	0.016	-0.020
	Coefficients	0.297 (0.645)	*1.897 (0.194)	1.347 (0.206)	0.890 (0.283)
Culver City PD	Observations	1686	4321	3934	1744
	Adjusted R ²	0.047	0.157	0.118	0.062
	Coefficients	0.166 (1.117)	1.289 (0.525)	0.815 (0.520)	0.505 (0.745)
Davis PD	Observations	591	897	1027	619
	Adjusted R ²	-0.232	-0.168	-0.120	-0.218
	Coefficients	***0.000 (1.060)	2.081 (0.467)	0.708 (0.671)	0.814 (0.569)
Eureka PD	Observations	807	1020	1077	992
	Adjusted R ²	-0.236	-0.271	-0.220	-0.218
	Coefficients	0.885 (0.277)	0.883 (0.162)	0.966 (0.108)	0.674 (0.260)
Fresno CO SO	Observations	3979	5206	14289	4410
	Adjusted R ²	-0.045	-0.035	0.028	-0.053
	Coefficients	1.098 (0.702)	1.009 (0.188)	0.944 (0.133)	1.273 (0.505)
Kern CO SO	Observations	3420	4514	7985	3478
	Adjusted R ²	0.125	0.105	0.125	0.109
	Coefficients	0.902 (0.595)	0.987 (0.456)	0.708 (0.314)	0.765 (0.645)
Livermore PD	Observations	557	760	1226	754
	Adjusted R ²	-0.083	-0.100	-0.029	-0.132
	Coefficients	***0.401 (0.209)	1.081 (0.077)	1.099 (0.066)	**0.618 (0.132)
Los Angeles CO SD	Observations	13353	26538	49975	14043

Regression Statistics for Use of Force by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	0.448	0.327	0.310	0.470
Los Angeles PD	Coefficients	**0.534 (0.163)	1.182 (0.060)	1.121 (0.049)	0.958 (0.113)
	Observations	18876	81877	145146	24713
	Adjusted R ²	0.060	0.073	0.095	0.089
	Coefficients	0.770 (0.327)	**1.524 (0.110)	1.207 (0.148)	0.960 (0.315)
Oakland PD	Observations	868	6841	3376	823
	Adjusted R ²	-0.230	-0.008	-0.066	-0.216
	Coefficients	0.681 (0.316)	1.484 (0.239)	1.070 (0.133)	0.674 (0.243)
Orange CO SO	Observations	4786	4852	10532	5189
	Adjusted R ²	0.019	0.028	0.121	0.065
	Coefficients	6.111 (0.986)	5.687 (1.544)	1.041 (0.412)	0.000 (9.906)
Petaluma PD	Observations	216	211	446	169
	Adjusted R ²	-0.418	-0.424	-0.274	-0.483
	Coefficients	0.426 (0.730)	1.030 (0.197)	0.903 (0.112)	0.936 (0.349)
Riverside CO SO	Observations	2778	5275	12789	3238
	Adjusted R ²	0.036	0.035	0.092	0.047
	Coefficients	2.502 (1.157)	1.434 (0.393)	1.597 (0.220)	0.000 (9.846)
Riverside PD	Observations	1007	1888	7281	919
	Adjusted R ²	-0.000	0.008	0.097	-0.003
	Coefficients	1.091 (0.203)	1.194 (0.085)	1.136 (0.100)	0.790 (0.154)
Sacramento CO SD	Observations	9904	18263	13817	10059
	Adjusted R ²	0.035	0.060	0.056	0.057
	Coefficients	0.808 (0.118)	1.066 (0.058)	1.159 (0.064)	1.021 (0.132)
Sacramento PD	Observations	8590	24134	16305	8523

Regression Statistics for Use of Force by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	0.242	0.243	0.255	0.224
San Bernardino CO SO	Coefficients	0.653 (0.349)	1.161 (0.098)	1.060 (0.066)	0.803 (0.172)
	Observations	14313	24719	40702	15511
	Adjusted R ²	0.347	0.339	0.398	0.354
San Diego CO SO	Coefficients	0.696 (0.821)	1.733 (0.450)	1.306 (0.198)	1.569 (0.642)
	Observations	1429	1661	3776	1925
	Adjusted R ²	0.023	0.018	0.092	0.053
San Diego PD	Coefficients	0.792 (0.135)	***1.384 (0.067)	1.112 (0.068)	1.039 (0.111)
	Observations	24023	42235	49678	24261
	Adjusted R ²	0.194	0.197	0.208	0.177
San Francisco PD	Coefficients	0.691 (0.334)	1.168 (0.125)	1.187 (0.145)	0.779 (0.229)
	Observations	2734	5570	4650	2989
	Adjusted R ²	-0.052	-0.016	-0.019	-0.072
San Jose PD	Coefficients	0.052 (2.513)	0.554 (0.991)	1.607 (0.275)	0.140 (1.221)
	Observations	286	299	3099	295
	Adjusted R ²	-0.145	-0.200	0.051	-0.144
Santa Ana PD	Coefficients	*0.403 (0.276)	1.373 (0.371)	1.236 (0.129)	1.768 (0.441)
	Observations	1063	1040	16733	1054
	Adjusted R ²	-0.005	-0.003	0.218	0.023
Santa Clara CO SO	Coefficients	0.244 (0.580)	1.395 (0.363)	0.946 (0.203)	0.265 (0.833)
	Observations	901	1135	4148	736
	Adjusted R ²	-0.062	-0.039	0.120	-0.013
Santa Rosa PD	Coefficients	0.000 (11.247)	2.451 (0.442)	1.008 (0.453)	0.292 (2.635)
	Observations	459	668	1402	483

Regression Statistics for Use of Force by Race/Ethnicity					
Agency	Statistic	Asian	Black	Hispanic	Other
	Adjusted R ²	-0.327	-0.181	-0.162	-0.226
Stockton PD	Coefficients	0.942 (0.213)	1.133 (0.127)	0.954 (0.122)	*0.405 (0.287)
	Observations	2194	8093	8381	1988
	Adjusted R ²	0.066	0.211	0.216	0.030
	Coefficients	0.577 (0.557)	1.620 (0.278)	1.103 (0.132)	0.392 (0.431)
Ventura CO SO	Observations	6825	8797	19554	6908
	Adjusted R ²	0.103	0.099	0.151	0.122

Notes. For a full description of the methodology, please see Appendix B.3. Each set of model statistics for a particular agency and race/ethnicity corresponds to a single regression test. Each model only contained a single racial/ethnic group of color and White individuals; White individuals were the reference group for all analyses. "Overall" refers to all agencies combined while "Municipal" excludes California Highway Patrol. Asterisks represent level of significance for adjusted p values using the Benjamini-Hochberg Procedure for multiple comparisons: *** p < 0.001; ** p < 0.01; * p < 0.05. Coefficients; estimate (standard error). Observations represent the number of stops analyzed by the statistical model.

APPENDIX D – YOUTH AND PRETEXT SECTION TABLES

D.1 Handcuff Rates with and without custody among stop types analyzed within pretext section

All Handcuffing vs. Handcuffing without custody within Bicycle, Pedestrian Roadway, and Loitering Stops								
	Asian	Black	Hispanic	Middle Eastern/South Asian	Multiracial	Native American	Pacific Islander	White
Bicycle Stops – handcuff w/o custody	8.9%	15.8%	20.0%	10.2%	18.8%	4.5%	13.8%	8.1%
Bicycle Stops – all handcuff	15.3%	27.2%	29.5%	16.1%	30.9%	13.6%	17.2%	17.2%
Pedestrian Roadway – handcuff w/o custody	2.0%	6.9%	9.9%	4.4%	8.1%	3.9%	1.8%	3.5%
Pedestrian Roadway – all handcuff	6.0%	11.6%	15.2%	8.3%	16.7%	9.8%	14.3%	8.4%
Loitering – handcuff w/o custody	13.2%	15.4%	15.9%	14.4%	18.3%	13.3%	12.7%	13.0%
Loitering – all handcuff	39.5%	38.1%	38.2%	37.0%	41.0%	35.6%	34.5%	28.6%

Note: no-custody handcuffing stops are considered stops where officers handcuffed the individual but none of the following were the result of stop: custodial arrest pursuant to a warrant, custodial arrest without a warrant, U.S. Homeland Security release, In-field cite and release, or psychiatric hold.

D.2 Handcuffing rates with custody – age groups and racial and ethnic identity

All Handcuffing by age and racial and ethnic group					
	Asian	Black	Hispanic	White	Other
1-9	0.0%	1.9%	3.9%	2.4%	0.0%
10-14	2.1%	15.4%	13.7%	6.2%	6.2%
15-17	4.5%	16.3%	13.9%	2.0%	3.8%
18-24	1.0%	6.9%	4.3%	1.2%	1.4%
25+	1.1%	5.7%	3.6%	2.2%	1.5%

Note: no-custody handcuffing stops are considered stops where officers handcuffed the individual but none of the following were the result of stop: custodial arrest pursuant to a warrant, custodial arrest without a warrant, US Homeland Security release, In-field cite and release, or psychiatric hold.

D.3 Overall handcuffing rates – age groups and racial and ethnic identity

All Handcuffing by age and racial and ethnic group					
	Asian	Black	Hispanic	White	Other
1-9	2.6%	7.1%	6.5%	3.5%	1.7%
10-14	11.3%	36.5%	27.6%	20.6%	18.6%
15-17	9.8%	33.5%	23.6%	6.2%	9.7%
18-24	3.4%	14.5%	10.1%	4.8%	4.6%
25+	4.4%	15.2%	10.4%	8.4%	5.3%

D.4 Stops of youth by agency – counts and percentages

RIPA Stops of Youth By Agency							
	A	B	C	D	E	F	G
Equation			100*B/A	100*A / sum(A)	100*B / sum(B)	E / D	E / D * CHP excluded in calculations ¹⁰
Agency	Stops	Stops of Youth	Percent Stops Youth	Percent of Total Stops	Percent of Youth Stops	Percent of Youth Stops / Percent of Total Stops	Percent of Youth Stops / Percent of Total Stops *CHP excluded
Alameda CO SO	15505	136	0.88%	0.49%	0.33%	0.68	0.48
Anaheim PD	26568	342	1.29%	0.83%	0.83%	0.99	0.71
Arcata PD	1428	11	0.77%	0.04%	0.03%	0.59	0.42
Bakersfield PD	11948	208	1.74%	0.38%	0.50%	1.34	0.95
Belmont PD	1553	27	1.74%	0.05%	0.07%	1.34	0.95

¹⁰ The inclusion of California Highway Patrol (CHP), the state’s top-reporting agency, has a large influence on comparative metrics based on mean value due to the large number of total stops and the relative infrequency with which CHP officers encounter youth during their duties. To better allow comparison of youth stop rates among agencies we calculate the ratio of percentage of youth stops to percentage of total stops with (F) and without (G) CHP included in calculations of total values.

RIPA Stops of Youth By Agency							
	A	B	C	D	E	F	G
Equation			100*B/A	100*A / sum(A)	100*B / sum(B)	E / D	E / D * CHP excluded in calculations ¹⁰
Agency	Stops	Stops of Youth	Percent Stops Youth	Percent of Total Stops	Percent of Youth Stops	Percent of Youth Stops / Percent of Total Stops	Percent of Youth Stops / Percent of Total Stops *CHP excluded
Berkeley PD	5469	42	0.77%	0.17%	0.10%	0.59	0.42
California Highway Patrol	1749613	15088	0.86%	54.94%	36.55%	0.67	0.47
Capitola PD	631	24	3.80%	0.02%	0.06%	2.93	2.08
Carlsbad PD	5326	219	4.11%	0.17%	0.53%	3.17	2.25
Contra Costa CO SO	3171	90	2.84%	0.10%	0.22%	2.19	1.55
Cotati PD	1736	27	1.56%	0.05%	0.07%	1.20	0.85
CSU Chico PD	334	10	2.99%	0.01%	0.02%	2.31	1.64
CSU Stanislaus	279	8	2.87%	0.01%	0.02%	2.21	1.57
Culver City PD	9454	76	0.80%	0.30%	0.18%	0.62	0.44
Davis PD	4607	47	1.02%	0.14%	0.11%	0.79	0.56
Emeryville PD	1665	16	0.96%	0.05%	0.04%	0.74	0.53

RIPA Stops of Youth By Agency							
	A	B	C	D	E	F	G
Equation			100*B/A	100*A / sum(A)	100*B / sum(B)	E / D	E / D * CHP excluded in calculations ¹⁰
Agency	Stops	Stops of Youth	Percent Stops Youth	Percent of Total Stops	Percent of Youth Stops	Percent of Youth Stops / Percent of Total Stops	Percent of Youth Stops / Percent of Total Stops *CHP excluded
Eureka PD	2905	58	2.00%	0.09%	0.14%	1.54	1.09
Fresno CO SO	19310	466	2.41%	0.61%	1.13%	1.86	1.32
Fresno PD	10848	164	1.51%	0.34%	0.40%	1.17	0.83
Hillsborough PD	646	11	1.70%	0.02%	0.03%	1.31	0.93
Kern CO SO	12277	335	2.73%	0.39%	0.81%	2.10	1.49
LAUSD	100	15	15.00%	0.00%	0.04%	11.57	8.22
Los Angeles Airport PD	4672	19	0.41%	0.15%	0.05%	0.31	0.22
Livermore PD	4552	108	2.37%	0.14%	0.26%	1.83	1.30
Long Beach PD	11986	176	1.47%	0.38%	0.43%	1.13	0.80
Los Altos PD	987	40	4.05%	0.03%	0.10%	3.13	2.22
Los Angeles CO SD	179972	2051	1.14%	5.65%	4.97%	0.88	0.62

RIPA Stops of Youth By Agency							
	A	B	C	D	E	F	G
Equation			100*B/A	100*A / sum(A)	100*B / sum(B)	E / D	E / D * CHP excluded in calculations ¹⁰
Agency	Stops	Stops of Youth	Percent Stops Youth	Percent of Total Stops	Percent of Youth Stops	Percent of Youth Stops / Percent of Total Stops	Percent of Youth Stops / Percent of Total Stops *CHP excluded
Los Angeles PD	429307	8386	1.95%	13.48%	20.31%	1.51	1.07
Mill Valley PD	838	98	11.69%	0.03%	0.24%	9.02	6.41
Oakland PD	13782	613	4.45%	0.43%	1.48%	3.43	2.44
Orange CO SO	46283	865	1.87%	1.45%	2.10%	1.44	1.02
Petaluma PD	3899	118	3.03%	0.12%	0.29%	2.33	1.66
Piedmont PD	639	27	4.23%	0.02%	0.07%	3.26	2.31
Pomona PD	4594	63	1.37%	0.14%	0.15%	1.06	0.75
Riverside CO SO	75855	1258	1.66%	2.38%	3.05%	1.28	0.91
Riverside PD	19265	201	1.04%	0.60%	0.49%	0.80	0.57
Rohnert Park PD	2368	34	1.44%	0.07%	0.08%	1.11	0.79
Sacramento CO SD	33018	784	2.37%	1.04%	1.90%	1.83	1.30

RIPA Stops of Youth By Agency							
	A	B	C	D	E	F	G
Equation			100*B/A	100*A / sum(A)	100*B / sum(B)	E / D	E / D * CHP excluded in calculations ¹⁰
Agency	Stops	Stops of Youth	Percent Stops Youth	Percent of Total Stops	Percent of Youth Stops	Percent of Youth Stops / Percent of Total Stops	Percent of Youth Stops / Percent of Total Stops *CHP excluded
Sacramento PD	46680	1267	2.71%	1.47%	3.07%	2.09	1.49
San Bernardino CO SO	98649	1248	1.27%	3.10%	3.02%	0.98	0.69
San Diego CO SO	21981	540	2.46%	0.69%	1.31%	1.89	1.35
San Diego PD	130112	2465	1.89%	4.09%	5.97%	1.46	1.04
San Francisco CO SD	628	1	0.16%	0.02%	0.00%	0.12	0.09
San Francisco PD	27453	375	1.37%	0.86%	0.91%	1.05	0.75
San Jose PD	17167	214	1.25%	0.54%	0.52%	0.96	0.68
Santa Ana PD	22000	422	1.92%	0.69%	1.02%	1.48	1.05
Santa Barbara PD	4398	68	1.55%	0.14%	0.16%	1.19	0.85
Santa Clara CO SO	14540	176	1.21%	0.46%	0.43%	0.93	0.66

RIPA Stops of Youth By Agency							
	A	B	C	D	E	F	G
Equation			100*B/A	100*A / sum(A)	100*B / sum(B)	E / D	E / D * CHP excluded in calculations ¹⁰
Agency	Stops	Stops of Youth	Percent Stops Youth	Percent of Total Stops	Percent of Youth Stops	Percent of Youth Stops / Percent of Total Stops	Percent of Youth Stops / Percent of Total Stops *CHP excluded
Santa Rosa PD	6725	161	2.39%	0.21%	0.39%	1.85	1.31
Sonoma CO SO	2582	61	2.36%	0.08%	0.15%	1.82	1.29
Sonoma County Junior College District PD	551	34	6.17%	0.02%	0.08%	4.76	3.38
Sonoma PD	249	10	4.02%	0.01%	0.02%	3.10	2.20
Sonoma State Univ PD	272	8	2.94%	0.01%	0.02%	2.27	1.61
Stockton PD	23953	503	2.10%	0.75%	1.22%	1.62	1.15
UC Irvine PD	785	15	1.91%	0.02%	0.04%	1.47	1.05
UC San Francisco PD	543	2	0.37%	0.02%	0.00%	0.28	0.20
Ventura CO SO	47293	1426	3.02%	1.49%	3.45%	2.33	1.65
Windsor PD	588	29	4.93%	0.02%	0.07%	3.80	2.70

**APPENDIX E – EXAMPLES OF DISTRICT ATTORNEY
PRETEXT STOP POLICIES**

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**STATE OF VERMONT
OFFICE OF THE CHITTENDEN COUNTY STATE'S ATTORNEY**

December 21, 2021 (Updated January 7, 2022)

NON-PUBLIC SAFETY STOP POLICY

The Chittenden County State's Attorney's Office (CCSAO) will presumptively decline to proceed with charges stemming from evidence gathered during a "non-public safety stop", also referred to as a "pretext stop". The CCSAO will also apply a heightened scrutiny to all traffic stops generally, to ensure that "public safety stops" (stops involving a violation of traffic law that endangers others) are not being used as a pretext to perform searches on the drivers that this policy is designed to protect.

Background on the Constitutionality of Traffic Stops and Searches

The Fourth Amendment promises "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."¹ Any detention by the police, whether it be a person or vehicle and regardless of the detention's duration, "constitutes a 'seizure' of 'persons' within the meaning of this provision."² Despite this, the Supreme Court approved the use of investigatory stops, wherein a law enforcement officer may stop and search a subject so long as the officer has a reasonable suspicion of criminal activity, or in other words "a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger."³

Later on, the Supreme Court approved non-public safety stops in *Whren v. United States*, reasoning that such a stop is not a violation of an individual's Fourth Amendment right so long as the driver has violated a traffic law.⁴ The Court held that an officer's "[s]ubjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis," even if that officer stopped the vehicle to investigate the vehicle and driver for evidence unrelated to the traffic stop itself.⁵ The Supreme Court of Vermont applied this same standard, stating, "the lesser standard of reasonable suspicion of either criminal activity or even a minor traffic violation can form the basis of a valid temporary stop."⁶

¹ U.S. Const., amend. IV.

² *Whren v. United States*, 517 U.S. 806, 809–10 (1996).

³ *Terry v. Ohio*, 392 U.S. 1, 27 (1968).

⁴ *Whren*, 517 U.S. at 819.

⁵ *Id.* at 812-13.

⁶ *Zullo v. State*, 2019 VT 1, ¶ 59 (2019).

Once an officer has completed the stop of the vehicle, for what this policy would consider a non-public safety stop, the officer may then use that as an opportunity to search or “fish” for evidence of other offenses.⁷ While officers may not legally require a driver to consent to a search while they are detained, the period during which the officer is in possession of the driver’s documents, officers may ask the driver to consent to a search after the driver’s documentation has been returned.⁸ Once the consent has been obtained, the search is constitutionally permissible since in the eyes of the Court the consent effectuates a waiver of one’s Fourth and Fourteenth Amendment rights.⁹

Racial Bias in the Policing of Traffic Stops

Disproportionate treatment of people of color is a well-established pattern in the American criminal legal system. This fact is borne out in not only our rates of incarceration,¹⁰ but also in who we police and how we police them. Individuals of color are far more likely to be stopped and searched by law enforcement, even though they are not any more likely to be in possession of illegal contraband than White people.¹¹

This disproportionate policing of people of color can be seen in how traffic stops are performed as well. A recent nationwide study of 100 million traffic stops found that Black and Latinx drivers were stopped and searched at a higher rate than White drivers, despite the fact that searches of Black and Latinx drivers turned up contraband at a lower rate.¹² In traffic stops for public safety infractions, such as a DUI, law enforcement officers appear to have very little racial bias in who they arrest.¹³ However, when performing discretionary non-public safety stops, law enforcement officers are far more likely to stop and search people of color.¹⁴ The result is the perpetuation of racial bias in our criminal legal system.

Vermont is no exception to this trend. A recent study found that Black Vermonters were four times more likely to be stopped and three times more likely to be searched during a stop than White Vermonters.¹⁵ Latinx Vermonters also were both stopped and searched at higher rates.¹⁶ This is in spite of the fact that searches of Black and Latinx drivers resulted in lower “hit” rates (the rate at which illegal contraband is found) than White or Asian drivers.¹⁷ The study concluded that “police search behavior is suggestive of over-searching

⁷ Charles R. Epp, Steven Maynard-Moody, & Donald Haider-Markel, *Pulled Over: How Police Stops Define Race and Citizenship* 99 (Kindle ed. 2014).

⁸ *Id.* at 38.

⁹ *Schneckloth v. Bustamonte*, 412 U.S. 218, 235 (1973).

¹⁰ Blacks and Latinx account for 33% and 23% of the prison population respectively, despite the fact that Black Americans are only 12% of the population and Latinx Americans account for just 16% of the population. White Americans, meanwhile, make up 64% of the U.S. population, but only make up 30% percent of the U.S. prison population. John Gramlich, *The Gap Between the Number of Blacks and Whites in Prison is Shrinking*, Pew Rsch. Ctr. (Apr. 30, 2019), <https://www.pewresearch.org/fact-tank/2019/04/30/shrinking-gap-between-number-of-blacks-and-whites-in-prison/>.

¹¹ Epp, Maynard-Moody, & Haider-Markel, *supra* note 8, at 50.

¹² Emma Pierson, et al., *A Large Scale Analysis of Racial Disparities in Police Stops Across the United States*, 4 *Nature Hum. Behav.* 736 (2019), <https://5harad.com/papers/100M-stops.pdf>

¹³ Epp, Maynard-Moody, & Haider-Markel, *supra* note 8, at 13.

¹⁴ *Id.*

¹⁵ Stephanie Seguino & Nancy Brooks, *Driving While Black and Brown in Vermont*, 4 (2017).

¹⁶ *Id.*

¹⁷ *Id.* at 13.

of Black and Hispanic drivers, relative to White and Asian drivers” and that this result “may be due to officers having a lower threshold of evidence for Black and Hispanic drivers.”¹⁸

Discriminatory policing practices harm those who are being discriminated against and their trust in institutional authority. Psychological research has shown that those who are being mistreated, or in this case over-policed, will eventually begin to view the system itself as deeply unfair.¹⁹ Not only is the system viewed as unfair, but also there is evidence suggesting that experiencing over-policing and discrimination causes serious psychological and emotional harm, and can lead those experiencing this treatment to be more likely to engage in criminal behavior.²⁰

Non-Public Safety Stops Do Not Improve Safety

In addition to increasing racial bias within our criminal legal system, non-public safety stops also do not improve safety in our communities. In the case of *Terry v. Ohio*, the Court reasoned that such stops should be permissible for preserving the safety of law enforcement and the public.²¹ However, there is no indication so far that non-public safety stops make communities or law enforcement safer. In the “vast majority” of these stops, whether it be a vehicle or a person, law enforcement do not discover any contraband or illegally owned guns on the people they are searching.²² A study of stops by police in New York City found that investigatory stops had very little effect on reducing crime, whereas stops stemming from an articulable probable cause had the strongest association in reducing crime.²³ Non-public safety stops are a danger to law enforcement as well, with traffic stops being the most common type of officer-initiated activity that results in the fatality of a law enforcement agent.²⁴

Legal Criticisms of Non-Public Safety Stops

While this policy recognizes that non-public safety stops are constitutionally permissible at this time, it should be noted that this understanding is not absolute. These types of stops are constitutionally banned in both New Mexico and Washington State, and several District Attorney’s Offices have enacted policies declining to prosecute certain charges in which the evidence was discovered during a non-public safety stop.²⁵ Justice Ginsburg also stated an interest in revisiting the *Whren* standard, specifically the “police officer’s reason for acting” and its interaction with individual’s Fourth Amendment rights.²⁶

¹⁸ *Id.* at 30.

¹⁹ Epp, Maynard-Moody, & Haider-Markel, *supra* note 8, at 5.

²⁰ Juan Del Toro, et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys*, 116 Proc. of the Nat’l Acad. of Sci., no. 17, 8261, 8261-68 (2019).

²¹ *Terry*, 392 U.S. at 27.

²² Epp, Maynard-Moody, & Haider-Markel, *supra* note 8, at 8.

²³ John MacDonald et al., *The Effects of Local Police Surges on Crime and Arrests in New York City*, 11 PLoS One, no. 6, (2016) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4911104/>.

²⁴ Nick Breul & Desiree Luongo, U.S. Dept. of Just.; Cmty. Oriented Policing Servs., *Making it Safer: A Study of Law Enforcement Fatalities Between 2010-2016*, 39 (2017).

²⁵ S.F. Dist. Attn’y’s Off., *Policy Directive: Declination of Contraband Charges Based on Pretextual Stops*, <https://sfdistrictattorney.org/wp-content/uploads/2020/11/Declination-of-Contraband-Charges-Based-on-Pretextual-Stops.pdf>; Washtenaw Cnty. Off. Prosecuting Attn’y, *Policy Directive 2021-09: Policy Regarding Pretext Stops*, <https://www.washtenaw.org/DocumentCenter/View/19235/Pretext-Stops-Policy>; Ingham Cnty. Prosecutor’s Off., *Policy Regarding Heightened Scrutiny of Traffic Stops and Automobile Searches*, (2021).

²⁶ *D.C. v. Wesby*, 138 S. Ct. 577, 594 (2018) (Ginsburg, J., dissenting).

Policy Directive

One step to mitigate racial bias in the American criminal legal system is to cease the prosecution of cases that arise out of non-public safety stops. The CCSAO is making the discretionary choice to not proceed with charges resulting from non-public safety stops to help alleviate implicit racial bias, help restore our community's faith in local institutions, and improve safety within our community.

For these reasons, the CCSAO will presumptively decline to proceed with charges where the individual is stopped for a non-public safety violation. The CCSAO will continue to proceed with charges resulting from public safety stops subject to the guidance below.

This policy does not focus on the outcome of the stop, but the basis for probable cause or the independent legal justification for the stop itself.

1. **Heightened scrutiny of all traffic stops:** The CCSAO will apply heightened scrutiny to all traffic stops to ensure these stops are not being used for pretextual purposes.
2. **Treatment of "public safety stops" by this Office:** Any evidence stemming from the search of a driver following a stop in which there is probable cause of a public safety violation will be considered for charges, barring other discretionary policies and factors the CCSAO may want to consider. However, if it appears that a public safety stop was made only for the purpose of "fishing" for evidence of other crimes, the CCSAO may decline to proceed with charges. For example, the CCSAO may decline charges when an officer conducts a public safety stop, searches the vehicle based on the driver's consent without any other legal justification, and finds evidence unrelated to the original justification for the stop.
3. **Treatment of "non-public safety stops" by this office:** If law enforcement stops a vehicle for any of the enumerated non-public safety violations (see below), the CCSAO will presumptively decline to proceed with any charges resulting from evidence discovered during the stop.
4. **Treatment of "public safety stops" that included a "non-public safety" violation:** If there is the presence of a public safety violation and non-public safety violation simultaneously, i.e., reckless driving plus a missing taillight, the state will consider the case, so long as the alleged public safety violation is not being used as a "pretext" to search a driver's vehicle.
5. **Exceptions:** This policy is presumptive, so the CCSAO may make exceptions to this policy. If a Deputy State's Attorney seeks to proceed with a charge resulting from a non-public safety stop, they must demonstrate that an exception is necessary to protect an identifiable member of the community and seek permission from the State's Attorney before doing so. The CCSAO may proceed with warrant requests that come from such a stop even if the prosecution of charges stemming from that search may be declined.
6. **"Public safety stops" defined:** Public safety stops are stops resulting from a traffic violation or violations that harm or threaten to harm other people in the community. Examples of violations that

could be the basis for a public safety stop include excessive speeding (defined here as 7 miles per hour or more over the speed limit), suspicion that the driver is operating their vehicle while intoxicated by drugs and/or alcohol, running through a red light, and reckless operation of a vehicle in a way that makes the road unsafe for others.

7. **“Non-public safety stops” defined:** Non-public safety stops are stops resulting from a traffic violation or violations that do not cause harm to others. The following violations shall be considered non-public safety violations:

- having one broken taillight or brake light (23 V.S.A. § 1248(a))
- failing to signal a lane change (23 V.S.A. § 1064)
- operating a vehicle too slowly (23 V.S.A. § 1064)
- operating a vehicle with an expired inspection (23 V.S.A. § 1222(a))
- operating a vehicle without registration (23 V.S.A. § 304)
- operating a vehicle with a civilly suspended license (23 V.S.A. § 674(a)(2) and 23 V.S.A. § 601(g))
- operating a vehicle with an excessively loud muffler 23 V.S.A. § 4(37)
- operating a vehicle with improperly assigned plates (23 V.S.A. § 511)
- operating a vehicle with tinted windows (23 V.S.A. § 1125(a))
- prolonged idling of a vehicle (23 V.S.A. § 1110)
- operating a vehicle with an object hanging from the rearview mirror (23 V.S.A. § 1125(a))
- operating a vehicle in the left lane of a two-lane highway when the right lane is unoccupied (23 V.S.A. § 1031), and:
 - stops done strictly to conduct a warrant check.

For the purposes of this policy, stops in which law enforcement have no justification for the stop will be treated as a non-public safety stop. The CCSAO reserves the right to adapt and adjust the above list as the CCSAO sees fit.

8. **“Consent Search” defined:** A consent search occurs when a driver gives the consent for an officer to search their vehicle, even when he may not have a warrant or the necessary probable cause to do so. Drivers often feel legally obligated to consent to a search even when they are no longer under seizure.

E.2 Ingham County Michigan District Attorney

Ingham County Prosecutor's Office Policy regarding Heightened Scrutiny of Traffic Stops and Automobile Searches

The Ingham County Prosecutor's Office (ICPO) reviews warrant requests from police agencies and decides whether to issue criminal charges. It is within the ICPO's authority to review any warrant request that a police agency submits to the ICPO and to decide whether to issue criminal charges. Part of this discretion includes the sole authority to deny a warrant request when it is not in the interests of justice for a person to face criminal charges. This policy provides direction for ICPO Assistant Prosecuting Attorneys (APAs) who review warrant requests that arise from traffic stops. This policy is intended to promote equity, justice, and fairness in the ICPO's charging decisions.

A. Background regarding traffic stops and automobile searches

1. Making a traffic stop

The United States and Michigan Constitutions both guarantee the right of citizens to be free from unreasonable searches and seizures. See US Const, Am IV; Const 1963, art 1, § 11. "In general, a search or seizure conducted without a warrant is presumptively unreasonable, and thus, unconstitutional." *People v Barbarich*, 291 Mich App 468, 472 (2011). However, investigatory traffic stops are an exception to the warrant requirement. See *Terry v Ohio*, 392 US 1, 30-31; 88 S Ct 1868; 20 L Ed 2d 889 (1968). A traffic stop is valid when a police officer has "an articulable and reasonable suspicion that a vehicle or one of its occupants is subject to seizure for a violation of law," *People v Williams*, 236 Mich App 610, 612 (1999), or when the officer has probable cause to believe that the driver of a vehicle has committed a traffic violation. *People v Davis*, 250 Mich App 357, 363 (2002).¹

The reasonableness of an officer's suspicion is determined case by case on the basis of the totality of all the facts and circumstances. [I]n determining whether the officer acted reasonably in such circumstances, due weight must be given, not to his inchoate and unparticularized suspicion or 'hunch,' but to the specific reasonable inferences which he is entitled to draw from the facts in light of his experience. [*People v LoCicero* (After Remand), 453 Mich 496, 500-501 (1996) (Cleaned up).]

However, under the law, the reasonableness of a traffic stop does not depend on the police officer's subjective intentions.²

The circumstances of a traffic stop often evolve and change, and there is no "one size fits all" rule for police investigations. *People v Williams*, 472 Mich 308, 316 (2005).

¹ But note that investigatory traffic stops can occur for certain traffic violations as well.

² The term "pretext stop" is often used to describe a stop where the stated reason for the traffic stop is facially valid, but the true, subjective motivation is a hope to find contraband or another motivation. We find the typical use of this phrase to be misleading because the phrase is often used with the connotation that pretext stops are not permissible and lawful. Because of this, our policy will not use the term "pretext stop."

“[T]he tolerable duration of police inquiries in the traffic-stop context is determined by the seizure’s “mission”—to address the traffic violation that warranted the stop, and attend to related safety concerns[.]” *Rodriguez v US*, 575 US 348, 354; 135 S Ct 1609; 191 L Ed 2d 492 (2015).

2. Searching an automobile without a search warrant

“In order to show that a search was legal, the police must show either that they had a warrant or that their conduct fell under one of the narrow, specific exceptions to the warrant requirement.” *People v Eaton*, 241 Mich App 459, 461 (2000). There are several exceptions to the warrant requirement that may be applicable in the context of an automobile search.

The automobile exception to the warrant requirement allows the police to lawfully search an automobile without a warrant if the officer has probable cause to believe the vehicle contains contraband. *People v Garvin*, 235 Mich App 90, 102 (1999).

The consent exception to the warrant requirement is not particular to automobiles; it applies in the same manner whether the place to be searched is a pocket, backpack, automobile, or home. See *People v Mead*, 503 Mich 205, 215-216 (2019). “There are three ways a court may find that a consent search was unreasonable: consent wasn’t voluntary, the consent-giver lacked authority, or the scope of the search exceeded the consent.” *Id.* at 216.

The plain view exception to the warrant requirement allows officers to seize “items in plain view if the officers are lawfully in a position from which they view the item, and if the item’s incriminating character is immediately apparent.” *People v Champion*, 452 Mich 92, 101 (1996). People do not have a reasonable expectation of privacy in things that they willingly expose to the public. *Katz v US*, 389 US 347, 351; 88 S Ct 507, 511; 19 L Ed 2d 576 (1967).

The inventory search exception to the warrant requirement applies when the police impound a vehicle and secure and inventory its contents. *People v Toohey*, 438 Mich 265, 275 (1991). “An inventory search that is conducted pursuant to standardized police procedure is considered reasonable because the resulting intrusion will be limited to the extent it is necessary to fulfill the caretaking function.” *Id.* at 275-276.

3. Disparate impact of traffic stops, searches, and the resulting criminal charges

Nationwide, Black people are significantly more likely than white people to be stopped for a traffic violation.³ After a traffic stop, Black and Hispanic people “are significantly more likely to be searched for contraband.”⁴ Preliminary data from the Ingham County Prosecutor’s Office’s (ICPO) collaborative partnership with the Vera Institute for Justice shows that there is a significant racial disparity in charged cases in Ingham County. Black and Hispanic people represent 12 percent of the population in Ingham County, yet they represent 41 percent of the misdemeanor caseload and 54 percent of the felony caseload in the ICPO. Black people in Ingham County are 4.6

³ Stanford Open Policing Project, Findings, available at <https://openpolicing.stanford.edu/findings/>.

⁴ Washtenaw County Policy Regarding Pretext Stops citing *Id.*

times more likely to be charged with a misdemeanor and 7.6 times more likely to be charged with a felony than white people. There is more work to do in order to fully understand and change these racial disparities. This policy is one step toward change.

B. Definitions

1. Public safety related infractions

Public safety related infractions are infractions that present an actual danger to a person, property, or the general public.

2. Non-public safety related infractions

Non-public safety related infractions are infractions that do not pose an actual danger to a person, property, or the general public. Examples of common infractions that do not typically pose an actual danger to a person, property, or the general public include: window tint, expired registration, a single defective tail light, failing to stop leaving a private drive, driving in the left lane, some defective equipment infractions, and driving while license suspended. This is a non-exhaustive list. APAs will weigh whether an infraction presents an actual danger.

3. Investigatory stops

Investigatory stops occur when a police officer has a reasonable and articulable suspicion that a vehicle or one of its occupants is subject to seizure for a violation of law.⁵

4. Possession of contraband charge

Possession of contraband includes the following: possession of a controlled substance (MCL 333.7403); receiving or concealing stolen, embezzled, or converted property (MCL 750.535); minor in possession of alcohol (MCL 436.1703); carrying a concealed weapon (MCL 750.227), possession of a blackjack, slungshot, billy, metallic knuckles, sand club, sand bag, bludgeon, or portable device directing electrical current (MCL 750.124(1)(d)); possession or transportation of a firearm or pneumatic gun in a vehicle (MCL 750.227c-d); and possession of a firearm in public by a minor (MCL 750.234f).⁶

C. Policy

1. Heightened scrutiny of *all* traffic stops and automobile searches

⁵ Some stops are investigatory in nature but publicly announcing the substance of an investigation will pose a danger to someone. In these instances, police agencies should contact the prosecutor's office and inform them of the nature of the stop so that the reviewing APA can make an appropriate decision under this policy and disclose the nature of the interaction if required under the rules of discovery.

⁶ This list substantially mirrors the Washtenaw County Policy Regarding Pretext Stops definition of "Possession of Contraband Charge."

APAs will apply the law when reviewing warrant requests that arise out of a traffic stop. If there is no legal basis to initiate a traffic stop (reasonable articulable suspicion or probable cause as applicable), the APA will deny the warrant request unless there is an independent basis for the charge.

Likewise, APAs will carefully scrutinize the stated reason for any automobile search that is not authorized by a search warrant. APAs will carefully scrutinize whether the search is authorized by an exception to the warrant requirement. APAs will evaluate the credibility of facts giving rise to warrant exceptions. In cases involving consent, APAs will evaluate whether consent was voluntary. APAs will not consider evidence that was obtained in violation of the Fourth Amendment when making their charging decisions.

APAs will also examine whether the police officer impermissibly prolonged the duration of the traffic stop. Routine traffic stops should not become “fishing expeditions.”

2. Non-public safety related traffic stops

- a. If an APA reviewing a warrant request determines: 1) that the traffic stop was a non-public safety related traffic stop, and 2) there was a consent search with no other exception to the warrant requirement, the APA will deny any warrant request for possession of contraband crimes arising out of the search.⁷
- b. If an APA reviewing a warrant request determined: 1) that the traffic stop was a non-public safety related traffic stop, and 2) the warrant request is for a non-public safety related infraction, the APA will deny any warrant request for the non-public safety related infraction.⁸

3. Public safety related infractions

Consistent with policy section C, paragraph 1, APAs will evaluate whether the police report or other evidence establishes that the traffic stop was based on a public safety related infraction. APAs will consider reasons for why the stop is public safety related. Consistent with policy section C, paragraph 1, APAs will evaluate the reason for any automobile search. Conclusory statements that the stop was based on public safety will not be accepted. In order to be a public safety related stop, the APA must be convinced that the stated infraction presents an actual danger to a person, property, or the general public.

If there is a legal basis for the initial traffic stop and any resulting search, the APA may authorize or deny charges if they are supported by the evidence and applicable law, consistent with other office policies, and in the interests of justice.

4. Investigatory traffic stops

⁷ This should not discourage asking for consent even when there is independent justification for the search through the automobile exception to the warrant requirement. The presence of consent along with other justification does not prohibit an APA from issuing possession of contraband charges.

⁸ APAs will also dismiss tickets for non-public safety related infractions when the stop was for a non-public safety related infraction and the ticket only lists non-public safety related infractions.

Consistent with policy section C, paragraph 1, APAs will evaluate whether the police report or other evidence establishes that the traffic stop was a valid investigatory stop (as defined by this policy). APAs will consider reasons for why the stop is a valid investigatory stop and not a fishing expedition. Consistent with policy section C, paragraph 1, APAs will evaluate the reason for any automobile search. If there is a legal basis for the initial traffic stop and any resulting search, the APA may authorize or deny charges if they are supported by the evidence and applicable law, consistent with other office policies, and in the interests of justice.

5. Seizing contraband and forensic testing

This policy does not prohibit or discourage lawfully seizing, processing, forensically testing, or destroying contraband consistent with a police agency's standard policies and procedures.

6. Prosecutorial discretion

This policy is an exercise in prosecutorial discretion. The policy does not create new legal rights.

7. Flow chart

The appendix contains a flow chart to assist APAs with applying this policy.

8. Exceptions

If an APA believes that there should be an exception to this policy, the APA will consult with either Prosecutor Carol Siemon or Chief Assistant Prosecutor Michael Cheltenham.

July 26, 2021

E.3 Los Angeles California District Attorney

SPECIAL DIRECTIVE 20-07

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: GEORGE GASCÓN
District Attorney

SUBJECT: MISDEMEANOR CASE MANAGEMENT

DATE: DECEMBER 7, 2020

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This Special Directive addresses issues of Misdemeanor Case Management in Chapter 9 of the Legal Policies Manual. Effective **December 8, 2020**, the policies outlined below supersede the relevant sections of Chapter 9 of the Legal Policies Manual.

INTRODUCTION

The public's interaction with the criminal justice system is mainly through misdemeanor prosecutions, yet the power and influence of the misdemeanor system in Los Angeles County has gone largely unnoticed. The goal of this new policy is to reimagine public safety and best serve the interests of justice and community well-being. As such, the prosecution of low-level offenses will now be governed by this data-driven Misdemeanor Reform policy directive.

Los Angeles County courts should not be revolving doors for those in need of treatment and services. Currently, over 47% of those incarcerated pre-trial on misdemeanor cases suffer from mental illness. Likewise, nearly 60% of those released each day have a significant substance use disorder. Meanwhile, individuals experiencing homelessness account for almost 20% of arrests in Los Angeles despite comprising only 1.7% of the population. The status quo has exacerbated social ills and encouraged recidivism at great public expense.

Moreover, the consequences of a misdemeanor conviction are life-long and grave, even for those who avoid incarceration. Misdemeanor convictions create difficulties with employment, housing, education, government benefits, and immigration for non-citizens and citizens alike. Deportation, denial of citizenship, and inadmissibility affect not only individuals, but also children, families, and immigrant communities. And no matter one's immigration status, the resultant costs and fees of misdemeanor convictions force many to choose between necessities such as rent, transportation, and medical care versus financial obligations to the justice system.

Despite the immense social costs, studies show that prosecution of the offenses driving the bulk of misdemeanor cases have minimal, or even negative, long-term impacts on public safety. Agencies equipped with the social-service tools necessary to address the underlying causes of offenses such as unlicensed driving, sex work, drug possession, drinking in public, and

trespassing are best positioned to prevent recidivism and will thus be empowered to provide help to those in need.

The goal of the Los Angeles County District Attorney's Office is to protect public safety. To do so as effectively as possible, we will direct those in need of services to treatment providers, divert those undeserving of criminal records to appropriate fora, and reorient our focus towards combating violent and serious criminal offenses.

I. DECLINATION POLICY DIRECTIVE

The misdemeanor charges specified below shall be declined or dismissed before arraignment and without conditions unless "exceptions" or "factors for consideration" exist.

These charges do not constitute an exhaustive list. Each deputy district attorney is encouraged to exercise his or her discretion in identifying a charge falling within the spirit of this policy directive and proceed in accordance with its mandate.

In addition, each deputy district attorney retains discretion to seek a deviation from this policy when a person poses an identifiable, continuing threat to another individual or there exists another circumstance of similar gravity. In such a situation, the deputy district attorney must consult with their supervisor, place their justification for seeking a deviation in writing, and record their supervisor's determination in the case file. Such a deviation should be the exception, not the rule. In all circumstances, the person's ability to pay shall be considered.

Trespass – Penal Code § 602(a)-(y)

- a. Exceptions or Factors For Consideration
 - i. Repeat trespass offenses on the same public or private property over the preceding 24 months
 - ii. Verifiable, imminent safety risk
 - iii. No indicia of substance use disorder and/or mental illness, or homelessness

Disturbing The Peace – Penal Code § 415(1)-(3)

- a. Exceptions or Factors For Consideration
 - i. Repeat offenses over the preceding 24 months involving substantially similar behavior to that charged
 - ii. No indicia of substance use disorder and/or mental illness

Driving Without A Valid License – Vehicle Code § 12500(a)-(e)

- a. Exceptions or Factors For Consideration
 - i. Repeat driving offenses over the preceding 24 months involving substantially similar behavior to that charged

Driving On A Suspended License – Vehicle Code § 14601.1(a)

- a. Exceptions or Factors For Consideration
 - i. Repeat driving offenses over the preceding 24 months involving substantially similar behavior to that charged

Criminal Threats – Penal Code § 422

- a. Exceptions or Factors For Consideration
 - i. Offense related to domestic violence or hate crime
 - ii. Repeat threat offenses over the preceding 24 months
 - iii. Documented history of threats towards victim
 - iv. Possession of a weapon capable of causing bodily injury or death during commission of offense
 - v. No indicia of substance use disorder and/or mental illness

Drug & Paraphernalia Possession – Health & Safety Code §§ 11350, 11357, 11364, & 11377

- a. Exceptions or Factors For Consideration
 - i. None identified

Minor in Possession of Alcohol – Business & Professions § 25662(a)

- b. Exceptions or Factors For Consideration
 - i. None identified

Drinking in Public – Los Angeles County Municipal Code §13.18.010

- c. Exceptions or Factors For Consideration
 - i. None identified

Under the Influence of Controlled Substance – Health & Safety Code § 11550

- a. Exceptions or Factors For Consideration
 - i. None identified

Public Intoxication – Penal Code § 647(f)

- a. Exceptions or Factors For Consideration
 - i. None identified

Loitering – Penal Code § 647(b),(c), (d), (e)

- a. Exceptions or Factors For Consideration
 - i. Repeat offenses over the preceding 24 months involving substantially similar behavior to that charged

Loitering To Commit Prostitution – Penal Code § 653.22(a)(1)

- a. Exceptions or Factors For Consideration
 - i. None identified

Resisting Arrest – Penal Code § 148(a)

- a. Exceptions or Factors For Consideration
 - i. Repeat offenses over the preceding 24 months involving substantially similar behavior to that charged
 - ii. The actual use of physical force against a peace officer
 - iii. The charge is filed in connection with another offense not enumerated above

If the charge is not declined, follow these sequential steps until dismissal:

- A. **Pre-Arrest Diversion via Administrative Hearing.** Upon compliance with condition(s) imposed in the administrative hearing, the charge shall be formally declined;
- B. **Post-Arrest, Pre-Plea Diversion.** Upon compliance with condition(s) imposed at arraignment or pretrial, the charge shall be dismissed without the entry of a plea of nolo contendere or guilty;
- C. **Post-Arrest, Post-Plea Diversion.** Upon compliance with condition(s) imposed at pre-trial, the charge shall be dismissed following the withdrawal of a plea of nolo contendere or guilty.

The conditions of such diversion shall be the same as those statutorily required upon conviction, absent monetary fines and fees and status registration. In no circumstance may the offer of diversion be conditioned upon (1) waiver of a person's constitutional or statutory rights or (2) a temporal or procedural deadline other than commencement of trial.

II. DIVERSION POLICY DIRECTIVE

The purpose of the Diversion Policy Directive is to utilize remediation to protect public safety, promote individual rehabilitation, and encourage prosecutorial discretion. For all misdemeanor offenses not listed below under the Declination Policy Directive, pre-plea diversion shall be presumptively granted. This diversion policy shall not apply to (1) offenses excluded under Penal Code §1001.95 and (2) any driving under the influence offense.

The Diversion Policy Directive is also intended to complement statutory diversion schemes such as those codified under Penal Code §§ 1001.36, 1001.80, 1001.83, and 1001.95. The Deputy District Attorney shall utilize their discretion, in accordance with the spirit of this policy, when determining which diversionary scheme is best suited to serve the interests of justice.

The conditions of such diversion shall be the same as those statutorily required upon conviction, absent monetary fines and fees and status registration. In no circumstance may the offer of diversion be conditioned upon waiver of a person's constitutional or statutory right, except for a waiver of time under Penal Code § 1382. The duration of such diversion shall presumptively be 6 months, but in no circumstance shall it exceed 18 months. Upon compliance

with the condition(s) imposed, the charge(s) shall be dismissed without the entry of a plea of nolo contendere or guilty.

The presumption of pre-plea diversion may be rebutted upon reasoned consideration of the following factors:

- Convictions for offenses of equal or greater severity than that charged over the preceding 24 months;
- Documented history of threats or violence towards a victim;
- Clear evidence of an identifiable, continuing threat to another individual or other circumstance of similar gravity.

In such a situation, the Deputy District Attorney must consult with their supervisor, place their justification for seeking a deviation in writing, and record their supervisor's determination in the case file.

III. NON-DIVERSIONARY PLEA OFFERS

If a misdemeanor case is not subject to declination or resolved via the Diversion Policy Directive, the deputy district attorney shall adhere to the following guidelines when making plea offers:

- No offer shall require that a defendant complete combined jail time and community labor as a term of a sentence;
- No offer shall require that a defendant complete in excess of 15 days of community labor as a term of a sentence;
- No offer shall require status registration for a defendant unless mandated by statute;
- Once conveyed to the defendant, no offer shall be increased in response to the defendant exercising their right to pursue a jury trial or pretrial motion.

In seeking a deviation from any of the aforementioned guidelines, the deputy district attorney must consult with their supervisor, place their justification for seeking a deviation in writing, and record their supervisor's determination in the case file.

IV. FINES AND FEES

Fines and fees place burdens on individuals in the criminal system and their families and pose significant and sometimes insurmountable obstacles to reentry. Deputy district attorneys shall:

- Presume that an individual is indigent and unable to pay fines and fees under the following circumstances: the individual is represented by the Public Defender, the Alternate Public Defender, Bar Panel, or a free legal services organization, the defendant is receiving any type of means-tested government benefits, the defendant is experiencing homelessness or the defendant can make a showing of indigence by clear and convincing evidence;
- Actively support and in no case object to requests to waive fines and fees for indigent individuals;

- Refrain from arguing that a failure to pay a fine, fee, or court ordered program represents a violation of summary probation if the defendant is indigent as defined above, or that summary probation should be extended based upon an alleged failure to pay, or that an individual should be incarcerated or suffer an additional sanction due to failure to pay.

The policies of this Special Directive supersede any contradictory language of the Legal Policies Manual.

E.4 Ramsey County Minnesota District Attorney



OFFICE OF THE RAMSEY COUNTY ATTORNEY

John J. Choi

TO: Adult Trial Division, Pretrial Justice Division, Youth Justice & Wellness Division, and Victim, Witness & Postconviction Justice Division Attorneys

FROM: John Choi, Ramsey County Attorney *J.C.*

DATE: September 8, 2021

RE: *Charging Policy Regarding Non-Public-Safety Traffic Stops*

I. BACKGROUND

It is the duty and obligation of our office to protect the constitutional rights of every Ramsey County resident and to ensure the law is enforced equitably. It has long been the value of our office to critically evaluate cases, safeguard the rights of those impacted by the legal system, and eliminate practices that cause disparate outcomes. This policy reflects those values while increasing the focus on public safety.

In order to protect public safety and maintain the public's trust and confidence, we must ensure that no segment of our community is disproportionately impacted by our practices in the justice system. The longstanding custom and practice of law enforcement pulling people over for non-public-safety reasons (like traffic code violations) as a pretext to search their vehicles for potential contraband disproportionately impacts people of color and those in under-resourced communities, who are most often subject to these stops. Such stops seldom yield contraband but come at a great cost to our community by diminishing its trust and confidence in law enforcement, which is essential to successful community policing.^{1 2 3}

Non-public-safety stops have similar effects as other discretionary police tactics, such as the disavowed "stop and frisk" practices that impacted millions of Black and Latinx people in major cities across this country. Using such stops enables conscious and unconscious bias to influence law enforcement officers' discretion, which results in targeting people based on perceptions of

¹ Policing Project, NYU School of Law, An Assessment of Traffic Stops and Policing Strategies in Nashville.

² The Stanford Open Policing Project; <https://openpolicing.stanford.edu/>

³ *Racial Profiling*, American Civil Liberties Union, <https://www.aclu.org/issues/racial-justice/race-and-criminal-justice/racial-profiling> (last visited on June 24, 2020).

their race, ethnicity, or other social categories.⁴ In addition, pulling drivers over for minor traffic violations or equipment-related infractions too often expands into a search of the entire vehicle and the person, without any suspicion of criminal wrongdoing.

As prosecutors serving in our role as ministers of justice, we cannot deny or ignore the role we play in perpetuating racial inequities when we charge the cases resulting from these stops. Our office will utilize its prosecutorial discretion to provide greater protection to those we serve.

II. POLICY GUIDELINES

In order to increase procedural justice for all residents and improve trust in communities of color and under-resourced communities, our office will decline to prosecute cases when the charge is:

- solely the product of a non-public-safety traffic stop; or
- the result of searching a vehicle based solely on consent, without any other articulable suspicion.

For purposes of this policy, a non-public-safety traffic stop means that the articulated justification for the initial stop of the vehicle is any one of the following violations:

- Vehicle Registration (169.79, Subd. 8)
- License Plate Illumination (169.50)
- Muffler excess noise violations (169.69)
- Windshield prohibitions (i.e. air fresheners or other objects hanging from the rear-view mirror or cracked windshields) (169.71)
- Window tint or other restrictions on glazed windows (169.71)
- Headlights, signal lights or rear lamp violations unless both headlights or both rear brake lights are nonfunctioning. (169.55, 169.63, 169.50, 169.57 Subd. 1 (a) Subd. 3)

This policy does not apply to situations that endanger public safety or when a vehicle is stopped due to a dangerous condition. A dangerous condition exists when an improper or malfunctioning piece of motor vehicle equipment creates a substantial, articulable, and identifiable risk of injury to any person.

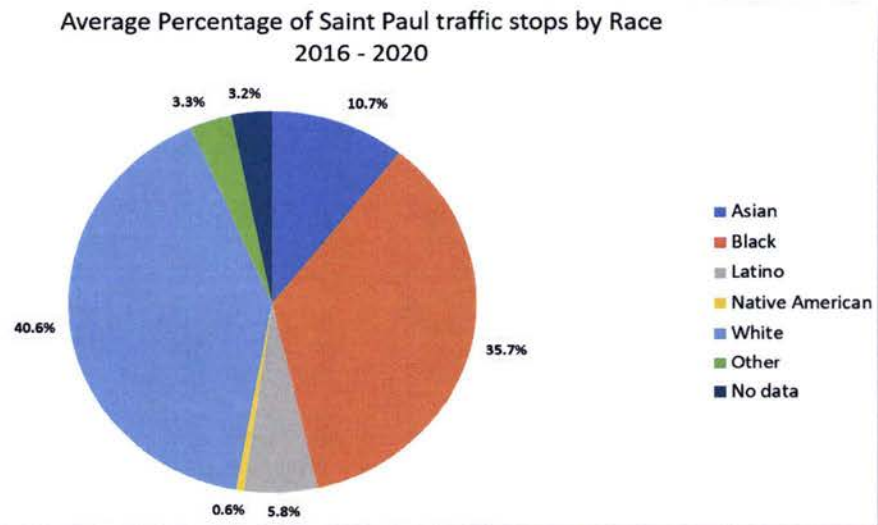
⁴ See e.g., Megan Quattlebaum, *Let's Get Real: Behavioral Realism, Implicit Bias, and the Reasonable Police Officer*, Stanford Journal of Civil Rights & Civil Liberties (2018), <http://law.stanford.edu/wp-content/uploads/2018/05/Quattlebaum-FINAL.pdf> (last visited on June 24, 2020).

III. RACIALLY DISPARATE IMPACT

This policy seeks to eliminate the disproportionate contact drivers of color have with law enforcement and to rebuild trust with communities of color by addressing the ongoing racial disparities in the criminal justice system.

Minnesota’s criminal justice system has among the worst racial disparities in the country.⁵ In the city of Saint Paul, Black drivers are four times more likely to be pulled over than White drivers and nine times more likely to have their vehicles searched.⁶ Reducing racial disparities in traffic stops in Ramsey County is more critical now than ever before, as law enforcement works to improve and repair relationships with communities of color. In June of 2021, a Pioneer Press analysis of the Saint Paul Police Department’s traffic stop data found that Black drivers

accounted for approximately 35.7 percent of traffic stops between 2016-2020, while making up 13 percent or less of the city’s driving-age population. White drivers, by contrast, accounted for 40.6 percent of stops, and made-up 58 percent of the driving-age population.⁷



⁵ African-Americans make up 35 percent of the prison population, but only comprise around 7 percent of the population of the state. Brandt Williams, *Court Officers Say Minnesota Still Struggles for Equal Justice*, MPR News (Feb. 8, 2019), <https://www.mprnews.org/story/2019/02/07/minnesota-struggles-for-equal-justice> (last visited on July 2, 2020); see also Cody Nelson, *Report: Minnesota 2nd Worst State for Racial Inequality*, MPR News (Aug. 23, 2017), <https://blogs.mprnews.org/newscut/2017/08/report-minnesota-2nd-worst-state-for-racial-inequality/> (last visited on July 2, 2020) (in 2017, “for every 100,000 Minnesotans, there were 111 White people incarcerated and 1,219 Black people [incarcerated]”).

⁶ Black drivers nearly 4 times more likely to be pulled over than white drivers – Twin Cities, Pioneer Press (June 12, 2021), <https://www.twincities.com/2021/06/12/st-paul-data-shows-black-drivers-nearly-4-times-more-likely-to-be-pulled-over-than-white-drivers/>

⁷ Black drivers nearly 4 times more likely to be pulled over than white drivers – Twin Cities, Pioneer Press (June 12, 2021), <https://www.twincities.com/2021/06/12/st-paul-data-shows-black-drivers-nearly-4-times-more-likely-to-be-pulled-over-than-white-drivers/>

Race and Ethnicity in Ramsey County.

Ramsey County is the state's second most diverse county; in 2020, 32.9 percent of Ramsey County residents were people of color.⁸ The total population in Ramsey County is 552,352, with White residents making up 67.1 percent of the population, Asian residents making up 15.3 percent of the population, and Black or African American residents making up 12.9 percent of the population.⁹

The criminal justice system is rife with racial inequities. The heightened focus on Black and Brown people that results from non-public-safety traffic stops contributes to the disparities in which people are presented to our office for prosecution, which in turn contribute to the racial disparities in our jail and prison populations. Relative to their proportion of the population, Black and Indigenous people are significantly overrepresented in the criminal justice system. Despite making up only 13 percent of the United States population, Black Americans make up 40 percent of the incarcerated prison population. Between 2010 and 2019 in Ramsey County, close to 2/3 of residents were White and around 12 percent were Black or African American.¹⁰ In 2017 at the Ramsey County Correctional Facility, Black men made up 45 percent of the 2,018 male admissions, and Black females made up 29 percent of the 405 female admissions.¹¹ In comparison, White men made up 34 percent of male admissions, and White women made up 43 percent of female admissions.¹²

⁸ <https://www.census.gov/quickfacts/ramseycountyminnesota>

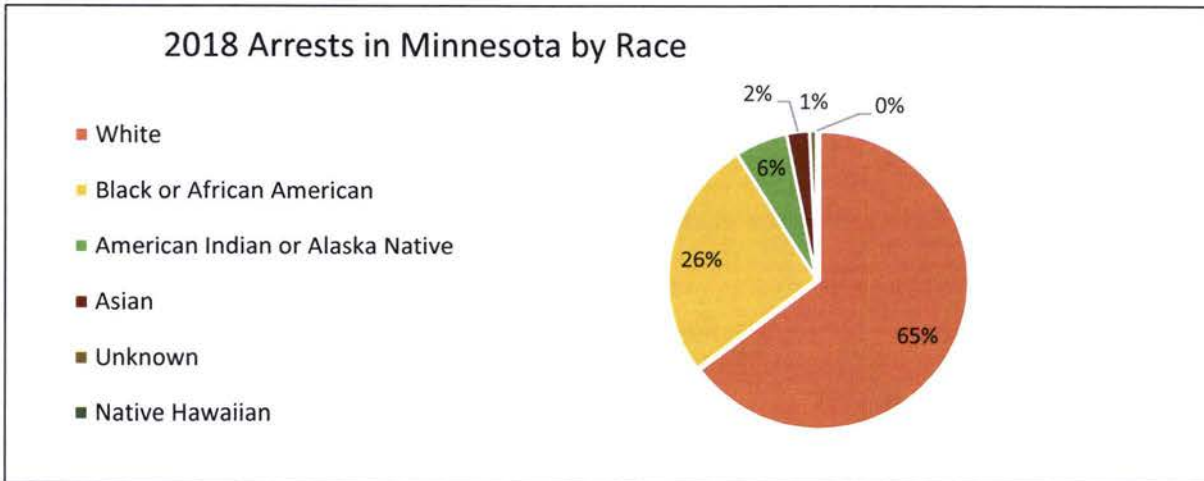
⁹ 2019 American Community Survey 5-Year Estimates, United States Census Bureau (2019), <https://data.census.gov/cedsci/profile?q=0500000US27123> (last visited on June 21, 2021) (source for data and graph).

¹⁰ *QuickFacts: Ramsey County, Minnesota*, United States Census Bureau (2010-2019), <https://www.census.gov/quickfacts/ramseycountyminnesota> (last visited on June 25, 2020).

¹¹ *Crime- Incarceration and Legal Supervision of Adults*, 2018 Ramsey County Community Health Assessment (2018), https://www.ramseycounty.us/sites/default/files/Departments/Public%20Health/CHA/Crime%20-%20Incarceration%20and%20Legal%20Supervision%20of%20Adults_final.pdf (last visited on June 25, 2020).

¹² Research and Evaluation Unit, *2017 Fact Sheets*, Ramsey County Community Corrections (June 2018) <https://www.ramseycounty.us/sites/default/files/Public%20Safety%20and%20Law/2017%20Community%20Corrections%20Fact%20Sheets.pdf> (last visited on June 25, 2020).

RACIAL DISPARITIES IN MINNESOTA AND SAINT PAUL



FBI-reported arrest rates in Minnesota.

The Federal Bureau of Investigation (FBI) collects data from law enforcement agencies across the country through the Uniform Crime Reporting (UCR) program. The Program's objective is to "generate reliable information for use in law enforcement administration, operation, and management; over the years, however, the data have become one of the country's leading social indicators."¹³ Based on data from the Uniform Crime Reporting program, FBI statistical figures show in 2018, there were 147,318 arrests in Minnesota.¹⁴ Despite only making up 7 percent¹⁵ of the state population, Black residents made up more than 20 percent of the arrests that year.

¹³ *Uniform Crime Reporting*, Federal Bureau of Investigation, <https://www.fbi.gov/services/cjis/ucr/> (last visited on July 10, 2020).

¹⁴ *Crime Data Explorer, Minnesota*, Federal Bureau of Investigation (2018), <https://crime-data-explorer.fr.cloud.gov/explorer/state/minnesota/arrest> (last visited on July 10, 2020) (2018 FBI Arrest statistics for Minnesota are based on data received from 382 law enforcement agencies that submitted 12 months of arrest data of 407 total number of law enforcement agencies in the state that year).

¹⁵ *QuickFacts: Minnesota, United States*, United States Census Bureau (2010-2019), <https://www.census.gov/quickfacts/fact/table/MN,US/PST045219> (last visited on July 10, 2020).

Minnesota Statewide Racial Profiling Study.¹⁶

For nearly two decades, numerous reports have highlighted the gravity of the problem of racial profiling caused by non-public-safety stops and searches. A 2003 analysis across sixty-five law enforcement jurisdictions found that officers stopped Black, Latinx, and Indigenous drivers at higher rates than White drivers and found drugs as a result of searches of Black, Latinx, and Indigenous drivers at lower rates than in searches of White drivers. Conversely, law enforcement officers stopped and searched White drivers at lower rates than drivers of color and found drugs in searches of White drivers at higher rates than in searches of drivers of color.

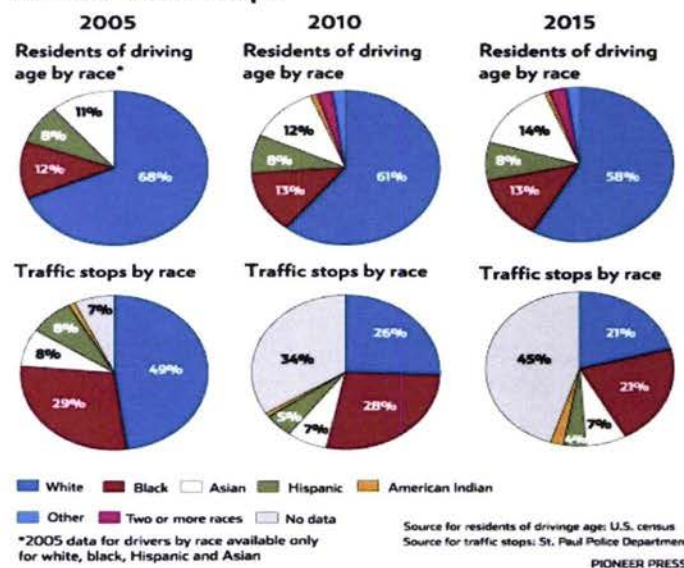
The study found the disparities especially high for Black and Latinx drivers. In fact, if officers had stopped and searched drivers of all racial and ethnic groups at the same rate in the sixty-five jurisdictions, approximately:

- 18,800 fewer Black, 5,800 fewer Latinx, and 22,500 more White drivers would have been stopped; and
- 2,114 fewer Black, 428 fewer Latinx, and 2,645 more White drivers would have been searched.

2016 Pioneer Press Analysis of Saint Paul Police Department Data.¹⁷

A 2016 analysis showed that Black drivers accounted for 29 percent of traffic stops over the last decade, while making up 13 percent or less of the city's driving-age population. By contrast, White drivers accounted for 31 percent of stops, while making up 58 percent of the driving-age population. Black drivers were also about two times more likely to have their vehicles searched and be frisked than White drivers.

St. Paul traffic stops



Black drivers accounted for 35 percent of the tickets issued by police, compared to

¹⁶ Institute on Metropolitan Opportunity, *The Minnesota Statewide Racial Profiling Study*, University of Minnesota Law School (2003), https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1113&context=imo_studies (last visited on June 24, 2020).

¹⁷ Scott Takushi, *St. Paul Officers Stop Black Motorists at Higher Rates than Whites, Data Show—Twin Cities*, Pioneer Press (Apr. 21, 2011), <https://www.twincities.com/2016/12/14/st-paul-officers-stop-black-motorists-at-higher-rates-than-whites-data-shows/> (last visited on June 24, 2020).

26 percent for White drivers. The analysis also found that there is no racial information for a large number of traffic stops over the past fifteen years, due to limitations in record keeping. In 2015, 45 percent of traffic stops did not have racial information, hindering a more precise analysis of the size of racial gaps.

When people feel unfairly targeted by non-public-safety stops, it diminishes trust in law enforcement, prosecution, and in the justice system, as a whole, which comes at great cost to the people being profiled and to our collective ability to achieve community safety. As Justice Sonia Sotomayor recently stated in a dissent, “Although many Americans have been stopped for speeding or jaywalking, few may realize how degrading a stop can be when the officer is looking for more.”¹⁸

IV. MEASURING RESULTS & ACCOUNTABILITY

We will track all cases referred to our office but not charged because of this policy, regularly analyze our data and make it publicly available to ensure our efforts are effective, consistently applied, and our community can hold us accountable for results. We will also regularly share our data with law enforcement agencies in Ramsey County to inform the training of their officers.

V. EXCEPTIONS

Public safety exceptions may be made in limited circumstances with supervisor approval.

VI. CONCLUSION

The voices in our community and studies cited in this policy clearly demonstrate the harm and unfair burden these types of traffic stops have on communities of color. In order to rebuild trust and cooperation with these communities, redirect law enforcement resources to focus on the greatest threats to public safety, and enhance procedural justice, we will decline to prosecute charges arising from non-public-safety stops or searches of vehicles based solely on consent.

¹⁸ *Utah v. Streiff*, 136 S. Ct. 2056, 2069 (2016) (dissenting opinion of J. Sotomayor).

E.5 San Francisco County California District Attorney



CHESA BOUDIN
DISTRICT ATTORNEY

Policy Directive
San Francisco District Attorney's Office
Declination of Contraband Charges Based on Pretextual Stops

I. INTRODUCTION

Racial profiling undermines law enforcement legitimacy. It creates animus and distrust in communities of color and decreases public safety. It is the duty and obligation of the District Attorney's Office to protect the constitutional rights of every San Franciscan and to increase the fairness of our system of justice. To ensure the protection of all our communities, we will discourage "stop and frisk" style policing strategies.

The 2016 Report from the Department of Justice's Office of Community Oriented Policing Services (COPS) validated previous studies that have shown racially disparate treatment in traffic stops and post-stop searches. The report recommended several policy changes in this area that have yet to be implemented.

According to the 2020 Racial Identity and Profiling Advisory Board Report, in San Francisco, Black people were **stopped at rates over five times their representation** in the city's overall population -- a greater disparity than Los Angeles or San Diego.

This policy rebuilds trust and cooperation with affected communities in order to facilitate crime prevention and addresses the ongoing problem of racial disparities in the criminal justice system.

II. POLICY

The San Francisco District Attorney's Office has a presumption against filing possession of contraband crimes when the search stemmed from an infraction-related stop, and no other independent probable cause (such as observed contraband in plain view) or other legal justification exists to justify the search and seizure of the contraband.

This policy encompasses "consent-only" searches because of the long-standing and documented racial and ethnic disparities in law enforcement requests for consent to search.

This policy also encompasses any search that is initiated after a detention is prolonged based on an otherwise unrelated inquiry from an officer regarding whether the person stopped for the infraction is "on probation or parole."

This policy only applies to infraction-related stops and post-stop searches for contraband where there is no other articulable suspicion of criminal activity, and to any potential criminal possessory charges that result from this investigative action.

This policy does not prevent any prosecution wherein a law enforcement agency has conducted a valid and legal stop to facilitate investigation of a non-possessory crime, such as, for example, homicide, sexual assault, aggravated assault, assault with a firearm, or driving under the influence.

This policy is an exercise of discretion by the San Francisco District Attorney's Office and does not purport to affect the legality or propriety of any other law enforcement officer's actions.

This policy does not, in any way, discourage the continued enforcement of traffic offenses that affect the safety of San Francisco residents. Rather, this policy is only intended to discourage the use of traffic laws as a pretext to stop and search people of color based on implicit or express bias.

The San Francisco District Attorney will continue to support forensic processing or confiscation and destruction of any contraband seized as a result of any law enforcement action.

This policy will be periodically reevaluated after data collection and review of SFPD's compliance with the DOJ COPS recommendations or any other effective change to traffic stop or consent-search procedures that addresses racial disparity.

III. DATA COLLECTION

All ADAs shall assist with the District Attorney's Office procedures to collect data related to this policy. Any case that is discharged or dismissed because of this policy shall be recorded. The data will be analyzed to evaluate the effectiveness of this policy, and to ensure that the policy is applied consistently. Additionally, the data will be shared with the arresting agencies as a feedback to them for training purposes.

IV. EXCEPTIONS

Deviation from this policy should be made in writing in the limited circumstances where necessary and requires the approval of a Chief of the Criminal Division or the District Attorney.

Appendix

PRETEXT STOP AND SEARCH

A "pretext" or "pretextual" stop and search occurs when a law enforcement officer detains a person for a minor offense (i.e. traffic or other infraction) because the officer seeks to investigate the person for potential involvement in another, unrelated crime (i.e. drug possession),[1]

CRITICISM

Pretext stops have been criticized because they give “carte blanche” for police to stop motorists due to “innumerable traffic laws, many of which are vague and subjective.”[2] Pretext stops are prohibited under the state constitutions of Washington and New Mexico.[3]

The California Vehicle Code contains hundreds of equipment and moving violations that can result in a stop and citation or arrest for an infraction.[4] Similarly, there are also hundreds of local San Francisco ordinances that can form the basis of a citation for an infraction.[5] For these reasons, in San Francisco law enforcement has almost unfettered discretion to stop an individual for an infraction when the actual goal is to conduct a subsequent search for contraband.

Pretext stops are similar to other discretionary police tactics, such as the disavowed and discriminatory “stop and frisk” practices that ensnared millions of Black and Latinx persons in major cities across the United States. The use of pretext stops creates a situation wherein law enforcement officers can exercise their unfettered discretion based on conscious or unconscious bias, and they can profile individuals based on perceived race, ethnicity or other social category.[6] This practice has become so commonplace that the term “DWB” or “Driving While Black or Brown” has become part of the everyday vernacular.

Though too often *unreported*, the media continues to report cases where an innocent person of color was targeted because of the color of his or her skin.[7]

Scholar/writer Michelle Alexander has decried the use of pretext stops and resulting “consent-searches” in her groundbreaking work “The New Jim Crow.”

PERSISTENT AND ONGOING RACIAL DISPARITY IN SAN FRANCISCO

For almost twenty years, there have been numerous reports that have highlighted the gravity of the problem of racial profiling caused by pretext infraction stops and searches in San Francisco:

2002 ACLU Traffic Stop Analysis and Report[8]:

A 2002 analysis of traffic stop data collected by SFPD, and obtained through Public Records Act requests for a complete year (covering over 50,000 traffic stops in all regions of the city) found that Black motorists were significantly more likely to be stopped by San Francisco police officers in every police district in the city, Black motorists were 3.3 times more likely to be searched following a traffic stop than whites, and Latinos were 2.6 times more likely. Black motorists were more than twice as likely as whites to be asked their “consent” to be searched without any probable cause of a crime, and though Black and Latinx individuals were disproportionately subjected to intrusive stops and searches, San Francisco police officers were significantly less likely to find any evidence of criminality as a result of searching Black and Latinx individuals.

2016 Report of the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement.[9]

Analysis of 2015 SFPD traffic stop data showed that Black and Latinx individuals were more likely to be searched than any other group following a traffic stop. Of those stopped in 2015, searches were conducted on 1.1 percent of Asian people, 13.3 percent of Black people, 5.3 percent of Hispanic people, 1.7 percent of White people, and 1.3 percent of “Other” races/ethnicities. The report also highlighted the community perception that police officers disproportionately asked Black or Latinx individuals if they were on probation or parole as a part of their traffic stop encounter.

2016 U.S. Department of Justice Office of Community Oriented Policing Services Report and Recommendations.

Black people were 24% more likely to be stopped for a traffic violation than their estimated population in the driving community and 9% more likely than their estimated population among potential traffic violators. Black and Latinx drivers were disproportionately arrested and searched following traffic stops and **less** likely to be found with contraband than White drivers. The report noted: “The racial disparity in traffic stops and post-stop outcomes appears to be large and statistically significant.”

The DOJ report highlighted several policy recommendations that have not, as of the date of this policy’s effect, been fully implemented. [10]

Since the DOJ study, there has been no update to the SFPD Department General Order regarding consent searches. The Department Bulletin 19-136 (issued 6/25/19) 1) only applies the existing written consent search policy to a search of a person’s residence, 2) does not require that the consent be read in the appropriate language, 3) does not require documented approval by a superior officer and 4) does not require additional safeguards to ensure consent is knowing and voluntary.

2020 Racial Identity and Profiling Advisory Board Report[11]

The report analyzed 1.8 million traffic stops statewide, from July through December 2018 from the state’s eight largest law enforcement agencies — including California Highway Patrol and officers in jurisdictions in Los Angeles, San Francisco, San Diego, Riverside and San Bernardino. In San Francisco, SFPD analyzed over 50,000 stops from 2018 and found that Black people were **stopped at rates over five times their representation** in the city’s overall population -- a greater disparity than Los Angeles or San Diego. White individuals were **stopped at a lower rate** than their representation in the population. Statewide, Officers searched Black people whom they stopped at a rate that was **2.9 times** the rate they searched White individuals. When law enforcement officers were granted greater discretion to conduct a search (such as asking for “consent”), yield rates for racial/ethnic groups of color were lower than for White individuals.

Of note, the RIPA report found that, state-wide, narcotics were seized in approximately 1.3% of all traffic stops, and weapons or ammunition seized in 0.6% of all traffic stops.

The effect on community relations and engagement.

The use of pretext stops contributes to the racial disparity in our jail and prison populations. Numerous studies show that Blacks and Whites consume and sell drugs at similar rates, but our jails and prisons are disproportionately filled with Black and Latinx individuals charged with these and other possessory offenses. [12] While the reasons for this disparity are numerous, relative to their portion of the population, racial and ethnic minorities are overrepresented among the individuals involved in the criminal justice system. In the City and County of San Francisco, Black people accounted for 41 percent of those arrested between 2008 and 2014, 43 percent of those booked into jail, 38 percent of cases filed by the San Francisco District Attorney's Office, and 39 percent of new convictions despite only accounting for 6 percent of the population of the county.

The use of pretext stops as an investigative tactic breeds distrust of law enforcement and the prosecution when individuals feel targeted. [13] As a result, while the overall efficacy of this law enforcement tactic is questionable, the cost to profiled individuals and communities is great. Justice Sonia Sotomayor recently stated in a dissent: "Although many Americans have been stopped for speeding or jaywalking, few may realize how degrading a stop can be when the officer is looking for more." [14]

Based on the numerous studies cited above, the use of this enforcement tactic causes great harm to individuals and communities in relation to the minimal yield rate associated with this invasive law enforcement tactic, has a negative effect on building necessary trust with affected communities and has hindered the effective prosecution of criminal cases.

[1]The use of pretext stops was sanctioned by the Rehnquist Supreme Court in the 1996 *Whren* decision. *Whren v. United States* (1996) 517 U.S. 806. Justice Ginsburg has recently suggested that it may be appropriate to reevaluate *Whren* in light of the criticism that the decision promotes improper police arbitrariness. See *District of Columbia v. Wesby* (2018) 583 U.S. ___, dissenting opinion of J. Ginsburg.

[2] <https://www.cato.org/blog/pretextual-traffic-stop-should-require-sufficient-pretext>

[3] *State v. Ochoa*, 206 P.3d 143 (N.M. Ct. App. 2008); *State v. Ladson*, 979 P.2d 833, 842 (Wash. 1999). There has been no data to suggest that these jurisdictions have suffered from greater criminal activity as a result of their added constitutional protections

[4] The extensive list of statutory moving violations and equipment violations can be found at: <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=VEH>

[5] San Francisco has numerous and voluminous Municipal Codes that can result in citations for infractions. The San Francisco Municipal Police Code contains many of these potential violations, and can be found at https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_police/0-0-0-2

[6] See e.g., “LET’S GET REAL: BEHAVIORAL REALISM, IMPLICIT BIAS, AND THE REASONABLE POLICE OFFICER” Megan Quattlebaum, Stanford Journal of Civil Rights and Civil Liberties 2018, <https://law.stanford.edu/wp-content/uploads/2018/05/Quattlebaum-FINAL.pdf>

[7] For example, former Attorney General of the United States Eric Holder: <https://thehill.com/homenews/news/215627-holder-tells-ferguson-students-he-was-a-victim-of-racial-profiling>; Florida’s first and only State’s Attorney Aramis Ayala: <https://www.washingtonpost.com/news/post-nation/wp/2017/07/13/police-stop-a-woman-for-her-tinted-windows-then-learn-shes-a-florida-state-attorney/>;

[8] See <https://www.aclunc.org/sites/default/files/A%20Department%20in%20Denial%20-%20The%20San%20Francisco%20Police%20Department%27s%20Failure%20to%20Address%20Racial%20Profiling.pdf>

[9] https://sfdistrictattorney.org/sites/default/files/Document/BRP_report.pdf

[10] https://cops.usdoj.gov/html/dispatch/11-2016/assessment_of_san_francisco_pd.asp

[11] <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2020.pdf>

[12] See e.g. Brookings Institute: https://www.hamiltonproject.org/charts/rates_of_drug_use_and_sales_by_race_rates_of_drug_related_criminal_justice

[13] Baumgartner, Epp, and Shoub, *Suspect Citizens* 2018.

[14] *Utah v. Strieff*, 579 U.S. ____ (2016); dissenting opinion of J. Sotomayor.

E.6 Washtenaw County Michigan District Attorney



WASHTENAW COUNTY

OFFICE OF THE PROSECUTING ATTORNEY

ELI SAVIT
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POLICY DIRECTIVE 2021-09: POLICY REGARDING PRETEXT STOPS

I. Introduction and Background

Racial inequity is endemic in our criminal justice system. According to a recent report by Citizens for Racial Equity in Washtenaw (CREW), people of color are between 3 and 29 times more likely to be charged with certain felonies than white people in Washtenaw County.¹ That disparity has helped fuel a system in which over 50% of the prisoners in Michigan state prisons are Black—despite Black people making up just 15% of Michigan’s population.²

It is the mission of the Washtenaw County Prosecutor’s Office to ensure that justice is dispensed evenhandedly, irrespective of a defendant’s sex, race, gender, sexual orientation, gender identity, religion, national origin, or immigration status. As noted in the CREW report, more research is needed to identify the points in the system in which racial equity is most pronounced, and to root out racially disparate practices in the Prosecutor’s Office.³

The available data, however, strongly indicates that “pretext stops” are one driver of racial inequity in our justice system. Pretext stops are made by police officers, purportedly as a result of an observed traffic or ordinance infraction—but where the officer is really seeking to uncover evidence that a civilian possessed drugs or other contraband. “[I]t is no secret that people of color are disproportionate victims of this type of scrutiny.”⁴ A nationwide study of over 200 million traffic stop records indicates that Black motorists are significantly more likely than white motorists to be stopped for a traffic infraction.⁵ Once motorists are pulled over, Black and Hispanic drivers are significantly more likely to be searched for contraband.⁶ And “police require less suspicion to search [B]lack and Hispanic drivers than white drivers.”⁷

¹ Citizens for Racial Equity in Washtenaw (CREW), *Race to Justice* (Aug. 2020) at 20, available at <https://www.citizensforracialequitywashtenaw.org/crew-s-report>.

² Vera Institute, *Incarceration Trends in Michigan*, available at <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-michigan.pdf>.

³ See CREW, *Race to Justice*, at 36 (recommending a “third-party evaluator to study prosecutors’ files, policies and procedures and make recommendations for data driven, evidence-based improvements to rectify racial disparities and determine whether the tools and practices employed by the Washtenaw County prosecutor’s office are applied in way that is not racially discriminatory and does reflect the fair administration of justice.”).

⁴ *Utah v. Strieff*, 136 S. Ct. 2056, 2070, 195 L. Ed. 2d 400 (2016) (Sotomayor, J., dissenting) (citing Michelle Alexander, *The New Jim Crow* 95–136 (2010)).

⁵ Stanford Open Policing Project, *Findings*, available at <https://openpolicing.stanford.edu/findings/>.

⁶ *Id.*

⁷ *Id.*

Washtenaw County is not immune from these national trends. The data suggests that people of color (and Black people in particular) are significantly more likely to be stopped by the police than white people in Washtenaw County. According to Michigan State Police data, Black motorists regularly account for upwards of 25% of traffic stops in Washtenaw County.⁸ Black people, however, make up just 12% of Washtenaw County’s population.⁹

Pretext stops are thus inextricably intertwined with racial profiling. And that leads to racial inequity in our broader criminal justice system. More, pretext stops are humiliating, traumatizing, and can lead to broad distrust of law enforcement in communities of color. As Justice Sonia Sotomayor has explained, “many Americans have been stopped for speeding or jaywalking.”¹⁰ But “few may realize how degrading a stop can be when the officer is looking for more.”¹¹

Under United States Supreme Court caselaw, the subjective motive of an officer who stops a civilian is generally irrelevant to whether that officer complied with the Fourth Amendment’s prohibition against unreasonable seizures.¹² Thus, an officer may, consistent with the Fourth Amendment, stop a motorist for speeding, for a broken tail light, for failing to properly use a turn signal, or even for driving for too long in the left lane on a highway.¹³ Importantly, the officer may effect such a stop *even if the officer’s subjective motivation is to search the civilian for contraband, and even if the officer has no reason to suspect that the civilian actually possesses contraband.*

In other word, an officer can “stop you for whatever reason he wants—so long as he can point to a pretextual justification after the fact.”¹⁴ When making the stop, an “officer does not even need to know which law you might have broken, so long as he can later point to any possible infraction—even one that is minor, unrelated, or ambiguous.”¹⁵

But it does not need to be so. Pretext stops are prohibited under the state constitutions of New Mexico and Washington—and there is no evidence that those jurisdictions suffer from increased criminal activity as a result of these added constitutional protections.¹⁶ The San Francisco District Attorney’s Office has declined to charge contraband cases that arise from pretextual police stops.¹⁷ And in one of her final separate opinions, the late Justice Ruth Bader

⁸ Michigan State Police, *2017 – 2019 MSP Traffic Stop Data by County and Race of Driver*, available at https://www.michigan.gov/documents/msp/Traffic_Stop_by_Race_2017-2019_by_County_699449_7.pdf.

⁹ United States Census, *QuickFacts, Washtenaw County, MI*, available at <https://www.census.gov/quickfacts/washtenawcountymichigan>.

¹⁰ *Strieff*, 136 S. Ct. at 2069 (Sotomayor, J., dissenting).

¹¹ *Id.*

¹² *Whren v. United States*, 517 U.S. 806, 813(1996) (“Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis”).

¹³ See MCL 257.634 (requiring “the driver of a vehicle [to] drive the vehicle upon the right half of the roadway” except under specific circumstances).

¹⁴ *Strieff*, 136 S. Ct. at 2069 (Sotomayor, J., dissenting)

¹⁵ *Id.*

¹⁶ *State v. Ochoa*, 206 P.3d 143 (N.M. Ct. App. 2008); *State v. Ladson*, 979 P.2d 833, 842 (Wash. 1999).

¹⁷ San Francisco District Attorney’s Office, *Policy Directive: Declination of Contraband Charges Based on Pretextual Stops*, available at <https://sfdistrictattorney.org/wp-content/uploads/2020/11/Declination-of-Contraband->

Ginsburg indicated that she would consider re-examining “whether a police officer’s reason for acting, at least in some circumstances, should factor into a Fourth Amendment inquiry.”¹⁸

Accordingly—given the harm that pretext stops cause, and given racial inequities they perpetuate—it shall be the policy of the Prosecutor’s Office to decline to charge contraband crimes that arise when there is significant reason to believe they those charges arose from a pretext stop. Specifically, the Prosecutor’s Office will decline to authorize charges where (1) a civilian was stopped by a law-enforcement officer for a traffic or ordinance violation, (2) the officer subsequently obtains “consent” to search the civilian or their vehicle without any independent legal justification for the search, and (3) as a result of that search, the officer discovers contraband such as drugs or weapons.

The Prosecutor’s Office will, however, continue to charge contraband crimes where evidence was uncovered as a result of (1) an investigatory stop, or (2) a search that was supported by probable cause or another independent legal justification. In addition, this Policy does not preclude, for any reason, the charging of more serious, non-contraband crimes such as murder, sexual assault, or other crimes against persons or property.

An illustrative list of examples is included as an appendix to this document.

II. Policy Directive

1. Possession of Contraband Charges Arising From Infraction-Related Stops: The Washtenaw County Prosecutor’s Office will not file a possession of contraband charge in the following circumstances:

- (A) The search that uncovered the contraband stemmed from an infraction-related stop; and
- (B) The search that uncovered the contraband was obtained via the consent of the target of the search, and no other independent probable cause (such as observed contraband in plain view) or other legal justification exists to justify the search.

It should be emphasized that police officers will often obtain consent to search, even when they had legal justification to search without consent. That is an appropriate, and desirable, technique. Obtaining a civilian’s consent to perform a search (even when a search could otherwise be lawfully performed) can help de-escalate a tense encounter between civilians and law enforcement. Accordingly, the mere fact that consent was given does not prohibit Assistant Prosecuting Attorneys (APAs) from filing contraband charges under this Policy. This Policy applies only where an officer obtained consent to search, *and* there was no independent legal justification to justify the search.

2. “Infraction-Related Stop” Defined: For purposes of this Policy, an “infraction-related stop” means any stop effected by law enforcement officers as a result of an observed traffic infraction, including, but not limited to, vehicular, cycling, motorcycling, skateboarding, skating, and

Charges-Based-on-Pretextual-Stops.pdf.

¹⁸ *District of Columbia v. Wesby*, 138 S. Ct. 577, 594 (2018) (Ginsburg, J., dissenting).

pedestrian-related infractions. An “infraction-related stop” also means any stop effected by law enforcement officers as a result of an observed violation of a city or township ordinance that is not an offense against persons or property.

APAs reviewing a request for criminal charges may also decide, in their discretion, that a stop for another observed minor criminal offense qualifies as an “infraction-related stop,” and may decline to bring contraband charges consistent with the spirit of this Policy.

3. “Possession of Contraband Charge” Defined: For purposes of this Policy, a “possession of contraband charge” means possession of a controlled substance,¹⁹ possession of stolen, embezzled, or converted property,²⁰ minor in possession of alcohol,²¹ as well as certain possession of weapons offenses.²²

4. Law Enforcement Stops Not Covered By This Policy: This Policy does not apply to non infraction-related stops—including situations in which a law enforcement agency has conducted a valid and legal stop to facilitate investigation of a crime such as homicide, sexual assault, or driving under the influence of alcohol or drugs. Nor does this Policy apply to charges that are not possession of contraband charges within the meaning of this Policy.²³

5. Forensic Processing and Confiscation: Nothing in this Policy shall be interpreted to prohibit or discourage the forensic processing, or confiscation and destruction, of any contraband seized as a result of any law enforcement action.

6. Other Charges Not Covered By This Policy: Nothing in this Policy shall be interpreted to prohibit or discourage the filing of charges that are not covered by this Policy.

For example: if, following a traffic stop, an officer obtains consent to search a vehicle and discovers a weapon that links a suspect to a homicide, the Prosecutor’s Office may, consistent with this Policy, file homicide charges if the evidence dictates.

7. Charges Should Be Supported by Evidence and in the Interests of Justice: Nothing in this Policy shall be interpreted to mandate or encourage the filing of charges that are not covered by this Policy. If an APA believes that filing charges other than those covered by this Policy are not supported by the evidence, or are not in the interest of justice, the APA should not file those charges.

¹⁹ MCL 333.7403

²⁰ MCL 750.535

²¹ MCL 436.1703

²² The possession of weapons cases covered by this Policy are: carrying a concealed weapon, MCL 750.227, possession of a “blackjack, slungshot, billy, metallic knuckles, sand club, sand bag, or bludgeon,” MCL 750.224(1)(d), possession or transportation of a firearm or pneumatic gun in a vehicle, MCL 750.227c-d, possession of a boat or aircraft signaling device, MCL 750.231c, possession of a portable device directing electrical current, MCL 750.224a, and possession by minors of firearms in public, MCL 750.234f.

²³ At times, police may conduct a valid investigatory stop but—to protect the identity of a confidential informant—may do so under the guise of an infraction-related stop. Such stops, if indeed supportable as a valid investigatory stop, should be treated as an investigatory stop under this Policy. See Example 6 in the Appendix to this Policy.

8. No Substantive Rights Created: This Policy is an exercise of discretion by the Washtenaw County Prosecuting Attorney's Office. Nothing in this Policy purports to affect the legality or propriety of any law enforcement officer's actions. Nothing in this Policy shall be interpreted to create substantive or enforceable rights.

9. Exceptions: Requests for deviations from this Policy shall be made in writing, and require the approval of the Chief Assistant Prosecuting Attorney or the Prosecuting Attorney. A deviation from this Policy will be granted only in exceptional circumstances, and where public safety requires that deviation.



Eli Savit
Prosecuting Attorney, Washtenaw County

January 18, 2021

Appendix: Examples of Factual Situations Covered by this Policy

This appendix provides a list of illustrative examples for when a charge should or should not be filed under this Policy. These examples are illustrative only, and this appendix should not be interpreted to cover the full array of circumstances in which this Policy might operate.

Example 1: Traffic Stop Followed by Consent Search – Contraband Charge

Alan was pulled over by a police officer for failing to properly signal before changing lanes. After asking for Alan’s license and registration, the following exchange occurred:

Officer: “You don’t have any guns or drugs or anything like that in the car, do you?”

Alan: “No, sir.”

Officer: “So you wouldn’t mind if I looked around the car just to make sure?”

Alan: “No, sir, I don’t mind.”

The officer then proceeded to search the car, pursuant to Alan’s consent. During the search, the officer found a handgun in Alan’s glovebox. Alan’s license to carry a concealed weapon had lapsed 2 months prior. The police thus seek charges against Alan for carrying a concealed weapon.

The Prosecutor’s Office should **decline to authorize the charge**. The stop was an “infraction-related stop” under this Policy; there was no cause for the search other than Alan’s consent; and the charge sought is a contraband charge as defined by this Policy.

Example 2: Traffic Stop Followed by Consent Search – Non-Contraband Crime

Same facts as above, except that after seizing the gun, it is forensically linked to an unsolved homicide in the area. Following an investigation, police uncover further evidence that Alan committed the unsolved homicide. The police thus seek murder charges against Alan.

The Prosecutor’s Office should **authorize the murder charge**, assuming it is supported by the evidence and in the interests of justice. That charge is not a contraband charge, and accordingly is not covered by this Policy.

Example 3: Investigatory Stop Followed by Consent Search

Following a non-fatal drive-by shooting, witnesses reported a silver BMW speeding away from the scene. Just 20 minutes later, officers see a silver BMW matching the description driving 3 miles away from where the shooting occurred. Bob was the driver of the silver BMW. The officers order Bob out of the car and handcuff him. The following exchange then takes place:

Officer: “Have any weapons in the vehicle?”

Bob: “No.”

Officer: “Can I search the glove compartment and trunk just to be sure?”

Alan: “Sure, go ahead.”

Upon searching the glove compartment, officers discover a handgun that was later linked to the shooting. Officers also discover, in the trunk, two kilograms of heroin. Bob is arrested, and the police seek charges for assault with intent to murder, as well as possession with intent to distribute heroin.

The Prosecutor’s Office should **authorize both charges**, assuming that they are supported by the evidence and in the interests of justice. The stop was not an “infraction-related” stop; it was an investigatory stop supported by reasonable suspicion that the driver had been involved in a recent shooting. This Policy, accordingly, does not apply.

Example 4: Traffic Stop Followed by Probable Cause to Support Search

Chris is pulled over on the freeway for driving 15 minutes over the speed limit. Upon pulling Chris over, the officer notices what appears to be a pile of clothes with store security tags still attached under the passenger seat of the car. Some stores in the area have recently been the victims of break-ins in which merchandise was stolen. Accordingly, suspecting that the car contains evidence relating to those recent crimes, the officer effectuates a search of the vehicle. Though the officer believes she has probable cause to search the vehicle, the following exchange occurs:

Officer: “Would you have any objection to me searching your vehicle, sir?”

Chris: “Objections? No, I don’t have any objections.”

The officer’s suspicion was correct: the clothes were those stolen from one of the nearby stores. The police seek charges against Chris for receiving or concealing stolen property.

The Prosecutor’s Office should **authorize that charge**, assuming (1) it is supported by the evidence and in the interests of justice, and (2) the Prosecutor’s Office believes that the officer had probable cause to search the vehicle. Although the stop was an “infraction-related” stop, and the charge sought a “contraband charge,” the officer had **independent probable cause** to search the vehicle.

Example 5: Infraction-Related Stop Followed by Contraband in Plain Sight

Dale is detained by police for riding his bicycle on a highway, a civil infraction. *See* MCL 257.679a. Upon detaining Dale, the officer notices that he has, in the handbasket of his bicycle, a bag of pills that appear to be a designer fentanyl drug. Without obtaining consent, officers seize the fentanyl and arrest Dale. Officers perform a search incident to arrest and find more apparent fentanyl pills on his person, as well as an unlicensed handgun. The officer thus seeks charges for possession of a controlled substance, as well as carrying a concealed weapon.

The Prosecutor’s Office may **authorize those charges**, assuming that they are supported by the evidence and in the interests of justice. Though the cycling infraction qualifies as an “infraction-related stop” within the meaning of this Policy, and the charges are “contraband

charges” within the meaning of this Policy, the officers saw contraband in plain sight. It should be emphasized, however, that the Prosecutor’s Office maintains a policy of prioritizing deflection and diversion wherever possible. On these facts, there is a significant possibility that Dale is dealing with a substance-use issue. The Prosecutor’s Office may wish to consider either a pre-charge deflection program, or diversion into a problem-solving court

Example 6: Investigatory Stop Not Categorized As Such In Police Report

A confidential informant has informed a local police agency that Ethan is a distributor of fentanyl. Police officers lawfully conduct surveillance on Ethan for three days, and observe him going back and forth to several locations in which drugs are known to be stored and distributed. On the fourth day, officers parked outside one such “drug house” witness Ethan loading several bags filled with plastic baggies that appear to be pills into the trunk of his car. Officers follow Ethan’s vehicle, and pull him over for going 5 miles over the speed limit. Upon stopping the vehicle, the following exchange occurs:

Officer: May I conduct a search of your vehicle, sir?

Ethan: Sure, I got nothing to hide.

Officers thereafter search the vehicle, and found hundreds of fentanyl pills in Ethan’s possession. The police accordingly seek charges for possession with intent to distribute fentanyl. In the police report, the officers do not disclose their investigation or the confidential informant. Instead, they describe the encounter as a traffic stop, so that the informant’s identity can be protected.

A police officer, however, reaches out to the Prosecutor’s Office and informs the office of the informant, the prior investigation, and the true reason for the stop. They also provide documentation related to the informant and their prior investigation.

If the Prosecutor’s Office is convinced that police had sufficient cause to conduct a valid investigatory stop, the Prosecutor’s Office should **authorize the charges**, assuming they are supported by the evidence and in the interests of justice. The police in this situation acted to protect the safety of an informant, and informed the Prosecutor’s Office of their prior investigation. The stop should not be considered an “infraction-related” stop within the meaning of this Policy, but rather a valid investigatory stop.

* * *

Again, the foregoing examples are not in any way meant to be exhaustive. This Appendix is meant to be illustrative only, and to provide APAs with concrete examples of the factors they should be considering when seeking release to a “responsible member of the community.”

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purposes only.

APPENDIX F – EXAMPLES OF POLICE DEPARTMENT PRETEXT STOP POLICIES

F.1 Berkeley Police Department



Internal

Berkeley Police Department Memorandum



To: Captain Rico Rolleri, Professional Standards Division

From: Sergeant Peter Lee, Audits and Inspections Sergeant

Date: January 18th, 2022

Subject: Traffic Safety Working Group

Summary:

Attached are the Traffic Safety Working Group recommendations developed towards implementing the Fair and Impartial Policing Task Force's recommendation on ***"focusing the basis for traffic stops on safety and not just low-level offenses."***

Background:

On February 23rd, 2021 the City Council referred recommendations from the Mayor's Fair and Impartial Policing (FIP) to the Berkeley Police Department for implementation. One of these recommendations was to "focus the basis for traffic stops on safety and not just low-level offenses." In order to address this recommendation, a working group consisting of various members of the Police Department with varying levels of experience was formed. The group consisted of a representative from every unit at the Police Department, a member of the Police Association leadership, and the Berkeley Transportation Division Manager, who is also a core staff member of the Berkeley Vision Zero Program. The working group met bi-weekly from the beginning of May until the task was completed in August. The following are members of this working group:

- Sgt. Peter Lee (Professional Standards Division)
- Sgt. Joseph Ledoux (Professional Standards Division)
- Ofc. Matt Yee (Operations Division - Community Service Bureau)
- Ofc. Corey Bold (Operations Division - Weekday patrol)
- Ofc. Benjamin Phelps (Operations Division - Weekend patrol)
- Ofc. Greg Michalczyk (Operations Division - Downtown Task Force)
- Ofc. Daniel Quezada (Investigations Division - Detective Division)
- Ofc. Nikos Kastmiller (Investigations Division - Traffic Bureau)
- Lt. Jen Tate (Investigations Division - Traffic Bureau)
- Sgt. Darren Kacalek (Berkeley Police Association)
- Farid Javandel (Berkeley Transportation Division)

Implementation:

On May 21st and June 9th, 2021 Interim Chief Louis provided the Department with written temporary direction on traffic enforcement. The Chief provided statistics, primary collision factors and directed officers to focus on those safety violations wherever they are observed. The working group viewed the Chief's direction regarding primary collision factors and built upon that information by looking further into Berkeley specific collision data as well the National Highway Traffic Safety Administration data concerning vehicle collisions. Additionally, the working group considered various other serious traffic



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safety violations observed, based on their professional experience and training, not just primary collision factors that emerged from the data snapshot in Berkeley. The working group determined that in addition to primary collision factors, other serious traffic safety violations exist that need to be focused on as an element to promoting a safe environment for pedestrians, bicyclists and vehicles travelling upon the roadways within the City of Berkeley.

The Working Group developed a three-prong approach that focuses on primary collision factors, community member reports and observations reported to the Berkeley Police Department and community caretaking. Community caretaking functions consider safety violations that aren't always noted as the primary collision factor but can be a significant contributing factor in serious collisions.

Prong # 1 - Primary Collision Factors (Berkeley specific data)

Vehicle code violations resulting in severe and fatal collisions in Berkeley.

- Unsafe speed
- Pedestrian right-of-way at crosswalks
- Failure to yield for turns
- Red light violations
- Stop sign violations

Prong # 2 – Community Reports

Responding to calls from community members.

- Possible DUI driver (car reportedly swerving)
- Driver that's fallen asleep at a red light
- A variety of unsafe driving incidents occurring
- CRIME involving vehicle
 - Hit and Run
 - Crime with get-away vehicle description

Prong #3 – Community Caretaking

Examples of violations that are safety concerns but not necessarily PCFs

- Seatbelt violations
- Distracted driving (hands free law)
- DUI

Establishing the violations that applied to prong #3 was the primary focus of the working group. The importance of these safety violations is that several of these violations are not considered as *primary* collision factors in collision investigation reports. However, many primary collision factors are a direct result of the several of the violations listed in this section. The following are statistics and concerns that the working group considered in determining the above examples of violations for prong #3:

Seatbelt Violations

- 47% of passenger vehicle occupants killed in the US in 2019 were unrestrained



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- Seatbelts can reduce the risk of fatal injuries by 60%
<https://www.nhtsa.gov/risky-driving/seat-belts>

Distracted Driving

- 2,841 lives lost in 2018 because of distracted driving
- 3,142 lives lost in 2019 because of distracted driving
<https://www.nhtsa.gov/risky-driving/distracted-driving>
<https://crashstats.nhtsa.dot.gov/Api/Public/Publication/813111>

Driving Under the Influence/ NHTSA's 24 DUI cues

- 10,142 deaths were the result of someone DUI in 2019
- DUI was the PCF for 62 collisions in Berkeley from 2015 to 2021.
 - This caused 103 injured persons<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813060>

F.2 Brooklyn Center Minnesota Police Department

Member Butler introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-73

RESOLUTION ADOPTING THE DAUNTE WRIGHT AND KOBE DIMOCK-HEISLER COMMUNITY SAFETY AND VIOLENCE PREVENTION ACT

WHEREAS, the City of Brooklyn Center (“City”) can create a safer, healthier, more just, and more thriving community by promoting a diversity of responses to our community’s safety needs that do not rely solely on our armed law enforcement officers; and

WHEREAS, many approaches have proven to be safe and effective for responding to non-moving traffic offenses, low-level violations, to people with mental health needs or disabilities, and to other similar situations that do not involve armed law enforcement officers; and

WHEREAS, creating alternative responses in these situations will allow our law enforcement officers to focus their time, training, and expertise on serious threats to the immediate safety of our residents; and

WHEREAS, relying on our armed law enforcement officers as first responders in these situations has in some circumstances resulted in escalation, harm, and the tragic and potentially avoidable loss of life for our residents, including Daunte Wright and Kobe Dimock-Heisler; and

WHEREAS, a diversity of approaches will improve overall public safety, better address the root causes of many systemic issues, promote racial justice, better protect vulnerable members of our community, and more efficiently allocate public resources while recognizing there is still work to be done to address policing mindset and culture; and

WHEREAS, the residents of Brooklyn Center have demanded change in our City and will help co-create new approaches to health and safety in our community, and this Act affirms our commitment to an intentional, inclusive and collaborative process that involves City leadership and the community working together to fully implement the intent this Act; and

WHEREAS, the City Council will be drawing upon the best aspects of many different existing models and polices from all across the country in order to adapt them for our City with the help of residents, experts and data analysis, and the City is committing to all of these measures in a single, unified Act to deliver true transformational change for our community; and

WHEREAS, the City Council is committed to putting in the work necessary to bring about changes as quickly as possible in how the City provides public safety while recognizing that some of these measures will take longer to implement than others, and that additional work remains to be done to create a healthier and more equitable community even beyond this Act.

NOW, THEREFORE, the City Council of the City of Brooklyn Center, Minnesota, resolves as follows:

1. Act Adopted. The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act (“Act”) is hereby adopted for the City.
2. Community Response Department. The City will create an unarmed Community Response Department to respond to all incidents where a City resident is primarily experiencing a medical, mental health, disability-related, or other behavioral or social need, including by the creation of a Community Response Department consisting of trained medical and mental health professionals, social workers, or other staff and volunteers, and by a dispatch system routing appropriate calls to the Community Response Department and not to the Police Department; and by any other appropriate changes in ordinance, practices or policies.
3. Traffic Enforcement Department. The City will create an unarmed civilian Traffic Enforcement Department to enforce all non-moving traffic violations in the City, including by creating the civilian Traffic Enforcement Department and by any other appropriate changes in ordinance, practices or policies, including restricting or eliminating the types of traffic offenses enforced by the City’s armed law enforcement patrol officers.
4. Department of Community Safety and Violence Prevention. The City will create a new Department of Community Safety and Violence Prevention (the “Department”) that will be responsible for overseeing all city agencies and city efforts regarding community health and public safety, and ensuring a well-coordinated, public health-oriented approach throughout our city that relies upon a diversity of evidence-based approaches to public safety, and with a Director who has appropriate credentials and experience including public health expertise, and that at minimum the following existing and to-be-created City agencies will all report directly to the Department and be subject to the authority of its Director: the Police Department, the Fire Department, the Traffic Enforcement Department, and the Community Response Department.
5. Community Safety and Violation Prevention Committee. The City will create a permanent Community Safety and Violence Prevention Committee. The Director will provide the Mayor with a list of candidates to serve on the committee and the Mayor will recommend candidates to the City Council for appointment. A majority of the committee members must be City residents with direct experience being arrested, detained, or having other similar contact with Brooklyn Center Police, or have had direct contact with one or more of the other services to be provided by the new Department. The City Council may appoint City staff to serve as liaisons to the committee, but no City staff member will have a vote on the committee. The committee will: review and make recommendations regarding the policing response to recent protests; review the current collective bargaining agreement between the City and the Police Department and make recommendations prior to the renegotiation of the agreement and before its final approval; recommend the City Council create a separate and permanent civilian oversight committee for the new Department; review Chapter 19 of the City Code and make recommendations with regard to repealing or amending provisions or penalties therein, including fines and fees; and periodically make any other recommendations to the City Council related to initiating programs or policies to improve community health in the City.

6. Use of Force. The City will review and update its policies, practices and training to more appropriately regulate the use of force by its armed law enforcement officers including, for example, by requiring de-escalation, exhaustion of reasonable alternatives before using deadly force, prohibitions on using deadly force in certain situations including firing upon moving vehicles, prohibiting certain uses of force or other policing tactics during First Amendment protests and assemblies, and additional revisions as needed.
7. Citation and Summons for Low Level Offenses. To immediately prevent any further harm and to better protect the peace and safety of all City residents while this Act is being fully implemented, the City Council directs the City Manager to implement forthwith a citywide “citation and summons” policy requiring officers to issue citations only, and prohibiting custodial arrests or consent searches of persons or vehicles, for any non-moving traffic infraction, non-felony offense, or non-felony warrant, unless otherwise required by law, and the Implementation Committee will make recommendations regarding making these policy changes permanent and/or modifying them as needed, including by appropriate changes in ordinance, practices or policies.
8. Implementation Committee. The City will create a Community Safety and Violence Prevention Implementation Committee (“Implementation Committee”), including residents from the City and other local, state and national experts in public health-oriented approaches to community safety, to be chaired by the Mayor, and with members recommended by the Mayor and confirmed by the City Council, that will propose amendments, ordinances, resolutions, policies, guidelines or other recommendations for the review, adoption and/or implementation by City Council or City staff, as appropriate, that would fully implement the will and intent of City Council as expressed in this Act. The City Council may appoint City staff to serve as liaisons to the Implementation Committee, but City staff shall not have a vote on the committee. The Implementation Committee shall provide its recommendations directly to the City Council.
9. Community Involvement. The Implementation Committee will ensure the community has the opportunity to review and comment upon the all implementation plans, including by making periodic progress reports in open City Council meetings monthly, or more frequently upon the Council’s request; that the Implementation Committee is empowered to explore external sources of funding to implement the Act and that the City may retain additional counsel, temporary staff, and consultants as reasonable and necessary to enable the Implementation Committee to complete its work; and the Implementation Committee will present recommendations to City Council for initial consideration not later than 180 days from the date of this Act.
10. Implementation and Staff Support. The directives contained in this Act shall be carried out in compliance with the law and the City Charter. The City Attorney, City Manager, Chief of Police and other City personnel are authorized and directed to provide all necessary assistance and support to all committees created pursuant to this Act, including by supplying the committees with any and all data necessary to perform their duties, including confidential or private data as requested with appropriate protections, and budgetary, staffing or other

information, and assisting with the crafting of amendments, ordinances, or policies as requested by the Implementation Committee. This Act authorizes, to the greatest extent possible, the implementation of the measures identified herein without further policy approvals from the City Council. To the extent additional approvals are needed, or legal barriers are identified, in the implementation of these measures or the recommendations of the Implementation Committee, the City Manager or City Attorney are directed to bring those issues to the City Council's attention for further direction or action as needed.

May 15, 2021

Date



Mike Elliott, Mayor

ATTEST:



City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
Graves

and upon vote being taken thereon, the following voted in favor thereof:

Butler, Elliott, Graves, Ryan

and the following voted against the same:

Lawrence-Anderson

whereupon said resolution was declared duly passed and adopted.

F.3 Lansing Michigan Police Department



Andy Schor, Mayor

Lansing Police Department
Chief Daryl Green
120 West Michigan Avenue
Lansing, MI 48933



Daryl Green, Chief

INTERNAL MEMORANDUM

To:	LPD Employees
From:	Chief of Police Daryl Green
Date:	July 1, 2020
Re:	New Guidelines for Traffic Stops

Philosophy

Recent research tends to demonstrate that routine traffic stops, and general traffic enforcement can result in disparate outcomes for some members of our community. The Lansing Police Department (LPD) which uses a constitutional policing model, actively works to eliminate bias, implicit or otherwise, in the execution of legitimate and lawful traffic safety management activity that has a goal of improving the safety and quality of life for everyone.

The following guidelines are consistent with LPD Policy 600.2 (Management Analysis of Traffic Stops) which articulates that all traffic stops should be conducted in a bias-free manner. Supervisors will continue to ensure that officers do not engage in discriminatory traffic stops. Furthermore, consistent with MCL 257.750, the LPD does not establish ticket quotas and officers must have a lawful reason coupled with the use of good judgement when making a traffic stop. The following guidelines are applicable to all LPD sworn officers.

Purpose

The intent of following traffic stop guidelines are consistent with our overall constitutional policing model that is focused on protecting the individual constitutional rights of our citizens while eliminating any aspect, inferred or otherwise, of bias-based traffic policing practices. Policing methodology, other than using the constitutional policing model, could damage police legitimacy and improperly disrupt the lives of those that live, visit and work in the City of Lansing.

Definitions

Primary Traffic Violation - Public Safety Related Violations

The LPD encourages and has a strong interest in traffic stops based on **primary violations** that focus on public safety traffic issues. These stops include failure to wear seat belt/child restraints, inoperable headlight/s after dusk hours, no brake lights, expired license plate, speeding, careless and reckless driving, violation of traffic control devices, impaired driving and other unsafe and dangerous driving situations.

Secondary Traffic Violation – Regulatory Violations

The LPD has a reduced interest in defective equipment violations due to their regulatory nature and lack of relationship to traffic safety. Therefore, regulatory violations such as, cracked windshields, loud exhaust, inoperable license plate lamp, cracked taillights, dangling ornaments, and window treatments are deemed **secondary violations**.

Procedures

Beginning July 2, 2020 officers will no longer initiate traffic stops on drivers for solely secondary violations. Defective equipment violations are deemed secondary violations and will only be enforced if a motorist is stopped for a primary violation. Officers may provide a verbal or written warning for all defective equipment violations.

There is a narrow exception in those rare cases wherein a defective equipment violation (secondary violation) is so severe that it poses a safety threat to the driver and/or other community members. In those cases, the officer can initiate a traffic stop for the secondary violation for public safety purposes and issue a verbal or written warning. The officer must also alert their supervisor to review the traffic stop and ensure it is consistent with these guidelines.

Law Enforcement Information Network (LEIN)

During this study, the indiscriminate checking of license plates through the use of LEIN is prohibited without an articulable and non-bias public reason.

Defective Equipment Study

After 60-days, the Chief of Police and Police Board of Commissioners will examine data concerning the following guidelines and update LPD Policy 600.2 (Management Analysis of Traffic Stops) with any related or identified best practices and/or additions, deletions or corrections to this Order.

Compliance and Accountability

This internal memorandum is a department Order. As such, violations of these guidelines subject an employee to discipline. Based on the circumstances of a violation, the discipline may include an educational based disciplinary action or any additional or remedial training. Also, severe or continuous violations may result in discipline within or outside the usual and customary disciplinary matrix. Violations of this Order are applicable and enforced by LPD Policy #100.03 (Rules of Conduct) and/or LPD Policy #300.24 (Outside Investigation) if an employee is accused of violating any law that may require criminal investigation. The Office of Internal Affairs and Chief of Police will conduct ongoing and quarterly reviews of the traffic stop data collected from this study and further ensure the data is public.

LPD will forward the following guidelines to the Office of City Attorney and Ingham County Prosecutor's Office.

This order will remain in effect until further notice.

BY ORDER OF:

Daryl Green

Chief Daryl Green

F.4 Los Angeles Police Department

INTRADEPARTMENTAL CORRESPONDENCE

March 1, 2022
1.14

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: POLICY – LIMITATION ON USE OF PRETEXTUAL STOPS - ESTABLISHED

RECOMMENDED ACTION

That the Board of Police Commissioners REVIEW and APPROVE the revised policy pertaining to pretextual stops.

DISCUSSION

On February 1, 2022, the Department presented a draft policy on the Limitation on Use of Pretextual Stops to the Board of Police Commissioners. Thereafter, the Department solicited and obtained public comment on the draft policy between February 1, 2022, and February 15, 2022. Based on that feedback and other considerations, a further refined draft policy is being presented for consideration.

The newly established policy provides parameters and responsibilities for Department personnel when using pretextual stops so that they remain in compliance with the 4th and 14th Amendments to the United States Constitution, and build public trust and transparency, and provide for public safety.

The revised policy adds Section 1/240.06, *Policy – Limitation on Use of Pretextual Stops*, to the Department Manual.

Should you have any questions regarding this matter, please contact Director Lizabeth Rhodes, Office of Constitutional Policing and Policy, at (213) 486-8730.

Respectfully,



MICHEL R. MOORE
Chief of Police

Attachments

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO.

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON

SUBJECT: POLICY - LIMITATION ON USE OF PRETEXTUAL STOPS – ESTABLISHED

BACKGROUND: Members of our community and communities around the country have expressed concern regarding the manner and frequency with which officers are stopping individuals (pedestrians, cyclists, and motorists) for perceived minor violations to investigate other crimes (a subset of which are known as and approved by the United States Supreme Court as “pretextual stops”). Their fears stem in large measure from a belief that such enforcement activities are arbitrary, capricious, and a reflection of an individual officer’s implicit or explicit bias(es). Moreover, some community members question the impact such pretextual stops have on crime reduction.

The Department continually assesses community concerns and expectations with respect to its responsibility to ensure public safety. The Department works regularly with various City entities (e.g., City of Los Angeles’ Vision Zero for 2025 initiative) to identify and resolve problematic street corridors, which requires that officers actively engage motorists, bicyclists, and pedestrians – via education and enforcement of California Vehicle Code violations (e.g., red light and stop sign violations, distracted driving, unsafe speed, driving under the influence) to improve roadway safety in all communities throughout the City of Los Angeles. In addition, the increase in violent crime necessitates proactive and vigilant enforcement efforts to ensure public safety.

In fulfilling its mission to increase safety and reduce the incidence and fear of crime, the Department seeks to eliminate bias in any form from within its ranks and practices. The Department also strives to reduce and, if possible, ultimately eliminate any perception of bias within the LAPD. For these reasons, the Department seeks to hone the focus of its traffic enforcement and crime prevention strategies to reduce traffic injuries and fatalities, and address crime (especially violent crime) while also facilitating trust and improving community relations. This mandate requires the judicious use of our legitimate authority as we endeavor to protect the various communities we serve. Therefore, absent intelligence or information connecting an individual to a crime or public safety concern, less attention should be given to observations of vehicle equipment violations where no strong causal connection to collisions – and hence public safety – exists. This re-prioritization of efforts and other Department policies (e.g., *Policy Prohibiting Biased Policing*) as well as training are part of the Department’s goal of eliminating any actual or perceived disparities in treatment.

SPECIAL ORDER

-2-

PURPOSE: The purpose of this Order is to establish Department Manual Section 1/240.06, *Policy - Limitation on Use of Pretextual Stops*. The policy provides parameters and responsibilities for Department personnel when utilizing pretextual stops so that they remain in compliance with the 4th and 14th Amendments to the United States Constitution.

PROCEDURE:

- I. POLICY - LIMITATION ON USE OF PRETEXTUAL STOPS – ESTABLISHED.** Department Manual Section 1/240.06, *Policy - Limitation on Use of Pretextual Stops*, has been established and is attached.

AMENDMENTS: This Order adds Section 1/240.06 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

If you have any questions, you may contact the Office of Constitutional Policing and Policy, at (213) 486-8730.



MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME I
Established by Special Order No. , 2022

240. 06 POLICY - LIMITATION ON USE OF PRETEXTUAL STOPS

PREAMBLE. *While the exercise of an officer's discretion in initiating a "stop" or conducting a detention is authorized under the law, it should reflect the necessary balance of the role of law enforcement in the prevention of crime and receiving and thereafter maintaining the community's trust that the officer's actions are fair and without bias. Conducting a vehicle or pedestrian stop and/or detention can promote public safety and the protection of the public from serious and sometimes violent crime. Such stops can also subject motorists and pedestrians to inconvenience, confusion, and anxiety, and strain relationships between law enforcement and the community because some members of the community perceive stops as biased, racially motivated, or unfair. To maintain public trust, the Department's use of pretext stops as a crime reduction strategy must be measured, in furtherance of achieving the necessary balance between the perception of fairness and identifying those engaged in serious criminal conduct.*

Pretext Stops Defined. *A pretextual or pretext stop is one where officers use reasonable suspicion or probable cause of a minor traffic or code violation (e.g., Municipal Code or Health and Safety Code) as a pretext to investigate another, more serious crime that is unrelated to that violation.*

Policy.

Use of Traffic/Pedestrian Stops - General. *Traffic or pedestrian stops made for the sole purpose of enforcing the Vehicle Code or other codes are intended to **protect public safety**. Therefore, officers should make stops for minor equipment violations or other infractions only when the officer believes that such a violation or infraction significantly interferes with public safety.*

Note: *The public safety reason for all traffic/pedestrian stops, citations and warnings should be articulated on body-worn video (BWV) and should include an officer's response to any questions posed by the individual stopped.*

Pretext Stops – Restricted. *It is the Department's policy that pretextual stops shall not be conducted **unless** officers are acting upon articulable information in addition to the traffic violation, which may or may not amount to reasonable suspicion, regarding a serious crime (i.e., a crime with potential for great bodily injury or death), such as a Part I violent crime, driving under the influence (DUI), reckless driving, street racing, street takeovers, hit and run, human or narcotics trafficking, gun violence, burglary, or another similarly serious crime. Such decisions should not be based on a mere hunch or on generalized characteristics such as a person's race, gender, age, homeless circumstance, or presence in a high-crime location.*

**DEPARTMENT MANUAL
VOLUME I
Established by Special Order No. , 2022**

Department personnel seeking one or more specific persons who have been identified or described in part by one or more of these characteristics may rely on them only in combination with other appropriate identifying factors.

***Note:** The reason for all pretext stops, and the citations and warnings resulting from them, should be articulated on BWV and should include an officer's response to any questions posed by the individual stopped.*

***Note:** An officer's training, experience and expertise may be used in articulating the additional information the officers used to initiate the stop.*

***Note:** A failure to sufficiently articulate the information which – in addition to the traffic violation – caused the officer to make the pretext stop, shall result in progressive discipline, beginning with counseling and retraining. Discipline shall escalate with successive violations of this mandate.*

Duration and Scope of All Stops. *Officers' actions during all stops (e.g., questioning, searches, handcuffing, etc.) shall be limited to the original legal basis for the stop, absent articulable reasonable suspicion or probable cause of criminal activity that would justify extending the duration or expanding the scope of the detention. Officers shall not extend the duration or expand the scope of the detention without additional reasonable suspicion or probable cause (beyond the original legal basis for the stop).*

Conduct During the Stop. *Officers are to ensure their conduct during the course of any stop demonstrates the tenets of Procedural Justice, fairness, and impartiality. Consistent with the Department's procedural justice and community engagement initiatives, when tactics, operational security, and investigative continuity permit, officers shall, as early as practicable, provide the detainee(s) with the information that caused officers to stop them. These precepts are further discussed in the Department Training Bulletins, such as:*

- *Legal Contacts with the Public, dated February 2001;*
- *Contacts with the Public – Part II, Procedural Justice, dated April 2020; and,*
- *Contacts with the Public – Part I, Legal Considerations, dated March 2021.*

***Note:** Training Bulletins are often revised over time. Personnel are encouraged to query the Department Local Area Network (LAN) to ensure review of the most current information.*

F.5 Minneapolis Minnesota Police Department



Minneapolis Police Department Policy and Procedure Manual

Number:
7-600

Date:
08 October 2021

Volume Seven – Field Operations

Traffic Law Enforcement

7-601 Traffic Stops (06/24/88) (02/01/20) (10/08/21)

(A)

A. Initiating a stop

When making a traffic law enforcement (TLE) stop, the initiating squad shall:

1. Notify the dispatcher of the location of the stop and the license number of the vehicle being stopped and initiate a call for service in accordance with P&P 7-100 Communications.
2. Request a back-up unit or roll-by assist from the dispatcher, if one is needed or desired.
 - It is no longer a Department procedure to automatically start a roll-by or back-up to a TLE if the stop is made by a one officer (able) squad.

B. Conditions for Initiating a Stop

Officers shall not initiate a traffic stop when the only offense is one of the following:

- Expired tabs
- An item dangling from the rearview mirror, unless that object impairs the driver's ability to operate the vehicle safely
- Inoperable license plate lights

C. Equipment violations

1. Issuing a Lights On! Coupon

All MPD employees conducting motor vehicle stops for equipment violations shall issue a Lights On! Coupon in Lieu of traffic citations, when available and applicable. If a Coupon is issued, then the officer shall advise the driver or recipient of the location in which the repair can be made.

a. Applicable violations

Lights On! Coupons can be issued for the following equipment violations;

- Headlights
- Turn signals

Traffic Law Enforcement

- Rear lights
- Rear license plate lights (subject to the conditions in section [c])
- Parking lights

b. Coupons not available

If Lights On! Coupons are not available, but the incident meets the Lights On! Criteria, the officer shall:

- Advise the driver of the equipment violation,
- Provide a Blue Card to the driver, and
- Advise the driver to bring the Blue Card to the nearest precinct to get a Lights On! Coupon.

c. Inoperable license plate light

- i. Officers may not initiate a traffic stop for an inoperable license plate light to provide the driver with a Lights On! Coupon or a Blue Card.
- ii. If a vehicle with an inoperable license plate light is stopped for an independent, permissible reason, officers shall issue a Lights On! Coupon for the inoperable license plate light or a Blue Card if the coupon is not available, in lieu of a traffic citation.

2. Incidents involving other violations

a. Other equipment violations

If the incident does not meet the criteria of the Lights On! Program, the officer shall advise the driver of the equipment violation, subject to the following exception:

- i. The driver may be cited or charged by complaint in incidents where an equipment violation on a motor vehicle resulted in a motor vehicle crash or harm to another.

b. Non-equipment violations

- i. This policy does not limit the ability of officers to arrest individuals who have committed a criminal offense or have any outstanding warrants.
- ii. If the incident involves a non-equipment violation, the officer shall still advise the driver of the equipment violation and issue a Lights On! Coupon when applicable, in addition to any other actions taken during or in relation to the stop.

3. Public safety risk

If the officer feels the equipment issue poses an unreasonable risk to public safety, the officer shall advise the driver to park the vehicle and get the issue resolved prior to driving the vehicle again.

4. MDC Clear-Form

Officers shall complete the coupon section of the MDC Clear Form by selecting Yes, No or Not Available.

5. Coupon supply

Lights On! Coupons will be stocked at each precinct.

- a. If no coupons are available, officers shall request more coupons through their chain of command.
- b. The Chief's office will coordinate delivery of additional coupons.

7-602 Traffic Tags

(A)

Uniformed officers will draw their citation books from the division in which they are assigned. Other officers may draw books from any division normally charged with the responsibility of issuing citation books. (04/01/93)

All traffic tag books are obtained by the division, precinct or unit through the MPD Supply Room. The officer shall also fill out the green receipt of acknowledgment from the tag book and deposit the form in the precinct tag box. (04/01/93)

After a tag is written, the first copy shall be deposited in the precinct tag box by the end of the officer's shift. The last copy is the officer's. The officer may use the reverse side of the last copy for personal notes. (04/05/05)

When a traffic tag is issued, the defendant should be made aware of the violation and how to proceed in processing the tag.

7-603 Enforcing Vehicle Parking and Driving Laws

(A)

Officers shall use Minnesota state laws when enforcing all vehicle, parking and driving violations. The only exceptions shall be for miscellaneous city ordinance violations that are not covered under state law. State statute numbers can be found on the State Statute Traffic Card (MP-6202).

F.6 Philadelphia Pennsylvania Police Department

City of Philadelphia



(Bill No. 210636-A)

AN ORDINANCE

Amending Title 12 of The Philadelphia Code, entitled “Traffic Code,” to clarify the appropriate methods and circumstances of enforcement of traffic violations in order to provide for the fair and transparent administration of the traffic violations, prevent racial disparities, and protect public safety, and making certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 12 of The Philadelphia Code is hereby amended to read as follows:

TITLE 12. TRAFFIC CODE

* * *

CHAPTER 12-1700. ACHIEVING DRIVING EQUALITY

§ 12-1701. Legislative Intent

(1) It is the purpose of this legislation to further the just, equitable, and fair enforcement of the law for all people, to provide for the fair and transparent administration of the code with respect to all, to prevent racial disparities, and to protect public safety in a manner consistent with these values.

§ 12-1702. Definitions

In this Chapter the following definitions apply:

(1) Primary Violation. A violation of the Pennsylvania Vehicle Code, 75 Pa.C.S. Section 101, et. seq., observed within the city of Philadelphia, that does not constitute a secondary violation.

(2) Secondary Violation. Violations of the following provisions of the Pennsylvania Vehicle Code, and such other violations as are identified by the Police Department by regulation:

(a) Title 75 Pa. C.S. § 1301. Registration of Vehicles, when the vehicle had been previously registered within the Commonwealth within sixty days of the observed infraction.

(b) Title 75 Pa. C.S. § 1310.1 (c). Temporary Registration Permits, where the violation is related to the location of the permit but the permit is otherwise clearly displayed in the rear window.

City of Philadelphia

BILL NO. 210636-A continued

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(c) Title 75 Pa. C.S. § 1332 (a). Display of Registration Plate, where the violation pertains to a plate not securely fastened to the vehicle but such plate is otherwise clearly displayed.

(d) Title 75 Pa. C.S. § 4302. Periods For Requiring Lighted Lamps, where the violation for lighting equipment not illuminating is limited to a single brake light, head light, or running light; a single bulb in a larger light of the same; or any other single light or bulb of a vehicle light required by 75 Pa. C.S. § 4302.

(e) Title 75 Pa. C.S. § 4524 (c). Other Obstruction.

(f) Title 75 Pa. C.S. § 4536. Bumpers.

(g) Title 75 Pa. C.S. § 4703. Operation of Vehicle Without Official Certificate of Inspection.

(h) Title 75 Pa. C.S. §4706 (c)(5). Unlawful Operation Without Evidence of Emission Inspection

§ 12-1703. Compliance and Enforcement of the Pennsylvania Vehicle Code

(1) Compliance with the Pennsylvania Vehicle Code. So long as such conduct is prohibited by the Pennsylvania Vehicle Code, motorists who own or operate vehicles within the city limits shall operate, maintain, title, register, and license vehicles in accordance with the provisions of the Vehicle Code.

(2) Enforcement of Primary Violations. A police officer or law enforcement officer may initiate a motor vehicle stop and, at their discretion, cite a driver for a violation of a primary violation observed within the City of Philadelphia without observing any other Pennsylvania Vehicle Code violation.

(3) Enforcement of Secondary Violations. To the full extent of Council's legislative authority, a police officer or other law enforcement officer may initiate a motor vehicle stop for a secondary violation observed within the City of Philadelphia only where there is a simultaneously-observed primary violation for which an officer, at their discretion, could issue a citation.

§ 12-1704. Construction.

(1) This Chapter shall not be construed to supersede any state or federal law.

§ 12-1705. Severability.

(1) If any one or more section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance shall for any person or circumstance be held to be illegal, invalid, unenforceable, or unconstitutional, such decision shall not affect the validity of any other

City of Philadelphia

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section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance which is operable without the offending section, subsection, sentence, clause, phrase, word, provision or application shall remain effective notwithstanding such illegal, invalid, unenforceable, or unconstitutional section, subsection, sentence, clause, phrase, word, provision or application, and every section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance are declared severable.

SECTION 2. This Ordinance shall be effective one-hundred and twenty (120) days after it becomes law.

Explanation:

Italics indicate new matter added.

City of Philadelphia

BILL NO. 210636-A continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 14, 2021. The Bill was Signed by the Mayor on October 27, 2021.



Michael A. Decker
Chief Clerk of the City Council

F.7 Pittsburgh Pennsylvania Police Department



THE CITY OF PITTSBURGH

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File #: 2021-2174 Version: 2

Type: Ordinance Status: Passed Finally

File created: 11/8/2021 p In control: p [Committee on Public Safety Services](#)

On agenda: 12/28/2021 Final action: 12/28/2021

Enactment date: 12/28/2021 Enactment #: 69

Effective date: 12/30/2021

Title: Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title Five: , Article One: Administration, Chapter 503: Enforcement and Control, by adding a new section, Section 503.17: "Equitable and Fair Enforcement of Motor Vehicle Laws."

Sponsors: Reverend Ricky V. Burgess, Bruce A. Kraus, Bobby Wilson, R. Daniel Lavelle, Erika Strassburger

Indexes: PGH. CODE ORDINANCES TITLE 05 - TRAFFIC

History (11) | Text

Title

Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title Five: Traffic, Article One: Administration, Chapter 503: Enforcement and Control, by adding a new section, Section 503.17: "Equitable and Fair Enforcement of Motor Vehicle Laws."

Body

Whereas, in a recent series published by the *New York Times*, "Why So Many Police Stops Turn Deadly", the authors state: "Traffic stops are by far the most common police encounters with civilians..."; **and**,

Whereas, this series went further to state: "'All you've heard are horror stories about what could happen,' said Sarah Mooney, assistant police chief in West Palm Beach. 'It is very difficult to try to train that out of somebody.' The overemphasis on danger has fostered tolerance for police misconduct at vehicle stops, some argue..."; **and**,

Whereas, a group of researchers posited, in a report published in *Nature: Human Behavior*, that "Our results indicate that police stops and search decisions suffer from persistent racial bias and point to the value of policy interventions to mitigate these disparities." Pierson, E., Simoiu, C., Overgoor, J. et al. *A large-scale analysis of racial disparities in police stops across the United States. Nat Hum Behav* 4, 736-745 (2020).; **and**,

Whereas, this same report found that, "Applied to our data, the threshold test indicates that black and Hispanic drivers were searched on the basis of less evidence than white drivers, both on the subset of searches carried out by state patrol agencies and on those carried out by municipal Bureau of Polices."; **and**, p

Whereas, many of these traffic stops are conducted on the basis of "secondary" violations of the Motor Vehicle Code, such as temporary registration permits being affixed to the wrong side of the rear window, a single burnt-out headlamp or taillamp bulbs, etc.; **and**,

Whereas, other municipalities, noting these and other disparities in traffic and motor vehicle enforcement, have begun changing their enforcement policies to ensure that policing resources are used to protect public safety and not to penalize people for being poor, who, in all too many cases, are people of color; **and**,

Whereas, the Pennsylvania Motor Vehicle Code, ("Motor Vehicle Code", or "MVC"), 75 Pa.C.S.A. § 6102, states: "Local authorities may exercise the powers granted in this chapter only by duly enacted ordinances of their governing bodies."; **and**,

Whereas, the Motor Vehicle Code, 75 Pa.C.S.A. § 6109, additionally states that: "The provisions of this title shall not be deemed to prevent the department on State-designated highways and local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers. The following are presumed to be reasonable exercises of police power: ... (2) Regulating traffic by means of police officers or official traffic-control devices.; and further, ... (20) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions."; **and**,

Whereas, § 23161 of the Second Class Cities Law, Act of April 29, 1911, P.L. 105, § 1, as amended, 53 P.S. § 23161, states, in pertinent part: "every city of the second class, ... is authorized and empowered to enact ordinances regulating, in the interests of public safety, ... convenience, the movement of ... vehicular traffic, of every kind, in streets, parks, bridges, squares, and public places in such cities."; **and**,

Whereas, § 23163 of the Second Class Cities Law, Act of April 29, 1911, P.L. 105, § 3, as amended, 53 P.S. § 23163, states, in pertinent part: "The regulation of traffic in such cities of the second class, as provided for in this act, shall be vested in the department of Public Safety of such cities."; **and**, p

Whereas, § 4(A) of “Working Agreement Between The City of Pittsburgh and the Fraternal Order of Police - Fort Pitt Lodge No. 1”, effective January 1, 2019, states: “The City and the Director of the Department of Public Safety, through the Chief of Police shall have the exclusive right to manage, administer, and supervise the employees including the right to schedule and assign work...”; **and**,

Whereas, City Council does hereby find and declare that a change in enforcement policy is in the best interest of the public and police officers alike; **and**,

Whereas, such changes will aid the City in living up to its affirmative obligation to obey Article I, §§ 8, 26, 28 and 29 of the Constitution of the Commonwealth of Pennsylvania and § 204(j) of the City’s Home Rule Charter.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code of Ordinances, Title Five: Traffic, Article One: Administration, Chapter 503: Enforcement and Control is hereby supplemented as follows:

§ 503.17: Equitable and Fair Enforcement of Motor Vehicle Laws.

a. Legislative Intent

It is the purpose of this legislation to further the just, equitable, and fair enforcement of the law for all people, to provide for the fair and transparent administration of the code with respect to all, to prevent racial disparities, and to protect public safety in a manner consistent with these values.

b. Definitions

1. Primary Violation. A violation of the Pennsylvania Vehicle Code, 75 Pa.C.S. Section 101, et. seq., observed within the city of Pittsburgh, that does not constitute a secondary violation.

2. Secondary Violation. Violations of the following provisions of the Pennsylvania Vehicle Code, and such other violations as are identified by the Bureau of Police by regulation:

- i. Title 75 Pa. C.S. § 1301. Registration of Vehicles, when the vehicle had been previously registered within the Commonwealth within sixty days of the observed infraction.
- ii. Title 75 Pa. C.S. § 1310.1 (c). Temporary Registration Permits, where the violation is related to the location of the permit but the permit is otherwise clearly displayed in the rear window.
- iii. Title 75 Pa C.S. § 1332 (a). Display of Registration Plate, where the violation pertains to a plate not securely fastened to the vehicle but such plate is otherwise clearly displayed.
- iv. Title 75 Pa. C.S. § 4302. Periods For Requiring Lighted Lamps, where the violation for lighting equipment not illuminating is limited to a single brake light, head light, or running light; a single bulb in a larger light of the same; or any other single light or bulb of a vehicle light required by 75 Pa. C.S. § 4302.
- v. Title 75 Pa. C.S. § 4524 (c). Other Obstruction.
- vi. Title 75 Pa. C.S. § 4536. Bumpers.
- vii. Title 75 Pa. C.S. § 4703. Operation of Vehicle Without Official Certificate of Inspection; where the inspection certificate was valid within sixty days of the observed infraction.
- viii. Title 75 Pa. C.S. §4706 (c)(5). Unlawful Operation Without Evidence of Emission Inspection; where the inspection certificate was valid within sixty days of the observed infraction.

c. Compliance and Enforcement of the Pennsylvania Vehicle Code

1. Compliance with the Pennsylvania Vehicle Code. So long as such conduct is prohibited by the Pennsylvania Vehicle Code, motorists who own or operate vehicles within the city limits shall operate, maintain, title, register, and license vehicles in accordance with the provisions of the Vehicle Code.

2. Enforcement of Primary Violations. A police officer or law enforcement officer may initiate a motor vehicle stop and, at their discretion, cite a driver for a violation of a primary violation observed within the City of Pittsburgh without observing any other Pennsylvania Vehicle Code violation.

p

3. Enforcement of Secondary Violations. Notwithstanding the provisions of any contrary ordinance, resolution, regulation, procedure or order of the City or any of its departments or agencies, a police officer or other law enforcement officer may initiate a motor vehicle stop for a secondary violation, enumerated in § 503.17(b)(2), observed within the City of Pittsburgh only where there is a simultaneously-observed primary violation for which an officer, at their discretion, could issue a citation.

- d. Construction.** This section shall not be construed to supersede and state or federal law.
- e. Severability.** If any one or more section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance shall for p any person or circumstance be held to be illegal, invalid, unenforceable, or unconstitutional, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance which is operable without the offending section, subsection, sentence, clause, phrase, word, provision or application shall remain effective notwithstanding such illegal, invalid, unenforceable, or unconstitutional section, subsection, sentence, clause, phrase, word, provision or application, and every section, subsection, p sentence, clause, phrase, word, provision or application of this Ordinance are declared severable.
- f. Conflict with other Ordinances or Resolutions.** All Ordinances or Resolutions inconsistent with these provisions are hereby repealed to the extent of their inconsistency.
- g. Annual Review. *The Bureau shall provide the Department of Public Safety and City Council with an annual report on this Ordinance for purposes of review.***
- h. Effective Date. *This Ordinance shall take effect one hundred twenty (120) days following after it becomes law.***

F.8 San Francisco Police Department - Proposed Policy

TRAFFIC ENFORCEMENT & CURTAILING THE USE OF PRETEXT STOPS

9.01.01 PURPOSE

The goal of this General Order is to reduce racial bias in the enforcement of our traffic laws, and in particular, to curtail the use of pretextual stops. These stops—which use the traffic code as a pretext to conduct stops and searches absent any concrete evidence of criminal wrongdoing—are disproportionately carried out against people of color and provide no demonstrable public safety benefit. Limiting this ineffectual practice will free up valuable resources to focus on strategies proven to stop and prevent crime. To that end, our traffic enforcement efforts should be focused on what matters most: ensuring the safety of our sidewalks and roadways.

9.01.02 DEFINITIONS

The following terms are defined as follows for purposes of this General Order:

- A. **Pretext Stop.** A member effects a pretext stop where a member uses reasonable suspicion or probable cause of a traffic or code violation as a pretext to initiate a stop motivated by a desire to investigate another crime that is unrelated to that violation.
- B. **Biased Stop.** A biased traffic or pedestrian stop is one where there is no matching suspect description and a person's apparent race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, socio-economic status, dress, appearance, or neighborhood is a motivating factor in a member's decision to stop a person or vehicle.
- C. **Reasonable Suspicion.** Reasonable suspicion is a set of specific facts and circumstances that would lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime. Reasonable suspicion to detain is also established whenever there is any violation of the law. Reasonable suspicion cannot be based solely on a hunch or instinct.
- D. **Probable Cause.** Probable cause is a set of specific facts that would lead a reasonable person to objectively believe and strongly suspect that a crime was committed by a person.

**9.01.03
POLICY**

- A. **Pretext Stops Limited.** Except as provided in 9.01.04(C), pretext stops are banned.
- B. **Biased Stops Banned.** Biased stops are illegal, unconstitutional, and antithetical to the values that the Department espouses. They are banned under all circumstances.

**9.01.04
LIMITING STOPS FOR LOW-LEVEL OFFENSES**

- A. **Banned Motor Vehicle Stops.** Except as provided in 9.01.04(C)-(D), a member shall not stop or detain the operator of a motor vehicle, or issue a citation for any of the following offenses:

[Note: The Department, DPA, and Commissioner Carter-Oberstone discussed the pros and cons of including a list of offenses for which stops are banned. The offenses enumerated in this section constitute a non-exhaustive list of violations that the Working Group might wish to consider for possible inclusion.]

1. Failure to display both license plates. (Cal. Veh. Code § 5200(a)).
2. Failure to display registration tags or driving with expired registration. (Cal. Veh. Code § 4000).
3. Failure to illuminate license plate. (Cal. Veh. Code § 24601).
4. Driving without functioning or illuminated headlights, unless no headlights are functioning or illuminated and the sun has set. (Cal. Veh. Code § 24400(a)-(b)).
5. Driving without functioning or illuminated taillights, unless no taillights are functioning or illuminated and the sun has set. (Cal. Veh. Code § 24600).
6. Driving without functioning or illuminated brake lights, unless no brake lights are functioning or illuminated and the sun has set. (Cal. Veh. Code § 24603).
7. Tinted windows (Cal. Veh. Code § 26708.5).

8. Objects affixed to windows or hanging from rearview mirror. (Cal. Veh. Code § 26708(a)(1)-(2)).
9. Improperly mounted license plate. (Cal. Veh. Code § 5201(a)).
10. Failure to signal while turning or changing lanes, unless the failure creates a condition that substantially increases the likelihood of injury or death. (Cal. Veh. Code §§ 22107, 22108).
11. Littering, unless an object is thrown from a vehicle in a manner that creates a condition that substantially increases the likelihood of injury or death. (Cal. Veh. Code § 23112).
12. Making a U-turn from the far left-hand lane where the driver can see clearly for 200 feet in either direction, and the maneuver is executed in a manner that does not substantially increase the likelihood of injury or death. (Cal. Veh. Code § 22100.5).
13. Sleeping in car. (S.F. Trans. Code § 97)
14. Any parking infraction, unless the car is unoccupied.

B. Banned Pedestrian & Bicycle Stops. Except as provided in 9.01.04(C), a member shall not stop or detain a person, or issue a citation for any of the following offenses:

1. Crossing the street outside of the crosswalk, unless it creates a condition that substantially increases the likelihood of injury or death (Cal. Veh. Code § 21955).
2. Riding a bicycle on a sidewalk. (S.F. Trans. Code Art. 7, § 7.2.12).
3. Riding a non-motorized scooter on a sidewalk. (S.F. Trans. Code Art. 7, § 7.2.13).
4. Failure to ride a bicycle as close as practicable to the right-hand curb or edge of the roadway. (Cal. Veh. Code § 21202(a)).

C. Exceptions. A member may stop or detain a person or an operator of a motor vehicle, or issue a citation for an offense enumerated in 9.01.04(A)-(B) if:

1. the member lawfully stopped or detained the person or operator of the motor vehicle for any felony, misdemeanor, or infraction not enumerated in section 9.01.04(A)-(B); or
2. the operator is driving a commercial vehicle; or
3. a person or motor vehicle matches the description of a suspect or suspect vehicle in a murder, attempted murder, manslaughter, armed robbery, kidnapping, forcible sex offense, a felony committed against a child, or any other felony where the risk of death or life-threatening injuries is imminent if the suspect is not immediately apprehended.

D. Citations Without Stops. A member may issue a citation for an offense enumerated in 9.01.04(A):

1. If the motor vehicle is unoccupied; or
2. If a member is prohibited from making a stop under 9.01.04(A), and the member can identify the owner of the vehicle, the Department may mail a citation to the owner of the vehicle, or send a warning letter identifying the violation and instructing the owner to correct the defect or otherwise remedy the violation.

9.01.05

LIMITING SEARCHES & QUESTIONING

- A. In the course of any stop made for an infraction pursuant to the California Vehicle Code or San Francisco Transportation Code, members shall only ask investigatory questions regarding unrelated criminal activity if reasonable suspicion or probable cause for a criminal offense arises during the stop. (Example: If, during a routine traffic stop, officers see a firearm in plain view in the vehicle, they may ask investigatory questions about criminal activity).
- B. In the course of any stop for an infraction made pursuant to the California Vehicle Code or San Francisco Transportation Code, members shall only ask for permission to conduct a consent search of a person or vehicle if reasonable suspicion or probable cause for a criminal offense arises during the stop.
- C. In the course of any stop for an infraction made pursuant to the California Vehicle Code or San Francisco Transportation Code, members shall only ask if a person is

on probation or parole if reasonable suspicion or probable cause for a criminal offense arises during the stop.

[Note: The Department, DPA, and Commissioner Carter-Oberstone considered whether to place limits on parole/probation searches, but ultimately determined that it may be preferable to address this topic in a separate DGO.]

9.01.06

DATA COLLECTION, REPORTING & SUPERVISORY REVIEW

- A. Any member who conducts a search, asks an investigatory question, or asks a question about parole or probation status under 9.01.05(A)-(C) shall document the reason for the stop in an incident report and/or chronological record of investigation.

- B. Members shall record vehicle and pedestrian stop data prior to the conclusion of each shift.

- C. On duty platoon commanders or officers in charge shall ensure supervisory review, approval, and oversight for all traffic citations and associated body worn camera footage. Such review, approval, and oversight is not required on scene, but platoon commanders or officers in charge shall ensure these tasks are completed by their supervisory personnel.

Additionally, sergeants are responsible for reviewing traffic stop data for members under their direct supervision (PIP Group) on a quarterly basis.

9.01.07

IMPLEMENTATION

[TBD]

References

[TBD]

F.9 St. Louis Missouri Police Department - Center for Policing Equity Policy Recommendations

- Revise protocols to require dispatch staff to inform callers of the availability of a mental health response (e.g. “911 do you need police, medical, fire, or mental health services?”)
- Train 911/dispatch staff on the new CSO positions and the call types that will be routed to CSOs.

Establish a community-centered process to examine the effectiveness of the city’s Civilian Oversight Board:

- In response to community concerns regarding the current form and function of the Civilian Oversight Board (COB), convene a task force including community members to examine the effectiveness of the COB (evaluating complaints brought, complaints heard, and outcomes of complaints), and to recommend possible changes to the board’s mandate, authority, resources, and representation.

To the St. Louis Metropolitan Police Department (SLMPD):

End the use of pretextual stops:

- In the interest of procedural justice and to reduce racial disparities in police stops, adopt a policy banning pretextual vehicle and pedestrian stops;
- Reduce the likelihood of pretextual stops by banning vehicle and pedestrian stops based solely on low level violations (e.g. tinted windows, registration violations, jaywalking);
- Prohibit officers from asking questions outside the scope of the original reason for a stop unless there is reasonable suspicion of serious additional criminal activity;
- Evaluate the impact of the ban on the number and nature of police stops, and analyze any racial disparities of such stops.

Improve data collection and analysis of vehicle and pedestrian stops:

- Mandate the collection of data, including demographic data, for all pedestrian stops;
- Establish a formal process for analyzing pedestrian and vehicle stop data, including assigning the work to data analysts within the agency:

- Any analysis of vehicle and pedestrian stops should include an examination of racial disparities.

Unify and updated the agency’s use of force policy:

- For purposes of clarity and transparency, adopt a singular use of force policy that contains all current elements and revisions in one document;
- Amend the use of force policy to require that use of force be proportional;
- Set clear, mandatory criteria for when medical aid must be summoned.
- Strengthen the agency’s policy on neck restraints and positional asphyxia:
 - To strengthen the chokehold ban adopted in 2020, ban any pressure to the throat or windpipe that may hinder breathing or impede the flow of blood to the brain;
 - Add language to the policy that explains the risk of positional asphyxia.
- Strengthen the agency’s policy on the use of Tasers and OC spray:
 - Remove the current requirement that OC spray incidents be classified as “resisting arrest”;
 - Add language that accurately describes the risks of deploying OC spray and Tasers;
 - Remove provisions recommending Taser use on people experiencing mental health crises.

Establish a review process for body-worn camera footage:

- To maximize the potential of body-worn cameras (BWC), develop a system by which BWC footage is regularly reviewed by appropriate agency staff;
- Incorporate BWC footage into agency training as a way to identify positive behaviors (i.e. de-escalation), and examine negative actions (i.e. use of force);
- Working with academic research partners, develop a BWC evaluation rubric, based on the tenets

APPENDIX G – EXAMPLES OF STATE LAW ON PRETEXT STOPS

G.1 California Assembly Bill No. 1238 (2022) - Freedom to Walk Act - Pedestrian Stops

Assembly Bill No. 1238

Passed the Assembly September 9, 2021

Chief Clerk of the Assembly

Passed the Senate September 8, 2021

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend, repeal, and add Sections 21452, 21462, 21950, and 21954 of, to repeal and add Section 21956 of, and to repeal, add, and repeal Sections 21955 and 21961 of, the Vehicle Code, relating to pedestrians.

LEGISLATIVE COUNSEL'S DIGEST

AB 1238, Ting. Pedestrian access.

Existing law makes various provisions relating to the rules of the road, including, but not limited to, traffic signs, symbols, and markings, and pedestrians' rights and duties. Under existing law, a violation of these provisions is an infraction.

Existing law prohibits a pedestrian from entering the roadway if the pedestrian is facing a steady circular yellow or yellow arrow warning signal unless otherwise directed by a pedestrian control signal, as specified.

This bill would eliminate that prohibition until January 1, 2029.

Existing law requires the driver of a vehicle and other specified persons, including a pedestrian, to obey the instructions of any official traffic signal applicable to the person and placed as provided by law, unless otherwise directed by a police or traffic officer, or other specified conditions exist.

This bill would exempt a pedestrian from that requirement until January 1, 2029.

Existing law prohibits a pedestrian from crossing at any place except a crosswalk between adjacent intersections controlled by traffic control signal devices or by police officers. Existing law requires a pedestrian to walk close to the left-hand edge of a roadway outside of a business or residence district, except as specified.

This bill would repeal those provisions until January 1, 2029. The bill would prohibit a pedestrian who crosses or enters a roadway when no cars are present from being subject to a fine or criminal penalty until January 1, 2029.

Existing law declares that provisions relating to pedestrian access do not prevent local authorities from adopting ordinances

prohibiting pedestrians from crossing roadways at other than crosswalks.

This bill would remove that authorization until January 1, 2029.

Existing law prohibits a pedestrian from suddenly leaving a curb or other place of safety and walking or running into the path of a vehicle that is so close as to constitute an immediate hazard. Under existing law, a pedestrian who is not within a marked crosswalk or an unmarked crosswalk at an intersection is required to yield the right-of-way to all vehicles so near as to constitute an immediate hazard.

This bill would, until January 1, 2029, state that an immediate hazard exists if the approaching vehicle is so near or is approaching so fast that a reasonably careful person would realize that there is a danger of collision.

Commencing January 1, 2023, this bill would require the Department of the California Highway Patrol to submit an annual report to the Legislature regarding pedestrian injuries and fatalities. This reporting requirement would be repealed on January 1, 2029.

The people of the State of California do enact as follows:

SECTION 1. Section 21452 of the Vehicle Code is amended to read:

21452. (a) A driver facing a steady circular yellow or yellow arrow signal is, by that signal, warned that the related green movement is ending or that a red indication will be shown immediately thereafter.

(b) A pedestrian facing a steady circular yellow or a yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in Section 21456, is, by that signal, warned that there is insufficient time to cross the roadway.

(c) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 2. Section 21452 is added to the Vehicle Code, to read:

21452. (a) A driver facing a steady circular yellow or yellow arrow signal is, by that signal, warned that the related green movement is ending or that a red indication will be shown immediately thereafter.

(b) A pedestrian facing a steady circular yellow or a yellow arrow signal, unless otherwise directed by a pedestrian control

signal as provided in Section 21456, is, by that signal, warned that there is insufficient time to cross the roadway and shall not enter the roadway.

(c) This section shall become operative on January 1, 2029.

SEC. 3. Section 21462 of the Vehicle Code is amended to read:

21462. (a) The driver of a vehicle, the person in charge of an animal, and the operator of a streetcar shall obey the instructions of an official traffic signal applicable to the person and placed as provided by law, unless otherwise directed by a police or traffic officer or when it is necessary for the purpose of avoiding a collision or in case of other emergency, subject to the exemptions granted by Section 21055.

(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 4. Section 21462 is added to the Vehicle Code, to read:

21462. (a) The driver of any vehicle, the person in charge of any animal, any pedestrian, and the operator of any streetcar shall obey the instructions of any official traffic signal applicable to them and placed as provided by law, unless otherwise directed by a police or traffic officer or when it is necessary for the purpose of avoiding a collision or in case of other emergency, subject to the exemptions granted by Section 21055.

(b) This section shall become operative on January 1, 2029.

SEC. 5. Section 21950 of the Vehicle Code is amended to read:

21950. (a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

(b) This section does not relieve a pedestrian from the duty of using due care for their safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. An immediate hazard exists if the approaching vehicle is so near or is approaching so fast that a reasonably careful person would realize that there is a danger of collision. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.

(c) The driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other action relating to

the operation of the vehicle as necessary to safeguard the safety of the pedestrian.

(d) Subdivision (b) does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection.

(e) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 6. Section 21950 is added to the Vehicle Code, to read:

21950. (a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

(b) This section does not relieve a pedestrian from the duty of using due care for their safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.

(c) The driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other action relating to the operation of the vehicle as necessary to safeguard the safety of the pedestrian.

(d) Subdivision (b) does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection.

(e) This section shall become operative on January 1, 2029.

SEC. 7. Section 21954 of the Vehicle Code is amended to read:

21954. (a) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard. An immediate hazard exists if the approaching vehicle is so near or is approaching so fast that a reasonably careful person would realize that there is a danger of collision.

(b) The provisions of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

(c) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 8. Section 21954 is added to the Vehicle Code, to read:

21954. (a) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard.

(b) The provisions of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

(c) This section shall become operative on January 1, 2029.

SEC. 9. Section 21955 of the Vehicle Code is repealed.

SEC. 10. Section 21955 is added to the Vehicle Code, to read:

21955. (a) Notwithstanding any other law, a pedestrian shall not be subject to a fine or criminal penalty for crossing or entering a roadway when no cars are present.

(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 11. Section 21955 is added to the Vehicle Code, to read:

21955. (a) Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

(b) This section shall become operative on January 1, 2029.

SEC. 12. Section 21956 of the Vehicle Code is repealed.

SEC. 13. Section 21956 is added to the Vehicle Code, to read:

21956. (a) No pedestrian may walk upon any roadway outside of a business or residence district otherwise than close to their left-hand edge of the roadway.

(b) A pedestrian may walk close to their right-hand edge of the roadway if a crosswalk or other means of safely crossing the roadway is not available or if existing traffic or other conditions would compromise the safety of a pedestrian attempting to cross the road.

(c) This section shall become operative on January 1, 2029.

SEC. 14. Section 21961 of the Vehicle Code is repealed.

SEC. 15. Section 21961 is added to the Vehicle Code, to read:

21961. (a) Commencing January 1, 2023, the Department of the California Highway Patrol shall submit an annual report to the Legislature regarding pedestrian injuries and fatalities, in compliance with Section 9795 of the Government Code.

(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 16. Section 21961 is added to the Vehicle Code, to read:

21961. (a) This chapter does not prevent local authorities from adopting ordinances prohibiting pedestrians from crossing roadways at other than crosswalks.

(b) This section shall become operative on January 1, 2029.

Approved _____, 2021

Governor

**G.2 California Senate Bill No. 357 (2022) - Safer Streets for All Act -
Loitering Stops**

Senate Bill No. 357

CHAPTER 86

An act to amend Section 782.1 of the Evidence Code, to amend Sections 647.3, 653.23, and 1203.47 of, to add Section 653.29 to, and to repeal Sections 653.20 and 653.22 of, the Penal Code, to amend Section 99171 of the Public Utilities Code, and to amend Sections 18259 and 18259.3 of the Welfare and Institutions Code, relating to crimes.

[Approved by Governor July 1, 2022. Filed with Secretary of State July 1, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 357, Wiener. Crimes: loitering for the purpose of engaging in a prostitution offense.

Existing law prohibits soliciting or engaging in an act of prostitution, as specified. Existing law also prohibits loitering in a public place with the intent to commit prostitution, as defined, or directing, supervising, recruiting, or aiding a person who is loitering with the intent to commit prostitution, or collecting or receiving all or part of the proceeds of an act of prostitution. Under existing law, a violation of any of these provisions is a misdemeanor.

This bill would repeal those provisions related to loitering with the intent to commit prostitution and would make other conforming changes. This bill would also authorize a person convicted of a violation of loitering with the intent to commit prostitution to petition the court for the dismissal and sealing of their case, and resentencing, if applicable.

This bill would incorporate additional changes to Section 99171 of the Public Utilities Code proposed by AB 1337 to be operative only if this bill and AB 1337 are enacted and this bill is enacted last.

The people of the State of California do enact as follows:

SECTION 1. Section 782.1 of the Evidence Code is amended to read:

782.1. The possession of a condom is not admissible as evidence in the prosecution of a violation of Section 372 of, or subdivision (a) or (b) of Section 647 of, or former Section 653.22 of, the Penal Code, if the offense is related to prostitution.

SEC. 2. Section 647.3 of the Penal Code is amended to read:

647.3. (a) A person who reports being a victim of, or a witness to, a serious felony as defined in subdivision (c) of Section 1192.7, an assault in violation of subdivision (a) of Section 245, domestic violence in violation of Section 273.5, extortion in violation of Section 518, human trafficking in violation of Section 236.1, sexual battery in violation of subdivision (a)

of Section 243.4, or stalking in violation of Section 646.9 shall not be arrested for any of the following offenses if that offense is related to the crime that the person is reporting or if the person was engaged in that offense at or around the time that the person was the victim of or witness to the crime they are reporting:

(1) A misdemeanor violation of the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code).

(2) A violation of Section 372 or subdivision (a) or (b) of Section 647, or former Section 653.22, if the offense is related to an act of prostitution.

(b) Possession of condoms in any amount shall not provide a basis for probable cause for arrest for a violation of Section 372 or subdivision (a) or (b) of Section 647, or former Section 653.22 if the offense is related to an act of prostitution.

SEC. 3. Section 653.20 of the Penal Code is repealed.

SEC. 4. Section 653.22 of the Penal Code is repealed.

SEC. 5. Section 653.23 of the Penal Code is amended to read:

653.23. (a) It is unlawful for a person to do either of the following:

(1) Direct, supervise, recruit, or otherwise aid another person in the commission of a violation of subdivision (b) of Section 647.

(2) Collect or receive all or part of the proceeds earned from an act or acts of prostitution committed by another person in violation of subdivision (b) of Section 647.

(b) Nothing in this section shall preclude the prosecution of a suspect for a violation of Section 266h or 266i or for any other offense, or for a violation of this section in conjunction with a violation of Section 266h or 266i or any other offense.

SEC. 6. Section 653.29 is added to the Penal Code, to read:

653.29. (a) (1) A person currently serving a sentence for a conviction of violating former Section 653.22, whether by trial or by open or negotiated plea, may petition for a recall or dismissal of sentence before the trial court that entered the judgment of conviction in the case to request resentencing or dismissal, and sealing, as applicable.

(2) Upon receiving a petition under paragraph (1), the court shall presume the petitioner satisfies the criteria in paragraph (1) unless the party opposing the petition proves by clear and convincing evidence that the petitioner does not satisfy the criteria. If the petitioner satisfies the criteria in paragraph (1), the court shall grant the petition to recall the sentence or dismiss the sentence because it is legally invalid and shall seal the conviction as legally invalid.

(b) (1) A person who has completed their sentence for a conviction of violating Section 653.22, whether by trial or open or negotiated plea, may file an application before the trial court that entered the judgment of conviction in their case to have the conviction dismissed and sealed because the prior conviction is now legally invalid.

(2) The court shall presume the petitioner satisfies the criteria in paragraph (1) unless the party opposing the application proves by clear and convincing evidence that the petitioner does not satisfy the criteria in paragraph (1).

Once the applicant satisfies the criteria in paragraph (1), the court shall seal the conviction as legally invalid.

(c) Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subdivision (b).

(d) If the court that originally sentenced the petitioner is not available, the presiding judge shall designate another judge to rule on the petition or application.

(e) Nothing in this section is intended to diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant.

(f) The Judicial Council shall promulgate and make available all necessary forms to enable the filing of the petitions and applications provided in this section.

SEC. 7. Section 1203.47 of the Penal Code is amended to read:

1203.47. (a) A person who was found to be a person described in Section 602 of the Welfare and Institutions Code by reason of the commission of an offense described in subdivision (b) of Section 647 or in former Section 653.22 may, upon reaching 18 years of age, petition the court to have their record sealed, as provided in Section 781 of the Welfare and Institutions Code, except that, as pertaining to any records regarding the commission of an offense described in subdivision (b) of Section 647 or in former Section 653.22, it shall not be a requirement in granting the petition for the person to show that they have not been convicted of a felony or of any misdemeanor involving moral turpitude, or that rehabilitation has been attained to the satisfaction of the court. Upon granting the petition, all records relating to the violation or violations of subdivision (b) of Section 647 or of former Section 653.22, or both, shall be sealed pursuant to Section 781 of the Welfare and Institutions Code.

(b) The relief provided by this section does not apply to a person adjudicated pursuant to subdivision (b) of Section 647 who paid money or any other valuable thing, or attempted to pay money or any other valuable thing, to any person for the purpose of prostitution as defined in subdivision (b) of Section 647.

(c) This section applies to adjudications that occurred before, as well as those that occur after, the effective date of this section.

(d) A petition granted pursuant to this section does not authorize the sealing of any part of a person's record that is unrelated to a violation of subdivision (b) of Section 647.

SEC. 8. Section 99171 of the Public Utilities Code is amended to read:

99171. (a) (1) A transit district may issue a prohibition order to any person to whom either of the following applies:

(A) On at least three separate occasions within a period of 90 consecutive days, the person is cited for an infraction committed in or on a vehicle, bus stop, or train or light rail station of the transit district for any act that is a violation of paragraph (2) or (5) of subdivision (a) of Section 99170 of this code or paragraph (1), (2), (3), or (4) of subdivision (d) of Section 640 or Section 640.5 of the Penal Code.

(B) The person is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.

(C) The person is convicted of a violation of Section 11532 of the Health and Safety Code.

(2) A person subject to a prohibition order may not enter the property, facilities, or vehicles of the transit district for a period of time deemed appropriate by the transit district, provided that the duration of a prohibition order shall not exceed the following, as applicable:

(A) Thirty days if issued pursuant to subparagraph (A) of paragraph (1), provided that a second prohibition order within one year may not exceed 90 days, and a third or subsequent prohibition order within one year may not exceed 180 days.

(B) Thirty days if issued pursuant to an arrest pursuant to subparagraph (B) of paragraph (1). Upon conviction of a misdemeanor offense, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial arrest, if any, may not exceed 180 days. Upon conviction of a felony offense, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial arrest, if any, may not exceed one year.

(3) No prohibition order issued under this subdivision shall be effective unless the transit district first affords the person an opportunity to contest the transit district's proposed action in accordance with procedures adopted by the transit district for this purpose. A transit district's procedures shall provide, at a minimum, for the notice and other protections set forth in subdivisions (b) and (c), and the transit district shall provide reasonable notification to the public of the availability of those procedures.

(b) (1) A notice of a prohibition order issued under subdivision (a) shall set forth a description of the conduct underlying the violation or violations giving rise to the prohibition order, including reference to the applicable statutory provision, ordinance, or transit district rule violated, the date of the violation, the approximate time of the violation, the location where the violation occurred, the period of the proposed prohibition, and the scope of the prohibition. The notice shall include a clear and conspicuous statement indicating the procedure for contesting the prohibition order. The notice of prohibition order shall be personally served upon the violator. The notice of prohibition order, or a copy, shall be considered a record kept in the ordinary course of business of the transit district and shall be prima facie evidence of the facts contained in the notice establishing a rebuttable presumption affecting the burden of producing evidence. For purposes of this paragraph, "clear and conspicuous" means in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks that call attention to the language.

(2) For purposes of this section, "personal service" means any of the following:

(A) In-person delivery.

(B) Delivery by any form of mail providing for delivery confirmation, postage prepaid, to at least one address provided by the person being served, including, but not limited to, the address set forth in any citation or in court records.

(C) Any alternate method approved in writing by the transit district and the person being served.

(3) If a person served with a notice of prohibition order is not able, or refuses, to provide a mailing address, the notice of prohibition order shall set forth the procedure for obtaining any letters, notices, or orders related to the prohibition order from the administrative offices of the transit district. For purposes of this section, delivery shall be deemed to have been made on the following date, as applicable:

(A) On the date of delivery, if delivered in person.

(B) On the date of confirmed delivery, for any delivery by mail.

(C) For any alternate method of service, as provided in the writing specifying the alternate method.

(4) Proof of service of the notice shall be filed with the transit district.

(5) If a person contests a notice of prohibition order, the transit district shall proceed in accordance with subdivision (c). If the notice of prohibition order is not contested within 10 calendar days after delivery by personal service, the prohibition order shall be deemed final and shall go into effect, without further action by the transit district, for the period of time set forth in the order.

(6) All prohibition orders shall be subject to an automatic stay and shall not take effect until the latest of the following:

(A) Eleven calendar days after delivery of the prohibition order by personal service.

(B) If an initial review is timely requested under paragraph (1) of subdivision (c), 11 calendar days after delivery by personal service of the results of the review.

(C) If an administrative hearing is timely requested under paragraph (3) of subdivision (c), the date the hearing officer's decision is delivered by personal service.

(c) (1) For a period of 10 calendar days from the delivery of the prohibition order by personal service, the person may request an initial review of the prohibition order by the transit district. The request may be made by telephone, in writing, or in person. There shall be no charge for this review. In conducting its review and reaching a determination, the transit district shall determine whether the prohibition order meets the requirements of subdivision (a) and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence. If, following the initial review, based on these findings, the transit district determines that the prohibition order is not adequately supported or that extenuating circumstances make dismissal of the prohibition order appropriate in the interest of justice, the transit district shall cancel the notice.

If, following the initial review, based on these findings, the transit district determines that the prohibition order should be upheld in whole or in part, the transit district shall issue a written statement to that effect, including any modification to the period or scope of the prohibition order. The transit district shall serve the results of the initial review to the person contesting the notice by personal service.

(2) The transit district may modify or cancel a prohibition order in the interest of justice. The transit district shall cancel a prohibition order if it determines that the person did not understand the nature and extent of their actions or did not have the ability to control their actions. If the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(3) If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the prohibition order no later than 10 calendar days after the results of the initial review are delivered by personal service. The request may be made by telephone, in writing, or in person. An administrative hearing shall be held within 30 calendar days after the receipt of a request for an administrative hearing. The person requesting the hearing may request one continuance, not to exceed seven calendar days.

(4) The administrative hearing process shall include all of the following:

(A) The person requesting the hearing shall have the choice of a hearing by mail or in person. An in-person hearing shall be conducted within the jurisdiction of the transit district.

(B) The administrative hearing shall be conducted in accordance with written procedures established by the transit district and approved by the governing body or chief executive officer of the transit district. The hearing shall provide an independent, objective, fair, and impartial review of the prohibition order.

(C) The administrative review shall be conducted before a hearing officer designated to conduct the review by the transit district's governing body or chief executive officer. In addition to any other requirements, a hearing officer shall demonstrate the qualifications, training, and objectivity prescribed by the transit agency's governing body or chief executive officer as are necessary to fulfill and that are consistent with the duties and responsibilities set forth in this subdivision. The hearing officer's continued service, performance evaluation, compensation, and benefits, as applicable, shall not be directly or indirectly linked to the number of prohibition orders upheld by the hearing officer.

(D) The person who issued the notice of prohibition order shall not be required to participate in an administrative hearing, unless participation is requested by the person requesting the hearing. The request for participation

must be made at least five calendar days prior to the date of the hearing and may be made by telephone, in writing, or in person. The notice of prohibition order, in proper form, shall be prima facie evidence of the violation or violations pursuant to subdivision (a) establishing a rebuttable presumption affecting the burden of producing evidence.

(E) In issuing a decision, the hearing officer shall determine whether the prohibition order meets the requirements of subdivision (a) and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence. Based upon these findings, the hearing officer may uphold the prohibition order in whole, determine that the prohibition order is not adequately supported, or cancel or modify the prohibition order in the interest of justice. The hearing officer shall cancel a prohibition order if they determine that the person did not understand the nature and extent of their actions or did not have the ability to control their actions. If the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(F) The hearing officer's decision following the administrative hearing shall be delivered by personal service.

(G) A person aggrieved by the final decision of the hearing officer may seek judicial review of the decision within 90 days of the date of delivery of the decision by personal service, as provided by Section 1094.6 of the Code of Civil Procedure.

(d) A person issued a prohibition order under subdivision (a) may, within 10 calendar days of the date the order goes into effect under paragraph (6) of subdivision (b), request a refund for any prepaid fare media rendered unusable in whole or in part by the prohibition order, including, but not limited to, monthly passes. If the fare media remain usable for one or more days outside the period of the prohibition order, the refund shall be prorated based on the number of days the fare media will be unusable. The issuance of a refund may be made contingent on surrender of the fare media.

(e) For purposes of this section, "transit district" means the Sacramento Regional Transit District, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, or the San Francisco Bay Area Rapid Transit District.

SEC. 8.5. Section 99171 of the Public Utilities Code is amended to read:

99171. (a) (1) A transit district may issue a prohibition order to any person to whom either of the following applies:

(A) On at least three separate occasions within a period of 90 consecutive days, the person is cited for an infraction committed in or on a vehicle, bus stop, or train or light rail station of the transit district or a property, facility,

or vehicle upon which the San Francisco Bay Area Rapid Transit District owes policing responsibilities to a local government pursuant to an operations and maintenance agreement or similar interagency agreement for an act that is a violation of paragraph (2) or (5) of subdivision (a) of Section 99170 of this code or paragraph (1), (2), (3), or (4) of subdivision (d) of Section 640 or Section 640.5 of the Penal Code.

(B) The person is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.

(C) The person is convicted of a violation of Section 11532 of the Health and Safety Code.

(2) A person subject to a prohibition order may not enter the property, facilities, or vehicles of the transit district or the property, facilities, or vehicles upon which the San Francisco Bay Area Rapid Transit District owes policing responsibilities to a local government pursuant to an operations and maintenance agreement or similar interagency agreement for a period of time deemed appropriate by the transit district, provided that the duration of a prohibition order shall not exceed the following, as applicable:

(A) Thirty days if issued pursuant to subparagraph (A) of paragraph (1), provided that a second prohibition order within one year may not exceed 90 days, and a third or subsequent prohibition order within one year may not exceed 180 days.

(B) Thirty days if issued pursuant to an arrest pursuant to subparagraph (B) of paragraph (1). Upon conviction of a misdemeanor offense, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial arrest, if any, may not exceed 180 days. Upon conviction of a felony offense, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial arrest, if any, may not exceed one year.

(3) A prohibition order issued pursuant to this subdivision shall not be effective unless the transit district first affords the person an opportunity to contest the transit district's proposed action in accordance with procedures adopted by the transit district for this purpose. A transit district's procedures shall provide, at a minimum, for the notice and other protections set forth in subdivisions (b) and (c), and the transit district shall provide reasonable notification to the public of the availability of those procedures.

(b) (1) A notice of a prohibition order issued under subdivision (a) shall set forth a description of the conduct underlying the violation or violations giving rise to the prohibition order, including reference to the applicable statutory provision, ordinance, or transit district rule violated, the date of the violation, the approximate time of the violation, the location where the violation occurred, the period of the proposed prohibition, and the scope of the prohibition. The notice shall include a clear and conspicuous statement indicating the procedure for contesting the prohibition order. The notice of prohibition order shall be personally served upon the violator. The notice of prohibition order, or a copy, shall be considered a record kept in the

ordinary course of business of the transit district and shall be prima facie evidence of the facts contained in the notice establishing a rebuttable presumption affecting the burden of producing evidence. For purposes of this paragraph, “clear and conspicuous” means in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks that call attention to the language.

(2) For purposes of this section, “personal service” means any of the following:

(A) In-person delivery.

(B) Delivery by any form of mail providing for delivery confirmation, postage prepaid, to at least one address provided by the person being served, including, but not limited to, the address set forth in any citation or in court records.

(C) Any alternate method approved in writing by the transit district and the person being served.

(3) If a person served with a notice of prohibition order is not able, or refuses, to provide a mailing address, the notice of prohibition order shall set forth the procedure for obtaining any letters, notices, or orders related to the prohibition order from the administrative offices of the transit district. For purposes of this section, delivery shall be deemed to have been made on the following date, as applicable:

(A) On the date of delivery, if delivered in person.

(B) On the date of confirmed delivery, for any delivery by mail.

(C) For any alternate method of service, as provided in the writing specifying the alternate method.

(4) Proof of service of the notice shall be filed with the transit district.

(5) If a person contests a notice of prohibition order, the transit district shall proceed in accordance with subdivision (c). If the notice of prohibition order is not contested within 10 calendar days after delivery by personal service, the prohibition order shall be deemed final and shall go into effect, without further action by the transit district, for the period of time set forth in the order.

(6) All prohibition orders shall be subject to an automatic stay and shall not take effect until the latest of the following:

(A) Eleven calendar days after delivery of the prohibition order by personal service.

(B) If an initial review is timely requested under paragraph (1) of subdivision (c), 11 calendar days after delivery by personal service of the results of the review.

(C) If an administrative hearing is timely requested under paragraph (3) of subdivision (c), the date the hearing officer’s decision is delivered by personal service.

(c) (1) For a period of 10 calendar days from the delivery of the prohibition order by personal service, the person may request an initial review of the prohibition order by the transit district. The request may be made by telephone, in writing, or in person. There shall be no charge for

this review. In conducting its review and reaching a determination, the transit district shall determine whether the prohibition order meets the requirements of subdivision (a) and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence. If, following the initial review, based on these findings, the transit district determines that the prohibition order is not adequately supported or that extenuating circumstances make dismissal of the prohibition order appropriate in the interest of justice, the transit district shall cancel the notice. If, following the initial review, based on these findings, the transit district determines that the prohibition order should be upheld in whole or in part, the transit district shall issue a written statement to that effect, including any modification to the period or scope of the prohibition order. The transit district shall serve the results of the initial review to the person contesting the notice by personal service.

(2) The transit district may modify or cancel a prohibition order in the interest of justice. The transit district shall cancel a prohibition order if it determines that the person did not understand the nature and extent of their actions or did not have the ability to control their actions. If the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(3) If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the prohibition order no later than 10 calendar days after the results of the initial review are delivered by personal service. The request may be made by telephone, in writing, or in person. An administrative hearing shall be held within 30 calendar days after the receipt of a request for an administrative hearing. The person requesting the hearing may request one continuance, not to exceed seven calendar days.

(4) The administrative hearing process shall include all of the following:

(A) The person requesting the hearing shall have the choice of a hearing by mail or in person. An in-person hearing shall be conducted within the jurisdiction of the transit district.

(B) The administrative hearing shall be conducted in accordance with written procedures established by the transit district and approved by the governing body or chief executive officer of the transit district. The hearing shall provide an independent, objective, fair, and impartial review of the prohibition order.

(C) The administrative review shall be conducted before a hearing officer designated to conduct the review by the transit district's governing body or chief executive officer. In addition to any other requirements, a hearing officer shall demonstrate the qualifications, training, and objectivity

prescribed by the transit agency's governing body or chief executive officer as are necessary to fulfill and that are consistent with the duties and responsibilities set forth in this subdivision. The hearing officer's continued service, performance evaluation, compensation, and benefits, as applicable, shall not be directly or indirectly linked to the number of prohibition orders upheld by the hearing officer.

(D) The person who issued the notice of prohibition order shall not be required to participate in an administrative hearing, unless participation is requested by the person requesting the hearing. The request for participation shall be made at least five calendar days before the date of the hearing and may be made by telephone, in writing, or in person. The notice of prohibition order, in proper form, shall be prima facie evidence of the violation or violations pursuant to subdivision (a) establishing a rebuttable presumption affecting the burden of producing evidence.

(E) In issuing a decision, the hearing officer shall determine whether the prohibition order meets the requirements of subdivision (a) and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence. Based upon these findings, the hearing officer may uphold the prohibition order in whole, determine that the prohibition order is not adequately supported, or cancel or modify the prohibition order in the interest of justice. The hearing officer shall cancel a prohibition order if they determine that the person did not understand the nature and extent of their actions or did not have the ability to control their actions. If the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(F) The hearing officer's decision following the administrative hearing shall be delivered by personal service.

(G) A person aggrieved by the final decision of the hearing officer may seek judicial review of the decision within 90 days of the date of delivery of the decision by personal service, as provided by Section 1094.6 of the Code of Civil Procedure.

(d) A person issued a prohibition order under subdivision (a) may, within 10 calendar days of the date the order goes into effect under paragraph (6) of subdivision (b), request a refund for any prepaid fare media rendered unusable in whole or in part by the prohibition order, including, but not limited to, monthly passes. If the fare media remain usable for one or more days outside the period of the prohibition order, the refund shall be prorated based on the number of days the fare media will be unusable. The issuance of a refund may be made contingent on surrender of the fare media.

(e) For purposes of this section, “transit district” means the Sacramento Regional Transit District, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, or the San Francisco Bay Area Rapid Transit District.

SEC. 9. Section 18259 of the Welfare and Institutions Code is amended to read:

18259. (a) The County of Alameda, contingent upon local funding, may establish a project consistent with this chapter to develop a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors who have been arrested or detained by local law enforcement for a violation of subdivision (a) or (b) of Section 647 or subdivision (a) of former Section 653.22 of the Penal Code, or who have been adjudged a dependent of the juvenile court pursuant to paragraph (2) of subdivision (b) of Section 300.

(b) The District Attorney of the County of Alameda, in collaboration with the county child welfare agency, county probation, sheriff, and community-based agencies, may develop, as a component of the program described in this chapter, protocols for identifying and assessing minors, upon arrest or detention by law enforcement, who may be victims of commercial sexual exploitation. The protocol shall include the process for how to make a report to the county child welfare agency if there is reason to believe the minor is a person described in Section 300. The protocol shall also include the process for the child welfare agency to investigate the report pursuant to Section 328.

(c) The District Attorney of the County of Alameda, in collaboration with the county child welfare agency, county probation, sheriff, and community-based agencies that serve commercially sexually exploited minors, may develop, as a component of the program described in this chapter, a diversion program reflecting the best practices to address the needs and requirements of minors who have been determined to be victims of commercial sexual exploitation.

(d) The District Attorney of the County of Alameda, in collaboration with the county and community-based agencies, may form, as a component of the program described in this chapter, a multidisciplinary team including, but not limited to, city police departments, the county sheriff’s department, the public defender’s office, the probation department, child protection services, and community-based organizations that work with or advocate for commercially sexually exploited minors, to do both of the following:

(1) Develop a training curriculum reflecting the best practices for identifying and assessing minors who may be victims of commercial sexual exploitation.

(2) Offer and provide this training curriculum through multidisciplinary teams to law enforcement, child protective services, and others who are required to respond to arrested or detained minors who may be victims of commercial sexual exploitation.

SEC. 10. Section 18259.3 of the Welfare and Institutions Code is amended to read:

18259.3. (a) For purposes of this chapter, “commercially sexually exploited minor” means a person under 18 years of age who is described by one or more of the following:

(1) Has been abused in the manner described in paragraph (2) of subdivision (c) of Section 11165.1 of the Penal Code, and who has been detained for a violation of the law or placed in civil protective custody on a safety hold based only on a violation of subdivision (a) or (b) of Section 647 of the Penal Code or subdivision (a) of former Section 653.22 of the Penal Code.

(2) Has been adjudged a dependent of the juvenile court pursuant to paragraph (2) of subdivision (b) of Section 300.

(3) Has been the victim of abduction, as described in Section 267 of the Penal Code.

(4) Meets the definition of a victim of a severe form of trafficking, as defined in Section 7105 of Title 22 of the United States Code.

(b) If a minor is arrested or detained for an alleged violation of subdivision (a) or (b) of Section 647 of the Penal Code or of subdivision (a) of former Section 653.22 of the Penal Code, or if a minor is the subject of a petition to be adjudged a dependent of the juvenile court pursuant to paragraph (2) of subdivision (b) of Section 300, they shall be presumed to be a commercially sexually exploited minor, as defined in subdivision (a).

SEC. 11. Section 8.5 of this bill incorporates amendments to Section 99171 of the Public Utilities Code proposed by both this bill and Assembly Bill 1337. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 99171 of the Public Utilities Code, and (3) this bill is enacted after Assembly Bill 1337, in which case Section 8 of this bill shall not become operative.

**G.3 Connecticut Police Transparency & Accountability Task Force
Motor Vehicle Code Modifications Recommendation**

Police Transparency & Accountability Task Force
Motor Vehicle Code Modifications Recommendation

Create a statutory definition of “secondary violation” and disallow stops based only on secondary violations.

Revised 14-1:

(86) “Secondary violation” means a violation of any provision of this title that may be enforced only in accordance with the provisions of section 14-223b.

Revised 14-212:

(1) The following terms shall be construed as they are defined in section 14-1:
“Authorized emergency vehicle”, “class 1 electric bicycle”, “class 2 electric bicycle”, “class 3 electric bicycle”, “commissioner”, “driver”, “electric bicycle”, “electric foot scooter”, “fuels”, “gross weight”, “head lamp”, “high-mileage vehicle”, “highway”, “light weight”, “limited access highway”, “maintenance vehicle”, “motor bus”, “motorcycle”, “motor vehicle registration”, “nonresident”, “nonskid device”, “number plate”, “officer”, “operator”, “owner”, “passenger motor vehicle”, “passenger and commercial motor vehicle”, “person”, “pneumatic tires”, “pole trailer”, “registration”, “registration number”, “second offense”, **“secondary violation”**, “semitrailer”, “shoulder”, “solid tires”, “stop”, “subsequent offense”, “tail lamp”, “tractor”, “tractor-trailer unit”, “trailer”, “truck” and “vanpool vehicle”;

New section 14-223b:

No officer shall stop a vehicle for violation of provisions of this title if the only violations identified are secondary violations. Nothing in this section shall be construed to prevent enforcement of a secondary violation by automated enforcement or by a mailed notice of violation. Nothing in this section shall be construed to prevent enforcement of a secondary violation if any violation for which a vehicle has been stopped is not a secondary violation.

Reform window tint statutes:

Revised 14-99g(f)-(g):

(f) Any person who violates any provision of subsections (b) to (e), inclusive, of this section shall be deemed to have committed an infraction for each offense. Any person who violates any provision of subsection (b) of this section shall remove such object or material which obstructs his clear and full view of the road and report within sixty days to the police department which issued the infractions complaint to present his vehicle for inspection and to demonstrate compliance with the provisions of this section. If such person fails to report to such police department and is cited for a subsequent violation of this section, his vehicle shall be impounded after notice and opportunity for hearing. **A violation of any provision of subsections (b) to (e), inclusive, of this section shall be a**

secondary violation.

(g) Any person owning a vehicle having a window which has been tinted or darkened with any tinted material after factory delivery, shall present such vehicle to the Department of Motor Vehicles, by July 1, 1996, to receive a sticker for any tinted or darkened window to indicate such tinting or darkening is in compliance with this section. Any person operating a motor vehicle, on or after July 1, 1996, in violation of this subsection shall be deemed to have committed an infraction. **A violation of this subsection shall be a secondary violation.**

Reform display-of-plate statutes

Revised 14-18:

(a)(1) Each motor vehicle for which one number plate has been issued shall, while in use or operation upon any public highway, display in a conspicuous place at the rear of such vehicle the number plate. The commissioner may issue a sticker denoting the expiration date of the registration. Such sticker shall be displayed in such place on the vehicle as the commissioner may direct. Such sticker may contain the corresponding letters and numbers of the registration and number plate issued by the commissioner. (2) Each motor vehicle for which two number plates have been issued shall, while in use or operation upon any public highway, display in a conspicuous place at the front and the rear of such vehicle the number plates. **Provided that the numerals and letters thereon are plainly legible, displaying a number plate against a vehicle's rear window shall be a secondary violation.** The commissioner may issue a sticker denoting the expiration date of the registration. Such sticker shall be displayed in such place on the vehicle as the commissioner may direct. Such sticker may contain the corresponding letters and numbers of the number plate issued by the commissioner.

(b) Repealed by 1969, P.A. 247, S. 1.

(c) Official number plates when displayed upon motor vehicles shall be **[entirely]** **substantially** unobscured and the numerals and letters thereon shall be plainly legible at all times. Such number plates shall be horizontal and shall be fastened so as not to swing and, during the time when a motor vehicle is required to display lights, **[the rear number plate shall be illuminated as to be legible at a distance of fifty feet]**. Nothing may be affixed to a motor vehicle or to the official number plates displayed on such vehicle that obscures or impairs the visibility of **[any information]** **the numerals and letters** on such number plates. Not more than one number plate shall be displayed on the front or rear of any motor vehicle in operation upon the public highways of the state; provided any motor vehicle may, upon permission of the commissioner, display more than one number plate in front or rear, subject to such conditions as the commissioner prescribes. If any number plate supplied by the commissioner is lost, or if the registered number thereon becomes mutilated or illegible, the owner of or the person in control of the motor vehicle for which such number plate was furnished shall

immediately place a temporary number plate bearing said registration number upon such motor vehicle, which temporary number plate shall conform to the regular number plate and shall be displayed as nearly as possible as herein provided for such regular number plate; and such owner shall, within forty-eight hours after such loss or mutilation of the number plate, give notice thereof to the commissioner and apply for a new number plate. The commissioner may issue a permit to operate with such temporary plate and shall supply new number plates upon payment of the fee therefor as provided in section 14-50a. Upon receipt of such new number plates and new certificate, the remaining old number plate, if any, and certificate shall be surrendered to the commissioner.

Reform lighting statutes:

Clarify that 14-96a applies only to those who fail to turn on working lights, not those whose vehicles are not equipped with working lights.

Revised 14-96a:

(a) Every vehicle upon a highway within this state shall display such lighted lamps and illuminating devices as may be required under the provisions of sections 14-96a to 14-96aa, inclusive,

- (1) at any time from a half-hour after sunset to a half-hour before sunrise,
- (2) at any time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead, and
- (3) at any time during periods of precipitation, including, but not limited to, periods of snow, rain or fog.

(b) Whenever in said sections any requirement is declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, such requirement shall apply during the times stated in subsection (a) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(c) Whenever in said sections any requirement is declared as to the mounted height of lamps or devices, such requirement shall mean the height measured from the center of such lamps or devices to the level ground upon which the vehicle stands when such vehicle is without a load.

(d) Failure to **[provide lighted] illuminate** lamps and illuminating devices at such time as required by this section shall be an infraction.

(f) To the extent that a violation of the number, placement, intensity, or any other technical specifications to the provisions of sections 14-96b through 14-96aa, inclusive, would also be a violation of this section, such violation shall be enforced

pursuant to such specific provision and shall not be considered a violation of this section.

Make stopping vehicles for a single headlight, taillight, reflector, or brake light being broken a secondary offense.

Revised 14-96c:

(a) After October 1, 1967, every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in subsection (a) of section 14-96a, shall emit a red light plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to October 1, 1957, and motorcycles shall have at least one such tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(b) Every tail lamp upon every vehicle shall be located at a mounted height of not more than seventy-two inches nor less than fifteen inches.

(c) The rear registration plate shall be so illuminated with a white light as to render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted, except that any vehicle equipped by the manufacturer with daytime running lamps which meet federal requirements may have such daytime running lamps illuminated without illumination of the tail lamps or rear registration plate.

(d) Failure to have tail lamps or failure to illuminate the rear registration plate as required in this section shall be an infraction. **Failure to have two functioning tail lamps shall be a secondary violation if a vehicle has one illuminated and functioning tail lamp. Failure to illuminate the rear registration plate shall be a secondary violation.**

Revised 14-96d:

(a) Each motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section. Each motorcycle shall carry at least one such reflector.

(b) Each such reflector shall be mounted on the vehicle at a height of not less than fifteen inches nor more than sixty inches, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of upper beams of head lamps.

(c) Failure to carry and mount reflectors as required in this section shall be an infraction. **Failure to carry and mount two reflectors shall be a secondary violation if a vehicle has one reflector.**

Revised 14-96e:

(a) Each motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two or more stop lamps meeting the requirements of subsection (a) of section 14-96r, except that passenger motor vehicles manufactured or assembled prior to October 1, 1957, and motorcycles shall be equipped with at least one stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified.

(b) Each motor vehicle in use on a highway shall be equipped with, and required signals shall be given by, a turn signal lamp or lamps complying with the requirements of the Code of Federal Regulations, Title 49, Section 571.108, as amended.

(c) Failure to equip vehicles with stop lamps or a turn signal lamp or lamps or turn signal devices as required by this section shall be an infraction. **Failure to equip a vehicle with two or more functioning stop lamps shall be a secondary violation if the vehicle has one functioning stop lamp otherwise in compliance with the provisions of subsection (a) of this section.**

Revised 14-96y:

(a) **Every motor vehicle other than a motorcycle shall have at least two functioning head lamps, one of which shall be located on each side at the front of such vehicle, except when** [At all times specified in subsection (a) of section 14-96a, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle, except when] such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

(c) Failure to have **two functioning head** lamps as required by this section shall be an infraction. **Failure to have two functioning head lamps shall be a secondary violation if the vehicle has one lighted head lamp otherwise in compliance with the provisions of subsection (a).**

Reduce the scope of the obstructed windshield statute to make minor obstruction a secondary offense.

Revised 14-99f:

(a) Each motor vehicle shall be equipped with a windshield of a type prescribed by section 14-100 and a windshield cleaner or wiper in effective working order located directly in front of the operator while in use on the highway. The windshield shall be reasonably free of defects and accumulations, inside and out, of snow, ice, condensation and dirt. The provisions of this subsection shall not apply to a motorcycle or a vehicle designed by the manufacturer for nonhighway operation without a windshield.

(b) No person shall operate a motor vehicle required to be equipped with such a windshield if the windshield is in a condition to interfere with an unobstructed view of the highway.

(c) No article, device, sticker or ornament shall be attached or affixed to or hung on or in any motor vehicle in such a manner or location as to interfere with the operator's unobstructed view of the highway or to distract the attention of the operator.

(d) Violation of any provision of this section shall be an infraction. **A violation of subsection (c) shall be a secondary violation if the obstruction of the windshield is not substantial.**

Extend the period for which failure to renew registration is considered a minor infraction from 30 days to 60 days and make that infraction secondary.

Revised 14-12(a):

(a) No motor vehicle shall be operated, towed or parked on any highway, except as otherwise expressly provided, unless it is registered with the commissioner, provided any motor vehicle may be towed for repairs or necessary work if it bears the markers of a licensed and registered dealer, manufacturer or repairer and provided any motor vehicle which is validly registered in another state may, for a period of sixty days following establishment by the owner of residence in this state, be operated on any highway without first being registered with the commissioner. Except as otherwise provided in this subsection,

(1) a person commits an infraction if such person (A) registers a motor vehicle he or she does not own, or (B) operates, allows the operation of, parks or allows the parking of an unregistered motor vehicle on any highway, or

(2) a resident of this state who operates or parks a motor vehicle such resident owns with marker plates issued by another state on any highway

shall be fined one thousand dollars. If the owner of a motor vehicle previously registered on an annual or biennial basis, the registration of which expired not more than **[thirty]** **sixty** days previously, operates, allows the operation of, parks or allows that parking of such a motor vehicle, such owner shall be fined the amount designated for the infraction

of failure to renew a registration, but the right to retain his or her operator's license shall not be affected. **Such an infraction shall be a secondary violation.** No operator other than the owner shall be subject to penalty for the operation or parking of such a previously registered motor vehicle. As used in this subsection, the term “unregistered motor vehicle” includes any vehicle that is not eligible for registration by the commissioner due to the absence of necessary equipment or other characteristics of the vehicle that make it unsuitable for highway operation, unless the operation of such vehicle is expressly permitted by another provision of this chapter or chapter 248.

Change certain license statutes to a secondary infraction.

Revised 14-41(c)-(d):

(c) Any previously licensed operator who fails to renew a motor vehicle operator's license in accordance with subsection (a) of this section shall be charged a late fee of twenty-five dollars upon renewal of such operator's license.

(d) The commissioner may, at least fifteen days before the date on which each motor vehicle operator's license or identity card expires, notify the holder of such license or identity card of the expiration date, in a manner determined by the commissioner. The commissioner shall not provide such notification by mail to any such licensee or identity card holder if the United States Postal Service has determined that mail is undeliverable to the address for such person that is documented in the records of the Department of Motor Vehicles. Any previously licensed operator who operates a motor vehicle within sixty days after the expiration date of the operator's license without obtaining a renewal of the license shall be fined in accordance with the amount designated for the infraction of failure to renew a motor vehicle operator's license. . **Such an infraction shall be a secondary violation.** Any operator so charged shall not be prosecuted under section 14-36 for the same act constituting a violation under this section but section 14-36 shall apply after the sixty-day period.

Revised 14-45:

(a) A person holding (1) a license for the operation of a motor vehicle, issued by the Commissioner of Motor Vehicles in accordance with section 14-36, or (2) an identity card, issued by said commissioner in accordance with section 1-1h, shall notify the commissioner within forty-eight hours of any change of such person's address. The notification shall include such person's old address and new address.

(b) In IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, upon written notification by the Department of Social Services that the address listed for the holder of a motor vehicle operator's license or the holder of an identity card is incorrect, the Commissioner of Motor Vehicles shall notify the operator that the correct address must be furnished to the department. The commissioner shall refuse to issue or renew a motor vehicle operator's license if the address furnished by the applicant is determined to be incorrect. The department shall notify the Department of Social

Services of the current address of holders of motor vehicle operator's licenses when a change of address is reported.

(c) Failure of the holder of a motor vehicle operator's license or identity card to give the notice required by this section shall be an infraction. **Such an infraction shall be a secondary violation.**

Revised 14-213

Operation without carrying operator's license. Each operator of a motor vehicle shall carry his operator's license while operating such vehicle. Failure to carry such operator's license as required by the provisions of this section shall be an infraction. **Such an infraction shall be a secondary violation.**

Revised 14-215b

Operation after expiration of period of suspension and without obtaining reinstatement of license. Any person whose motor vehicle operator's license has been suspended who operates a motor vehicle after the expiration of such period of suspension without obtaining the reinstatement of such license shall (1) during the first sixty days after such expiration, be deemed to have failed to renew such license and be subject to the penalty for failure to renew a motor vehicle operator's license under subsection (c) of section 14-41, **such an infraction shall be a secondary violation**, and (2) after said sixty-day period, be subject to the penalty for operating a motor vehicle without a license under section 14-36. Any operator so charged shall not be prosecuted under section 14-215 for the same act constituting a violation under this section.

Make additional equipment violations secondary.

Reflectorized plate display

Revised 14-21b(c):

(a) The commissioner shall issue fully reflectorized safety number plates for new registrations and renewal registrations issued on and after January 1, 2000, for passenger, combination and commercial registrations and other registrations as the commissioner deems feasible within funds and personnel available. Each plate shall bear the words "Constitution State" and "Connecticut". The commissioner shall issue two fully reflectorized safety number plates in accordance with a schedule established by the commissioner in such quantities as the commissioner deems feasible within the funds and personnel available. No safety fee shall be charged for the issuance of the replacement number plates for such renewals.

(b) No additional charge shall be made for the issuance of such new or replacement fully reflectorized plates, except for the safety fee provided for in subsection (w) of section 14-49.

(c) The owner or lessee of each registered motor vehicle who is issued two fully reflectorized safety number plates by the commissioner shall display such plates on such

motor vehicle as provided in section 14-18. A violation of this subsection shall be an infraction. **Such an infraction shall be a secondary violation.**

Defective Horn

Revised 14-80 (e):

(e) Every motor vehicle shall, when operated on a highway, be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. **Such a violation shall be a secondary violation.**

Failure to have mirror

Revised 14-99

(a) Each motor vehicle shall be equipped with a mirror attached to and so located and adjusted on such vehicle as to give the operator thereof a clear reflected view of the highway directly to the rear of or on a line parallel to the left side of the body of such motor vehicle. **Such an infraction shall be a secondary violation.**

(b) Any person operating a motor vehicle with a commercial registration so constructed or which may be so loaded that the operator is prevented from having a free and unobstructed view of the highway immediately to the rear and at the left side of the same shall, by means of such mirror, make frequent observations of the approach of vehicles from the rear. When operating at below the posted speed limits and when so approached or overtaken, the operator of such motor vehicle shall drive to the extreme right of the traveled way as promptly as safety will permit, giving the vehicle approaching from the rear opportunity to pass.

(c) Violation of any provision of this section shall be an infraction.

Revised 14-285

Each vehicle, except a motor vehicle, which is so constructed or which is so loaded that the driver is prevented from having a free and unobstructed view of the highway immediately to the rear and at the sides of the same, shall be equipped with a mirror or reflector attached to and so located and adjusted on such vehicle as to give the operator thereof a clear reflected view of the highway directly to the rear on a line parallel to the side of the body of such vehicle. Any person operating such a vehicle shall make observations for the approach of vehicles from the rear and, when so approached, shall drive to the right of the center line of the traveled way as promptly as safety will permit, giving the vehicle approaching from the rear opportunity to pass in safety. Any person who violates any provision of this section shall be deemed to have committed an infraction and be fined fifty dollars for each offense. **Such an infraction shall be a secondary violation.**

**G.4 State of New York Assembly Bill 7599 (2022) Secondary
Enforcement of Certain Motor Vehicle Equipment Violations**

STATE OF NEW YORK

7599

2021-2022 Regular Sessions

IN ASSEMBLY

May 18, 2021

Introduced by M. of A. DARLING, MAGNARELLI -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the secondary enforcement of certain motor vehicle equipment violations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (i) of paragraph (b) of subdivision 1 of
2 section 375 of the vehicle and traffic law, as amended by chapter 624 of
3 the laws of 2005, is amended to read as follows:

4 (i) The use or placing of posters or stickers on windshields or rear
5 windows of motor vehicles other than those authorized by the commission-
6 er, is hereby prohibited. Notwithstanding any other provision of law, a
7 summons for operating a motor vehicle in violation of this subparagraph
8 shall only be issued when there is reasonable cause to believe that the
9 person operating such motor vehicle has committed a violation of the
10 laws of this state other than a violation of this subparagraph.

11 (i-a) The attaching to windshields and windshield wipers of handbills
12 and other forms of advertisements, is hereby prohibited.

13 § 2. Subdivision 30 of section 375 of the vehicle and traffic law is
14 amended to read as follows:

15 30. It shall be unlawful for any person to operate a motor vehicle
16 with any object placed or hung in or upon the vehicle, except required
17 or permitted equipment of the vehicle, in such a manner as to obstruct
18 or interfere with the view of the operator through the windshield, or to
19 prevent him from having a clear and full view of the road and condition
20 of traffic behind such vehicle. Notwithstanding any other provision of
21 law, a summons for operating a motor vehicle in violation of this subdi-
22 vision shall only be issued when there is reasonable cause to believe
23 that the person operating such motor vehicle has committed a violation
24 of the laws of this state other than a violation of this subdivision.

25 § 3. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD11366-02-1

G.5 State of New York Senate Bill 1351 (2021) Repeals Walking While Trans Ban - Loitering Stops

STATE OF NEW YORK

1351

2021-2022 Regular Sessions

IN SENATE

January 11, 2021

Introduced by Sens. HOYLMAN, SALAZAR, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BRESLIN, BRISPORT, BROOKS, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HINCHEY, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, KENNEDY, KRUEGER, LIU, MAY, MAYER, MYRIE, PARKER, PERSAUD, RAMOS, REICHLIN-MELNICK, RIVERA, SANDERS, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to repeal section 240.37 of the penal law, relating to loitering for the purpose of engaging in a prostitution offense; and to amend the penal law, the criminal procedure law, the social services law and the administrative code of the city of New York, in relation to making technical corrections relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The repeal of section 240.37 of the penal law, as effected
2 by section two of this act, is hereby declared to be ameliorative, and
3 it is the intent of the legislature that no prosecution under such
4 section be commenced, continued, or refiled.
5 § 2. Section 240.37 of the penal law is REPEALED.
6 § 3. Section 230.01 of the penal law, as amended by chapter 189 of the
7 laws of 2018, is amended to read as follows:
8 § 230.01 Prostitution; affirmative defense.
9 In any prosecution under section 230.00, section 230.03, section
10 230.19, section 230.20, subdivision 2 of section 230.25, subdivision 2
11 of section 230.30[~~r~~] or section 230.34-a [~~or subdivision two of section~~
12 ~~240.37~~] of this [~~part~~] article, it is an affirmative defense that the
13 defendant's participation in the offense was a result of having been a
14 victim of compelling prostitution under section 230.33 of this article,
15 a victim of sex trafficking under section 230.34 of this article, a
16 victim of sex trafficking of a child under section 230.34-a of this

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD01328-02-1

1 article or a victim of trafficking in persons under the trafficking
2 victims protection act (United States Code, Title 22, Chapter 78).

3 § 4. Section 60.47 of the criminal procedure law, as added by section
4 2 of part I of chapter 57 of the laws of 2015, is amended to read as
5 follows:

6 § 60.47 Possession of condoms; receipt into evidence.

7 Evidence that a person was in possession of one or more condoms may
8 not be admitted at any trial, hearing, or other proceeding in a prose-
9 cution for section 230.00 [~~or section 240.37~~] of the penal law for the
10 purpose of establishing probable cause for an arrest or proving any
11 person's commission or attempted commission of such offense.

12 § 5. Paragraphs (c) and (d) of subdivision 1 of section 160.10 of the
13 criminal procedure law, paragraph (c) as amended by chapter 762 of the
14 laws of 1971 and paragraph (d) as amended by chapter 232 of the laws of
15 2010, are amended to read as follows:

16 (c) A misdemeanor defined outside the penal law which would constitute
17 a felony if such person had a previous judgment of conviction for a
18 crime~~, or~~

19 ~~(d) Loitering for the purpose of engaging in a prostitution offense as~~
20 ~~defined in subdivision two of section 240.37 of the penal law].~~

21 § 6. Subdivision 4 of section 170.30 of the criminal procedure law, as
22 added by chapter 402 of the laws of 2014, is amended to read as follows:

23 4. After arraignment upon an information, a simplified information, a
24 prosecutor's information or misdemeanor complaint on a charge of prosti-
25 tution pursuant to section 230.00 of the penal law [~~or loitering for the~~
26 ~~purposes of prostitution pursuant to subdivision two of section 240.37~~
27 ~~of the penal law, provided that the person does not stand charged with~~
28 ~~loitering for the purpose of patronizing a prostitute, where such~~
29 ~~offense allegedly occurred when the person was sixteen or seventeen~~
30 ~~years of age,~~] the local criminal court may dismiss such charge in its
31 discretion in the interest of justice on the ground that a defendant
32 participated in services provided to him or her.

33 § 7. The opening paragraph of subdivision 1 of section 170.80 of the
34 criminal procedure law, as amended by chapter 402 of the laws of 2014,
35 is amended to read as follows:

36 Notwithstanding any other provision of law, at any time at or after
37 arraignment on a charge of prostitution pursuant to section 230.00 of
38 the penal law [~~or loitering for the purposes of prostitution pursuant to~~
39 ~~subdivision two of section 240.37 of the penal law, provided that the~~
40 ~~person does not stand charged with loitering for the purpose of patron-~~
41 ~~izing a prostitute, where such offense allegedly occurred when the~~
42 ~~person was sixteen or seventeen years of age except where~~], after
43 consultation with counsel, a knowing and voluntary plea of guilty has
44 been entered to such charge, any judge or justice hearing any stage of
45 such case may, upon consent of the defendant after consultation with
46 counsel:

47 § 8. Subdivision 2 of section 420.35 of the criminal procedure law, as
48 amended by chapter 144 of the laws of 2020, is amended to read as
49 follows:

50 2. Except as provided in this subdivision or subdivision two-a of this
51 section, under no circumstances shall the mandatory surcharge, sex
52 offender registration fee, DNA databank fee or the crime victim assist-
53 ance fee be waived. A court shall waive any mandatory surcharge, DNA
54 databank fee and crime victim assistance fee when: (i) [~~the defendant is~~
55 ~~convicted of loitering for the purpose of engaging in prostitution under~~
56 ~~section 240.37 of the penal law (provided that the defendant was not~~

1 ~~convicted of loitering for the purpose of patronizing a person for pros-~~
 2 ~~titution); (ii)]~~ the defendant is convicted of prostitution under
 3 section 230.00 of the penal law; [~~(iii)~~] (ii) the defendant is convicted
 4 of a violation in the event such conviction is in lieu of a plea to or
 5 conviction for [~~loitering for the purpose of engaging in prostitution~~
 6 ~~under section 240.37 of the penal law (provided that the defendant was~~
 7 ~~not alleged to be loitering for the purpose of patronizing a person for~~
 8 ~~prostitution) or]~~ prostitution under section 230.00 of the penal law;
 9 [~~or (iv)~~] (iii) the court finds that a defendant is a victim of sex
 10 trafficking under section 230.34 of the penal law or a victim of traf-
 11 ficking in persons under the trafficking victims protection act (United
 12 States Code, Title 22, Chapter 78); or [~~(v)~~] (iv) the court finds that
 13 the defendant is a victim of sex trafficking of a child under section
 14 230.34-a of the penal law.

15 § 9. Subdivision 4 of section 720.15 of the criminal procedure law, as
 16 added by chapter 402 of the laws of 2014, is amended to read as follows:

17 4. Notwithstanding any provision in this article, a person charged
 18 with prostitution as defined in section 230.00 of the penal law [~~or~~
 19 ~~loitering for the purposes of prostitution as defined in subdivision two~~
 20 ~~of section 240.37 of the penal law, provided that the person does not~~
 21 ~~stand charged with loitering for the purpose of patronizing a prosti-~~
 22 ~~tute, and such person is aged sixteen or seventeen when such offense~~
 23 ~~occurred,~~] regardless of whether such person (i) had prior to commence-
 24 ment of trial or entry of a plea of guilty been convicted of a crime or
 25 found a youthful offender, or (ii) subsequent to such conviction for
 26 prostitution [~~or loitering for prostitution~~] is convicted of a crime or
 27 found a youthful offender, the provisions of subdivisions one and two of
 28 this section requiring or authorizing the accusatory instrument filed
 29 against a youth to be sealed, and the arraignment and all proceedings in
 30 the action to be conducted in private shall apply.

31 § 10. Subdivision 1 of section 720.35 of the criminal procedure law,
 32 as amended by chapter 402 of the laws of 2014, is amended to read as
 33 follows:

34 1. A youthful offender adjudication is not a judgment of conviction
 35 for a crime or any other offense, and does not operate as a disquali-
 36 fication of any person so adjudged to hold public office or public
 37 employment or to receive any license granted by public authority but
 38 shall be deemed a conviction only for the purposes of transfer of super-
 39 vision and custody pursuant to section two hundred fifty-nine-m of the
 40 executive law. A defendant for whom a youthful offender adjudication was
 41 substituted, who was originally charged with prostitution as defined in
 42 section 230.00 of the penal law [~~or loitering for the purposes of pros-~~
 43 ~~titution as defined in subdivision two of section 240.37 of the penal~~
 44 ~~law provided that the person does not stand charged with loitering for~~
 45 ~~the purpose of patronizing a prostitute, for an offense allegedly~~
 46 ~~committed when he or she was sixteen or seventeen years of age], shall
 47 be deemed a "sexually exploited child" as defined in subdivision one of
 48 section four hundred forty-seven-a of the social services law and there-
 49 fore shall not be considered an adult for purposes related to the charg-
 50 es in the youthful offender proceeding or a proceeding under section
 51 170.80 of this chapter.~~

52 § 11. Paragraphs (c) and (d) of subdivision 1 of section 447-a of the
 53 social services law, as amended by chapter 189 of the laws of 2018, are
 54 amended to read as follows:

55 (c) is a victim of the crime of compelling prostitution as defined in
 56 section 230.33 of the penal law;

1 (d) engages in acts or conduct described in article two hundred
2 sixty-three [~~or section 240.37~~] of the penal law.

3 § 12. The third undesignated paragraph of subdivision a of section
4 3-118 of the administrative code of the city of New York, as amended by
5 chapter 189 of the laws of 2018, is amended to read as follows:

6 Sexually exploited youth. The term "sexually exploited youth" means
7 persons under the age of 18 who have been subject to sexual exploitation
8 because they (a) are the victim of the crime of sex trafficking as
9 defined in section 230.34 of the penal law; (b) engage in any act as
10 defined in section 230.00 of the penal law; (c) are a victim of the
11 crime of compelling prostitution as defined in section 230.33 of the
12 penal law; (d) are a victim of the crime of sex trafficking of a child
13 as defined in section 230.34-a of the penal law; or (e) engage in acts
14 or conduct described in article [~~263 or section 240.37~~] two hundred
15 sixty-three of the penal law. The term shall also mean persons under
16 the age of 18 who have been subject to incest in the third degree,
17 second degree or first degree, as defined in sections 255.25, 255.26,
18 and 255.27 of the penal law, respectively, or any of the sex offenses
19 enumerated in article [~~130~~] one hundred thirty of the penal law.

20 § 13. The opening paragraph of subdivision 1 and subdivisions 2 and 3
21 of section 160.55 of the criminal procedure law, the opening paragraph
22 of subdivision 1 as amended by chapter 359 of the laws of 2019, subdivi-
23 sion 2 as amended by chapter 476 of the laws of 2009 and subdivision 3
24 as amended by chapter 249 of the laws of 1981 and renumbered by chapter
25 142 of the laws of 1991, are amended to read as follows:

26 Regardless of the class of offense for which a person is initially
27 charged, upon the termination of a criminal action or proceeding against
28 a person by the conviction of such person of a traffic infraction or a
29 violation, other than [~~a violation of loitering as described in para-~~
30 ~~graph (d) of subdivision one of section 160.10 of this article or~~] the
31 violation of operating a motor vehicle while ability impaired as
32 described in subdivision one of section eleven hundred ninety-two of the
33 vehicle and traffic law, unless the district attorney upon motion with
34 not less than five days' notice to such person or his or her attorney
35 demonstrates to the satisfaction of the court that the interests of
36 justice require otherwise, or the court on its own motion with not less
37 than five days' notice to such person or his or her attorney determines
38 that the interests of justice require otherwise and states the reasons
39 for such determination on the record, the clerk of the court wherein
40 such criminal action or proceeding was terminated shall immediately
41 notify the commissioner of the division of criminal justice services and
42 the heads of all appropriate police departments and other law enforce-
43 ment agencies that the action has been terminated by such conviction.
44 Upon receipt of notification of such termination:

45 2. A report of the termination of the action or proceeding by
46 conviction of a traffic violation or a violation other than [~~a violation~~
47 ~~of loitering as described in paragraph (d) or (e) of subdivision one of~~
48 ~~section 160.10 of this title or~~] the violation of operating a motor
49 vehicle while ability impaired as described in subdivision one of
50 section eleven hundred ninety-two of the vehicle and traffic law, shall
51 be sufficient notice of sealing to the commissioner of the division of
52 criminal justice services unless the report also indicates that the
53 court directed that the record not be sealed in the interests of
54 justice. Where the court has determined pursuant to subdivision one of
55 this section that sealing is not in the interests of justice, the clerk
56 of the court shall include notification of that determination in any

1 report to such division of the disposition of the action or proceeding.
2 When the defendant has been found guilty of a violation of harassment in
3 the second degree and it was determined pursuant to subdivision eight-a
4 of section 170.10 of this title that such violation was committed
5 against a member of the same family or household as the defendant, the
6 clerk of the court shall include notification of that determination in
7 any report to such division of the disposition of the action or proceed-
8 ing for purposes of paragraph (a) and subparagraph (vi) of paragraph (d)
9 of subdivision one of this section.

10 3. A person against whom a criminal action or proceeding was termi-
11 nated by such person's conviction of a traffic infraction or violation
12 other than [~~a violation of loitering as described in paragraph (d) or~~
13 ~~(e) of subdivision one of section 160.10 of this chapter or~~] the
14 violation of operating a motor vehicle while ability impaired as
15 described in subdivision one of section eleven hundred ninety-two of the
16 vehicle and traffic law, prior to the effective date of this section,
17 may upon motion apply to the court in which such termination occurred,
18 upon not less than twenty days notice to the district attorney, for an
19 order granting to such person the relief set forth in subdivision one of
20 this section, and such order shall be granted unless the district attor-
21 ney demonstrates to the satisfaction of the court that the interests of
22 justice require otherwise.

23 § 14. Subparagraph (iii) of paragraph (k) of subdivision 3 of section
24 160.50 of the criminal procedure law, as amended by chapter 132 of the
25 laws of 2019, is amended to read as follows:

26 (iii) the conviction is for an offense defined in section 221.05 or
27 221.10 of the penal law; or

28 (iv) the conviction was for an offense defined in section 240.37 of
29 the penal law.

30 § 15. This act shall take effect immediately.

**G.6 Oregon Measure 110 (2020) - Drug Decriminalization and
Addiction Treatment Initiative**

DRUG ADDICTION TREATMENT AND RECOVERY ACT

Whereas, Oregonians need adequate access to drug addiction treatment. Oregon ranks nearly last out of the 50 states in access to treatment, and the waiting lists to get treatment are too long. Every day, one or two Oregonians die because of drug overdoses. Drug treatment and recovery ought to be available to any Oregon resident who requests it.

Whereas, Oregonians suffering from substance use disorder also need adequate access to recovery services, peer support and stable housing. One in every 11 Oregonians is addicted to drugs. Drug addiction exacerbates many of our state's most pressing problems, such as homelessness and poverty.

Whereas, Oregon needs to shift its focus to addressing drugs through a humane, cost-effective, health approach. People suffering from addiction are more effectively treated with health care services than with criminal punishments. A health care approach includes a health assessment to figure out the needs of people who are suffering from addiction, and it includes connecting them to the services they need.

Whereas, Oregon still treats addiction as a criminal problem. Law enforcement should spend more time on community safety, but Oregon law enforcement officers in 2017 arrested more than 8,000 people in cases where simple drug possession was the most serious offense. In many instances, the same people were arrested for drug possession, again and again, because they are unable to get treatment.

Whereas, punishing people who are suffering from addiction ruins lives. Criminalizing drugs saddles people with criminal records. Those records prevent them from getting housing, going to school, getting loans, getting professional licenses, getting jobs and keeping jobs. Criminalizing drugs disproportionately harms poor people and people of color.

Whereas, punishing people who are suffering from addiction is expensive. It costs an average of \$15,000 per case where a misdemeanor drug conviction is the most serious offense. That is more than the typical cost to provide treatment.

Whereas, marijuana tax revenue has grown significantly. Oregon now receives more than \$100 million in marijuana tax revenue a year. The amount of marijuana revenue is expected to grow by more than \$20 million per year.

The People of Oregon therefore propose this Drug Addiction Treatment and Recovery Act of 2020 to expand access to drug treatment and recovery services and pay for it with marijuana tax revenue.



Be It Enacted by the People of the State of Oregon:

FINDINGS AND POLICY

Section 1. (1)(a) The people of Oregon find that drug addiction and overdoses are a serious problem in Oregon and that Oregon needs to expand access to drug treatment.

(b) The people of Oregon further find that a health-based approach to addiction and overdose is more effective, humane and cost-effective than criminal punishments. Making people criminals because they suffer from addiction is expensive, ruins lives and can make access to treatment and recovery more difficult.

(2)(a) The purpose of this Drug Addiction Treatment and Recovery Act of 2020 is to make health assessment, treatment and recovery services for drug addiction available to all those who need and want access to those services and to adopt a health approach to drug addiction by removing criminal penalties for low-level drug possession.

(b) It is the policy of the State of Oregon that health assessment, treatment and recovery services for drug addiction are available to all those who need and want access to those services.

(3) The provisions of this Act shall be interpreted consistently with the findings, purposes and policy objectives stated in this section and shall not be limited by any policy set forth in Oregon law that could conflict with or be interpreted to conflict with the purposes and policy objectives stated in this section.

EXPANDING TREATMENT AND SERVICES

Section 2. Grants Program. (1) The Oversight and Accountability Council shall oversee and approve grants to implement Addiction Recovery Centers and increase access to community care, as set forth below.

(2) **Addiction Recovery Centers.** The Oversight and Accountability Council shall provide grants to existing agencies or organizations, whether government or community-based, to create Addiction Recovery Centers for the purposes of immediately triaging the acute needs of people who use drugs and assessing and addressing any on-going needs through intensive case management and linkage to care and services.

(a) Grants must be disbursed such that at least one Center shall be established within each existing coordinated care organization service area. Centers within each existing coordinated care organization service area shall be established and operational by October 1, 2021.

(b) Grantees must be able to provide or display an ability to provide the following services to any Oregon resident who requests it, in order to receive funding as an Addiction Recovery Center:

(i) 24/7 Triage: Centers shall assess a client's need for immediate medical or other treatment shortly upon the client's arrival to determine what acute care is needed and where it can be best provided. Centers shall provide this service twenty-four hours a day, seven days a week, 365 days a year.

(ii) Health Assessment: Centers shall conduct a comprehensive behavioral health needs assessment for each client, including a substance use disorder screening by a Certified Alcohol

and Drug Counselor or other credentialed addiction treatment professional. The assessment shall prioritize the self-identified needs of the client.

(iii) Individual Intervention Plan, Intensive Case Management and Connection to Services: If, after the completion of the assessment, the client indicates a desire to address some or all of the identified needs, a case manager shall work with the client to design an Individual Intervention Plan. The plan must address the client's need for substance use disorder treatment, coexisting health problems, housing, employment and training, childcare and other services. Intensive Case Management requires, in the least, that case managers have a sufficiently low staff-to-client ratio to provide daily support as needed to connect clients to services and care needed to fulfill the Individual Intervention Plan and have the capacity to follow-up to ensure clients are accessing care and, if not, to reconnect clients to care as necessary and as desired by clients.

(iv) Peer Support: Each Center shall offer ongoing peer counseling and support from triage and assessment through implementation of Individual Intervention Plans as well as provide peer outreach workers to engage directly with marginalized community members who could potentially benefit from the Center's services.

(v) Outreach: Each Center shall assess the need for, and provide, mobile or virtual outreach services to reach clients who are unable to access the Center.

(A) Notwithstanding subsection (2)(a) of this section, only one Center within each coordinated care organization service area is required to provide the triage assessments set forth in subsection (2)(b)(i) of this section.

(c) All services provided at the Centers must be evidence-informed, trauma-informed, culturally responsive, patient-centered, non-judgmental, and centered on principles of harm reduction. The goal of the Individual Intervention Plan and Intensive Case Management shall be to address effectively the client's substance use disorder and any other factors driving problematic behaviors without employing coercion or shame or mandating abstinence.

(d) The Centers shall be adequately staffed to address the needs of people with substance use disorder within their regions as determined by the Oversight and Accountability Council, but must include, at a minimum, at least one person qualified in each of the following categories: Certified Alcohol and Drug Counselor or other credentialed addiction treatment professional; intensive case manager; and, peer support specialist.

(e) Each Center shall provide timely verification on behalf of any client who has completed a health assessment, as set forth in subsection (2)(b)(ii) of this section, if the client requests such verification to comply with section 22 or section 23(2) of this Act.

(3) Increasing Community Access to Care. The Oversight and Accountability Council shall provide grants to existing agencies or organizations, whether government or community based, to increase access to one or more of the following:

(a) Low barrier substance use disorder treatment that is evidence-informed, trauma-informed, culturally responsive, patient-centered, and non-judgmental;

(b) Peer support and recovery services;

(c) Transitional, supportive, and permanent housing for persons with substance use disorder;

(d) Harm reduction interventions including, but not limited to, overdose prevention education, access to naloxone hydrochloride and sterile syringes, and stimulant-specific drug education and outreach.

(4) The Council shall prioritize providing grants to community-based nonprofit organizations within each coordinated care organization service area. However, if within any such service area a community-based nonprofit organization does not apply for a grant or grants are not sought within that service area for which services are needed, then the Council may request and fund grants to any community care organization or county within that service area.

(5) Services provided by grantees, including services provided by Addiction Recovery Centers, shall be free of charge to the persons receiving the services. To the extent consistent with applicable law, grantees and service providers may seek and obtain reimbursement for services provided to any person from any insurer or entity providing insurance to that person.

Section 3. Oversight and Accountability Council. The Director of the Oregon Health Authority shall establish an Oversight and Accountability Council for the purpose of determining how funds will be distributed to grant applicants and to oversee the implementation of the Centers pursuant to section 2. The Council shall be formed on or before February 1, 2021.

(a) The Council shall be comprised of qualified individuals with experience in substance use disorder treatment and other addiction services. The Council shall consist of at least one member from each of the following categories only:

(i) A representative of the Oregon Health Authority, Health Systems Division Behavioral Health Services;

(ii) Three members of communities that have been disproportionately impacted by arrests, prosecution or sentencing for conduct that has been classified or reclassified as a Class E violation pursuant to section 11 to section 19.

(iii) A physician specializing in addiction medicine;

(iv) A licensed clinical social worker;

(v) An evidence-based substance use disorder provider;

(vi) A harm reduction services provider;

(vii) A person specializing in housing services for people with substance use disorder or a diagnosed mental health condition;

(viii) An academic researcher specializing in drug use or drug policy;

(ix) At least two people who suffered or suffer from substance use disorder;

(x) At least two recovery peers;

(xi) A mental or behavioral health provider;

(xii) A representative of a coordinated care organization; and,

(xiii) A person who works for a non-profit organization that advocates for persons who experience or have experienced substance use disorder.

(2) A quorum consists of nine members.

(3) The term of office for a member of the Council shall be four years. Vacancies shall be appointed for the unexpired term.

(4)(a) To the extent permissible by law, a member of the Council performing services for the Council may receive compensation from his or her employer for time spent performing services as a Council member.

(b) If a member of the Council is not compensated by their employer as set forth in subsection (4)(a) of this section, that member shall be entitled to compensation and expenses as provided in ORS 292.495.

(c) Nothing in this subsection (4) of this section excuses or exempts a member of the Council from complying with any applicable provision of Oregon's ethics laws and regulations, including the provisions of ORS Chapter 244.

Section 4. Administration. (1)(a) On or before June 30, 2021 the Oversight and Accountability Council shall adopt rules that establish general criteria and requirements for the Addiction Recovery Centers and the grants required by section 2.

(b) The Council shall from time to time adopt such rules, and amend and revise rules it has adopted, as it deems proper and necessary for the administration of this Act and the performance of its work.

(2) The Council shall have and retain the authority to implement and oversee the Addiction Recovery Centers created by section 2 and the grants program created and required by section 2.

(3) The Oregon Health Authority, Health Systems Division Behavioral Health Services shall administer and provide all necessary support to ensure the implementation of this Act.

(4)(a) The Oregon Health Authority, Health Systems Division Behavioral Health Services, in consultation with the Council, may enter into interagency agreements to ensure proper distribution of funds for the grants created and required by section 2.

(b) The Oregon Health Authority, Health Systems Division Behavioral Health Services shall encourage and take all reasonable measures to ensure that grant recipients cooperate, coordinate and act jointly with one another to offer the services described in section 2.

(5) The Oregon Health Authority, Health Systems Division Behavioral Health Services shall provide requested technical, logistical and other support to the Council to assist the Council with its duties and obligations.

FUNDING

Section 5. (1) The Drug Treatment and Recovery Services Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Fund shall be credited to the Fund.

(2) The Drug Treatment and Recovery Services Fund shall consist of:

(a) Moneys deposited into the Fund pursuant to section 6;

- (b) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly;
- (c) Moneys allocated from the Oregon Marijuana Account, pursuant to ORS 475B.759(7); and,
- (d) All other moneys deposited in the fund from any source.

(3) Moneys in the Fund shall be continuously appropriated to the Oregon Health Authority for the purposes set forth in section 2.

(4) Unexpended moneys in the Fund may not lapse and shall be carried forward and may be used without regard to fiscal year or biennium.

(5)(a) Pursuant to subsection (2)(b) of this section, the Legislative Assembly shall appropriate or transfer to the Fund an amount sufficient to fully fund the grants program required by section 2.

(b) The total amount deposited and transferred into the Fund shall not be less than \$57 million for the first year this Act is in effect.

(c) In each subsequent year, that amount set forth in subsection (5)(b) of this section shall be increased by not less than:

(i) the percentage (if any) by which the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending December 31 of the prior calendar year exceeds the monthly index for the fourth quarter of the calendar year 2020; and,

(ii) an amount not less than the increase in moneys distributed pursuant to ORS 475B.759(7).

Section 6. (1) The Department of Revenue shall credit and transfer or cause to be credited and transferred to the Drug Treatment and Recovery Services Fund the savings to the State of Oregon from the implementation of this Act as calculated in section 7.

(2) If the savings calculated for any subsequent biennium under section 7(1) is less than any prior biennium, the amount credited and transferred to the Drug Treatment and Recovery Services Fund shall be the highest amount calculated for any previous biennium.

(3) The savings as calculated in section 7 shall be transferred on or before the end of the fiscal year in which the calculation is completed.

Section 7. (1)(a) Within 180 days of the end of first biennium in which this Act becomes effective, and within 180 days of the end of each subsequent biennium, the Office of Economic Analysis shall calculate the savings to the State of Oregon resulting from the sentence reductions set forth in section 11 to section 20, including any savings resulting from reductions in arrests, incarceration and supervision.

(b) The savings shall be calculated based on a comparison of the most recent biennium concluded at the time the calculation is made and the biennium immediately preceding the biennium in which this Act became effective.

(2) In making the calculations set forth in this section, the Office of Economic Analysis shall use actual data. The Office of Economic Analysis may use best available estimates where actual data is unavailable.

Section 8. Moneys transferred to the Drug Treatment and Recovery Services Fund and distributed pursuant to section 2 shall, to the maximum extent consistent with law, be in addition

to and not in replacement of any existing allocations or appropriations for the purposes of providing substance use disorder treatment, peer support and recovery services, transitional, supportive and permanent housing for persons with substance use disorders, harm reduction interventions, and for establishing Addiction Recovery Centers.

Section 9. Account Allocation. (1) The Oregon Health Authority shall cause the moneys in the Drug Treatment and Recovery Services Fund to be distributed as follows:

- (a) An amount necessary for administration of section 2 to section 4 not to exceed 4% of the moneys deposited into the Fund in any biennium.
- (b) After the distribution set forth in subsection (1)(a) of this section, the remaining moneys in the Fund shall be distributed to the grants program as set forth in section 2.

Section 10. ORS 475B.759 is amended as follows:

(1) There is established the Oregon Marijuana Account, separate and distinct from the General Fund.

(2) The account shall consist of moneys transferred to the account under ORS 475B.760.

(3)(a) The Department of Revenue shall certify quarterly the amount of moneys available in the Oregon Marijuana Account.

(b) Subject to subsection (4) of this section, **and after making the transfer of moneys required by subsection (7) of this section**, the department shall transfer quarterly 20 percent of the **remaining** moneys in the Oregon Marijuana Account as follows:

(A) Ten percent of the moneys in the account must be transferred to the cities of this state in the following shares:

(i) Seventy-five percent of the 10 percent must be transferred in shares that reflect the population of each city of this state that is not exempt from this paragraph pursuant to subsection (4)(a) of this section compared to the population of all cities of this state that are not exempt from this paragraph pursuant to subsection (4)(a) of this section, as determined by Portland State University under ORS 190.510 to 190.610, on the date immediately preceding the date of the transfer; and

(ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day of the calendar quarter preceding the date of the transfer for premises located in each city compared to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day of that calendar quarter for all premises in this state located in cities; and

(B) Ten percent of the moneys in the account must be transferred to counties in the following shares:

(i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commercially available area of all grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the last business day of the calendar quarter preceding the date of the transfer for all premises located in each county compared to the total commercially available area of all grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the last business day of that calendar quarter for all premises located in this state; and

(ii) Fifty percent of the 10 percent must be transferred in shares that reflect the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of the calendar quarter preceding the date of the transfer for premises located in each county compared to the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of that calendar quarter for all premises in this state.

(c) After making the transfer of moneys required by subsection (7) of this section, Eighty eighty percent of the remaining moneys in the Oregon Marijuana Account must be used as follows:

(A) Forty percent of the moneys in the account must be used solely for purposes for which moneys in the State School Fund established under ORS 327.008 may be used;

(B) Twenty percent of the moneys in the account must be used solely for purposes for which moneys in the Mental Health Alcoholism and Drug Services Account established under ORS 430.380 may be used;

(C) Fifteen percent of the moneys in the account must be used solely for purposes for which moneys in the State Police Account established under ORS 181A.020 may be used; and

(D) Five percent of the moneys in the account must be used solely for purposes related to alcohol and drug abuse prevention, early intervention and treatment services.

(4)(a) A city that has an ordinance prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.105 is required is not eligible to receive transfers of moneys under subsection (3)(b)(A) of this section.

(b) A county that has an ordinance prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070 is required is not eligible to receive transfers of moneys under subsection (3)(b)(B)(i) of this section.

(c) A county that has an ordinance prohibiting the establishment of a premises for which issuance of a license under ORS 475B.090, 475B.100 or 475B.105 is required is not eligible to receive transfers of moneys under subsection (3)(b)(B)(ii) of this section.

(5)(a) A city or county that is ineligible under subsection (4) of this section to receive a transfer of moneys from the Oregon Marijuana Account during a given quarter but has received a transfer of moneys for that quarter shall return the amount transferred to the Department of Revenue, with interest as described under paragraph (f) of this subsection. An ineligible city or county may voluntarily transfer the moneys to the Department of Revenue immediately upon receipt of the ineligible transfer.

(b) If the Director of the Oregon Department of Administrative Services determines that a city or county received a transfer of moneys under subsection (3)(b) of this section but was ineligible to receive that transfer under subsection (4) of this section, the director shall provide notice to the ineligible city or county and order the city or county to return the amount received to the Department of Revenue, with interest as described under paragraph (f) of this subsection. A city or county may appeal the order within 30 days of the date of the order under the procedures for a contested case under ORS chapter 183.

(c) As soon as the order under paragraph (b) of this subsection becomes final, the director shall notify the Department of Revenue and the ineligible city or county. Upon notification, the Department of Revenue immediately shall proceed to collect the amount stated in the notice.

(d) The Department of Revenue shall have the benefit of all laws of the state pertaining to the collection of income and excise taxes and may proceed to collect the amounts described in the notice under paragraph (c) of this subsection. An assessment of tax is not necessary and the collection described in this subsection is not precluded by any statute of limitations.

(e) If a city or county is subject to an order to return moneys from an ineligible transfer, the city or county shall be denied any further relief in connection with the ineligible transfer on or after the date that the order becomes final.

(f) Interest under this section shall accrue at the rate established in ORS 305.220 beginning on the date the ineligible transfer was made.

(g) Both the moneys and the interest collected from or returned by an ineligible city or county shall be redistributed to the cities or counties that were eligible to receive a transfer under subsection (3)(b) of this section on the date the ineligible transfer was made.

(6)(a) Not later than July 1 of each year, each city and county in this state shall certify with the Oregon Department of Administrative Services whether the city or county has an ordinance prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.105 is required. The certification shall be made concurrently with the certifications under ORS 221.770, in a form and manner prescribed by the Oregon Department of Administrative Services.

(b) If a city fails to comply with this subsection, the city is not eligible to receive transfers of moneys under subsection (3)(b)(A) of this section. If a county fails to comply with this subsection, the county is not eligible to receive transfers of moneys under subsection (3)(b)(B) of this section.

(c) A city or county that repeals an ordinance as provided in ORS 475B.496 shall file an updated certification with the Oregon Department of Administrative Services in a form and manner prescribed by the department, noting the effective date of the change. A city or county that repeals an ordinance as provided in ORS 475B.496 is eligible to receive quarterly transfers of moneys under this section for quarters where the repeal is effective for the entire quarter and the updated certification was filed at least 30 days before the date of transfer

(7) Before making the transfer of moneys required by subsection (3) of this section, the department shall transfer quarterly to the Drug Treatment and Recovery Services Fund all moneys in the Oregon Marijuana Account in excess of \$11,250,000.

REMOVING DRUG PENALTIES

Section 11. ORS 475.752 is amended to read:

(1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to manufacture or deliver a controlled substance. Any person who violates this subsection with respect to:

(a) A controlled substance in Schedule I, is guilty of a Class A felony, except as otherwise provided in ORS 475.886 and 475.890.

(b) A controlled substance in Schedule II, is guilty of a Class B felony, except as otherwise provided in ORS 475.878, 475.880, 475.882, 475.904 and 475.906.

(c) A controlled substance in Schedule III, is guilty of a Class C felony, except as otherwise provided in ORS 475.904 and 475.906.

(d) A controlled substance in Schedule IV, is guilty of a Class B misdemeanor.

(e) A controlled substance in Schedule V, is guilty of a Class C misdemeanor.

(2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to create or deliver a counterfeit substance. Any person who violates this subsection with respect to:

(a) A counterfeit substance in Schedule I, is guilty of a Class A felony.

(b) A counterfeit substance in Schedule II, is guilty of a Class B felony.

(c) A counterfeit substance in Schedule III, is guilty of a Class C felony.

(d) A counterfeit substance in Schedule IV, is guilty of a Class B misdemeanor.

(e) A counterfeit substance in Schedule V, is guilty of a Class C misdemeanor.

(3) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of professional practice, or except as otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980. Any person who violates this subsection with respect to:

(a) A controlled substance in Schedule I, is guilty of a Class [*A misdemeanor*] **E violation**, except as otherwise provided in ORS 475.854, 475.874 and 475.894 and subsection (7) of this section.

(b) A controlled substance in Schedule II, is guilty of a Class [*A misdemeanor*] **E violation**, except as otherwise provided in ORS 475.824, 475.834 or 475.884 or subsection (8) of this section.

(c) A controlled substance in Schedule III, is guilty of a Class [*A misdemeanor*] **E violation**.

(d) A controlled substance in Schedule IV, is guilty of a Class [*C misdemeanor*] **E violation**.

(e) A controlled substance in Schedule V, is guilty of a violation.

(4) In any prosecution under this section for manufacture, possession or delivery of that plant of the genus *Lophophora* commonly known as peyote, it is an affirmative defense that the peyote is being used or is intended for use:

(a) In connection with the good faith practice of a religious belief;

(b) As directly associated with a religious practice; and

(c) In a manner that is not dangerous to the health of the user or others who are in the proximity of the user.

(5) The affirmative defense created in subsection (4) of this section is not available to any person who has possessed or delivered the peyote while incarcerated in a correctional facility in this state.

(6)(a) Notwithstanding subsection (1) of this section, a person who unlawfully manufactures or delivers a controlled substance in Schedule IV and who thereby causes death to another person is guilty of a Class C felony.

(b) For purposes of this subsection, causation is established when the controlled substance plays a substantial role in the death of the other person.

(7) Notwithstanding subsection (3)(a) of this section, unlawful possession of a controlled substance in Schedule I is a Class B felony if[.] **the**

[(a) The person possesses a usable quantity of the controlled substance and:]

[(A) At the time of the possession, the person has a prior felony conviction;]

[(B) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or]

[(C) The] possession is a commercial drug offense under ORS 475.900(1)(b).[: or]

(b) Notwithstanding subsection (3)(a) of this section and except as provided in ORS 475.900(1)(b), unlawful possession of a controlled substance in Schedule I is a Class A misdemeanor if the [~~The~~] person possesses:

(A) Forty or more user units of a mixture or substance containing a detectable amount of lysergic acid diethylamide; or

(B) Twelve grams or more of a mixture or substance containing a detectable amount of psilocybin or psilocin.

(8) Notwithstanding subsection (3)(b) of this section, unlawful possession of a controlled substance in Schedule II is a Class C felony if [*the person possesses a usable quantity of the controlled substance and:*] **the**

(a) [At the time of the possession, the person has a prior felony conviction;]

[(b) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or]

[(c) The] possession is a commercial drug offense under ORS 475.900(1)(b).

Section 12. ORS 475.824 is amended to read:

(1) It is unlawful for any person knowingly or intentionally to possess methadone unless the methadone was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice, or except as otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980.

(2)(a) Unlawful possession of methadone is a Class [A misdemeanor] **E violation.**

(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methadone is a Class C felony if[.] **the**

[(A) The person possesses a usable quantity of methadone and:]

[(i) At the time of the possession, the person has a prior felony conviction;]

[(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or]

[(iii) The] possession is a commercial drug offense under ORS 475.900(1)(b)[~~;~~or].

(c) Notwithstanding paragraph (a) of this subsection, unlawful possession of methadone is a Class A misdemeanor if the

[(B) The] person possesses 40 or more user units of a mixture or substance containing a detectable amount of methadone.

Section 13. ORS 475.834 is amended to read:

(1) It is unlawful for any person knowingly or intentionally to possess oxycodone unless the oxycodone was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice, or except as otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980.

(2)(a) Unlawful possession of oxycodone is a Class *[A misdemeanor]* **E violation.**

(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of oxycodone is a Class C felony if[.] **the**

[(A) The person possesses a usable quantity of oxycodone and:]

[(i) At the time of the possession, the person has a prior felony conviction;]

[(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or]

[(iii) The] possession is a commercial drug offense under ORS 475.900(1)(b)[~~;~~or].

(c) Notwithstanding paragraph (a) of this subsection, unlawful possession of oxycodone is a Class A misdemeanor if the

[(B) The] person possesses 40 or more pills, tablets or capsules of a mixture or substance containing a detectable amount of oxycodone.

Section 14. ORS 475.854 is amended to read:

(1) It is unlawful for any person knowingly or intentionally to possess heroin.

(2)(a) Unlawful possession of heroin is a Class *[A misdemeanor]* **E violation.**

(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of heroin is a Class B felony if[.] **the**

[(A) The person possesses a usable quantity of heroin and:]

[(i) At the time of the possession, the person has a prior felony conviction;]

[(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or]

[(iii) The] possession is a commercial drug offense under ORS 475.900(1)(b)~~;~~~~or~~.

(c) Notwithstanding paragraph (a) of this subsection and except as provided in ORS 475.900(1)(b), unlawful possession of heroin is a Class A misdemeanor if the

[(B) The] person possesses one gram or more of a mixture or substance containing a detectable amount of heroin.

Section 15. ORS 475.874 is amended to read:

(1) It is unlawful for any person knowingly or intentionally to possess 3,4-methylenedioxymethamphetamine.

(2)(a) Unlawful possession of 3,4-methylenedioxymethamphetamine is a Class *[A misdemeanor]*
E violation.

(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of 3,4-methylenedioxymethamphetamine is a Class B felony if~~[:]~~ **the**

[(A) The person possesses a usable quantity of 3,4-methylenedioxymethamphetamine and:]

[(i) At the time of the possession, the person has a prior felony conviction;]

[(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or]

[(iii) The] possession is a commercial drug offense under ORS 475.900(1)(b)~~;~~~~or~~.

(c) Notwithstanding paragraph (a) of this subsection and except as provided in ORS 475.900(1)(b), unlawful possession of methylenedioxymethamphetamine is a Class A misdemeanor if the

[(B) The] person possesses one gram or more or five or more pills, tablets or capsules of a mixture or substance containing a detectable amount of:

(i) 3,4-methylenedioxyamphetamine;

(ii) 3,4-methylenedioxymethamphetamine; or

(iii) 3,4-methylenedioxy-N-ethylamphetamine.

Section 16. ORS 475.884 is amended to read:

(1) It is unlawful for any person knowingly or intentionally to possess cocaine unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice, or except as otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980.

(2)(a) Unlawful possession of cocaine is a Class [*A misdemeanor*] **E violation**.

(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of cocaine is a Class C felony if[:] **the**

[*(A) The person possesses a usable quantity of cocaine and:*]

[*(i) At the time of the possession, the person has a prior felony conviction;*]

[*(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or*]

[*(iii) The*] possession is a commercial drug offense under ORS 475.900(1)(b)[; *or*].

(c) Notwithstanding paragraph (a) of this subsection and except as provided in ORS 475.900(1)(b), unlawful possession of cocaine is a Class A misdemeanor if the

[*(B) The*] person possesses two grams or more of a mixture or substance containing a detectable amount of cocaine.

Section 17. ORS 475.894 is amended to read:

(1) It is unlawful for any person knowingly or intentionally to possess methamphetamine unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice, or except as otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980.

(2)(a) Unlawful possession of methamphetamine is a Class [*A misdemeanor*] **E violation**.

(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methamphetamine is a Class C felony if[:]

[*(A) The person possesses a usable quantity of methamphetamine and:*]

[*(i) At the time of the possession, the person has a prior felony conviction;*]

[*(ii) At the time of the possession, the person has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or*]

[*(iii) The*] **the** possession is a commercial drug offense under ORS 475.900(1)(b)~~;~~~~or~~.

(c) Notwithstanding paragraph (a) of this subsection and except as provided in ORS 475.900(1)(b), unlawful possession of methamphetamine is a Class A misdemeanor if the

[*(B) The*] person possesses two grams or more of a mixture or substance containing a detectable amount of methamphetamine.

Section 18. ORS 153.012 is amended to read:

Violations are classified for the purpose of sentencing into the following categories:

(1) Class A violations;

(2) Class B violations;

- (3) Class C violations;
- (4) Class D violations;
- (5) Class E violations;**
- [(5)] (6) Unclassified violations as described in ORS 153.015; and
- (7) Specific fine violations as described in ORS 153.015.**

Section 19. ORS 153.018 is amended to read:

(1) The penalty for committing a violation is a fine. The law creating a violation may impose other penalties in addition to a fine but may not impose a term of imprisonment.

(2) Except as otherwise provided by law, the maximum fine for a violation committed by an individual is:

- (a) \$2,000 for a Class A violation.
- (b) \$1,000 for a Class B violation.
- (c) \$500 for a Class C violation.
- (d) \$250 for a Class D violation.

(e) \$100, or, in lieu of the fine, a completed health assessment as specified in section 2(2)(b)(ii) or section 23(2), for a Class E violation.

[(e)](f) \$2,000 for a specific fine violation, or the maximum amount otherwise established by law for the specific fine violation.

(3) If a special corporate fine is specified in the law creating the violation, the sentence to pay a fine shall be governed by the law creating the violation. Except as otherwise provided by law, if a special corporate fine is not specified in the law creating the violation, the maximum fine for a violation committed by a corporation is:

- (a) \$4,000 for a Class A violation.
- (b) \$2,000 for a Class B violation.
- (c) \$1,000 for a Class C violation.
- (d) \$500 for a Class D violation.

Section 20. ORS 423.478 is amended to read:

(1) The Department of Corrections shall:

- (a) Operate prisons for offenders sentenced to terms of incarceration for more than 12 months;
- (b) Provide central information and data services sufficient to:
 - (A) Allow tracking of offenders; and

(B) Permit analysis of correlations between sanctions, supervision, services and programs, and future criminal conduct; and

(c) Provide interstate compact administration and jail inspections.

(2) Subject to ORS 423.483, the county, in partnership with the department, shall assume responsibility for community-based supervision, sanctions and services for offenders convicted of felonies or designated drug-related misdemeanors who are:

(a) On parole;

(b) On probation;

(c) On post-prison supervision;

(d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration;

(e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-Prison Supervision to 12 months or less incarceration for violation of a condition of parole, probation or post-prison supervision; or

(f) On conditional release under ORS 420A.206.

(3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration, when an offender is committed to the custody of the supervisory authority of a county under ORS 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority releases a person from custody under this subsection and the person is required to report as a sex offender under ORS 163A.010, the supervisory authority, as a condition of release, shall order the person to report to the Department of State Police, a city police department or a county sheriff's office or to the supervising agency, if any:

(a) When the person is released;

(b) Within 10 days of a change of residence;

(c) Once each year within 10 days of the person's birth date;

(d) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and

(e) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.

(4) As used in this section:

(a) "Attends," "institution of higher education," "works" and "carries on a vocation" have the meanings given those terms in ORS 163A.005.

(b) "Designated drug-related misdemeanor" means:

[(A) Unlawful possession of a Schedule I controlled substance under ORS 475.752 (3)(a);]

[(B) Unlawful possession of a Schedule II controlled substance under ORS 475.752 (3)(b);]

- (C) Unlawful possession of methadone under [ORS 475.824(2)(a)] **ORS 475.824(2)(c)**;
- (D) Unlawful possession of oxycodone under [ORS 475.834(2)(a)] **ORS 475.834(2)(c)**;
- (E) Unlawful possession of heroin under [ORS 475.854(2)(a)] **ORS 475.854(2)(c)**;
- (F) Unlawful possession of 3,4-methylenedioxymethamphetamine under [ORS 475.874(2)(a)] **ORS 475.874(2)(c)**;
- (G) Unlawful possession of cocaine under [ORS 475.884(2)(a)] **ORS 475.884(2)(c)**; or
- (H) Unlawful possession of methamphetamine under ORS [475.894(2)(a)] **ORS 475.894(2)(c)**.

Section 21. ORS 670.280 is amended as follows:

(1) As used in this section:

(a) “License” includes a registration, certification or permit.

(b) “Licensee” includes a registrant or a holder of a certification or permit.

(2) Except as provided in ORS 342.143(3) or 342.175(3), a licensing board, commission or agency may not deny, suspend or revoke an occupational or professional license solely for the reason that the applicant or licensee has been convicted of a crime, but it may consider the relationship of the facts which support the conviction and all intervening circumstances to the specific occupational or professional standards in determining the fitness of the person to receive or hold the license. **There is a rebuttable presumption as to each individual applicant or licensee that an existing or prior conviction for conduct that has been classified or reclassified as a Class E violation pursuant to section 11 to section 19 does not make an applicant for an occupational or professional license or a licensee with an occupational or professional license unfit to receive or hold the license.**

(3) Except as provided in ORS 342.143(3) and 342.175(3), a licensing board, commission or agency may deny an occupational or professional license or impose discipline on a licensee based on conduct that is not undertaken directly in the course of the licensed activity, but that is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required. In determining whether the conduct is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required, the licensing board, commission or agency shall consider the relationship of the facts with respect to the conduct and all intervening circumstances to the specific occupational or professional standards. **There is a rebuttable presumption as to each individual applicant or licensee that an existing or prior conviction for conduct that has been classified or reclassified as a Class E violation pursuant to section 11 to section 19 is not related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required.**

Section 22. Any person subject to the penalty set forth in ORS 153.018(2)(e) for a violation that has been classified or reclassified as a Class E violation pursuant to section 11 to section 19, shall be fined up to \$100, but in lieu of the fine, may complete a health assessment, as set forth in section 2(2)(b)(ii), at an Addiction Recovery Center. Upon verification that the person has received a health assessment at an Addiction Recovery Center within 45 days of when the person receives a citation for a violation subject to the penalty set forth in ORS 153.018(2)(e), the fine shall be waived. Failure to pay the fine shall not be a basis for further penalties or for a term of incarceration.

OVERSIGHT AND ADMINISTRATION

Section 23. Implementation. (1) Not later than February 1, 2021, the Oregon Health Authority, Health Systems Division Behavioral Health Services shall establish a statewide temporary telephone Addiction Recovery Center. The temporary telephone Addiction Recovery Center shall be staffed twenty-four hours a day, seven days a week, 365 days a year. The temporary telephone Addiction Recovery Center shall provide the services set forth in section 2(2)(b)(i)-(iii) and the verification set forth in section 2(2)(e).

(2) Until such time as an Addiction Recovery Center is established in the coordinated care organization service area where a person subject to the penalty set forth in ORS 153.018(2)(e) for a violation that has been classified or reclassified as a Class E violation pursuant to section 11 to section 19 resides, the person shall be fined up to \$100, but in lieu of the fine may complete a health assessment, as set forth in section 2(2)(b)(ii), through the temporary telephone Addiction Recovery Center. Upon verification that the person has received a health assessment through the temporary telephone Addiction Recovery Center within 45 days of when the person receives a citation for a violation subject to the penalty set forth in ORS 153.018(2)(e), the fine shall be waived. Failure to pay the fine shall not be a basis for further penalties or for a term of incarceration.

(3) When an Addiction Recovery Center is established in each coordinated care organization service area, and not later than October 1, 2021, the temporary telephone Addiction Recovery Center shall be terminated.

Section 24. Audits. (1) No later than December 31, 2022, and at least once every two years thereafter, the Oregon Secretary of State, Audits Division shall conduct financial and performance audits regarding the uses of the Drug Treatment and Recovery Services Fund and the effectiveness of the Fund in achieving the purposes of the Fund and the policy objectives of this Act. The audit shall include:

(a) Data on grant programs, including:

(i) A list of organizations and agencies receiving moneys from the Fund;

(ii) The amount each organization and agency received from the Fund;

(iii) The total number of organizations and agencies that applied for moneys from the Fund;

(iv) The moneys that remained in the Fund after funds were disbursed;

(v) The moneys used to administer the programs selected by the Fund;

(vi) The effectiveness of the grants in increasing access to substance use disorder treatment, peer support and recovery services, harm reduction interventions as well as housing placement, and any other relevant outcome measures;

(b) Data on Addiction Recovery Centers, including:

(i) The outcomes of each Center, including, but not limited to, the number of clients with substance use disorder served by each Center, the average duration of client participation, and client outcomes, including rates of recidivism, substance use disorder treatment completion, ability to obtain housing, employment, and legitimate income;

- (ii) The number of people seeking assistance from the Center who are denied or not connected to substance use disorder treatment and other services, and the reasons for such denials;
 - (iii) The average wait time it takes for people at the Center to be able to fulfill their Individual Intervention Plan and the reason for any delays, such as waiting lists at referred services;
 - (iv) The total amount of money disbursed to each Center.
- (c) Data on implementation, including, the number of citations for Class E violations issued and the race of the person receiving a citation for a Class E violation;
- (2) The audits set forth in subsection (a) of this section shall be conducted pursuant to the provisions of Oregon Revised Statutes Chapter 297 (and any subsequent modifications or amendments to those statutes), except to the extent any provision of Chapter 297 conflicts with any provision of this Act, in which case the provisions of this Act shall control.
- (3) The Audits Division shall monitor and report annually on agency progress in implementing recommendations made in the audits. The Audits Division shall follow up on recommendations as part of recurring audit work or as an activity separate from other audit activity. When following up on recommendations, the Audits Division may request from the appropriate agency evidence of implementation.

MISCELLANEOUS

Section 25. Effective and Operative Dates. (1) This Act shall become effective pursuant to Article IV, section 1(4)(d) of the Oregon Constitution.

(2) The amendments to statutes by section 11 to section 21, and section 22, become operative on February 1, 2021.

Section 26. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect any other provision or application of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.





MEASURE 110 (2020)

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

BACKGROUND BRIEF

On November 3, 2020, Oregon voters passed [Measure 110](#), approving two shifts in how the state deals with the use of illegal drugs. First, the measure reduces penalties for drug possession, making Oregon the first state to decriminalize the personal possession of illegal drugs. Secondly, the anticipated savings achieved from the current cost of enforcing criminal drug possession penalties will be combined with marijuana sales revenue to fund a new drug addiction treatment and recovery grant program.

CRIMINAL PENALTY REDUCTIONS

Effective February 1, 2021, Measure 110 reduces the penalty for a possession of controlled substance offense that is not classified as a commercial drug offense under [ORS 475.900\(1\)\(b\)](#) (2019). For possession of large amounts, Measure 110 reduces criminal penalties from the felony level to a Class A misdemeanor. A Class A misdemeanor is punishable by up to 364 days of imprisonment and a fine of up to \$6,250.¹

For possession of smaller amounts of controlled substances, Measure 110 reduces the penalty from the criminal misdemeanor level to a new, Class E violation. Under Section 19 of the Measure, a Class E violation is punishable by a \$100 fine. In lieu of a fine, a person charged with a violation may instead complete a health assessment at an Addiction Recovery Center. Measure 110 also removes penalty enhancements for possession of smaller amounts of controlled substances where the individual has a previous felony conviction or multiple previous convictions for possession.

Specific criminal penalty reductions include:

General Controlled Substances (Section 11)

- **Possession of a Schedule I, II, or III controlled substance:** penalty reduced from a Class A misdemeanor to a Class E violation
- **Possession of a Schedule IV controlled substance:** penalty reduced from a Class C misdemeanor to a Class E violation

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¹ ORS [161.615](#) (2019) and [161.635](#) (2019)

LSD (Section 11)

- **Possession of fewer than 40 user units** of lysergic acid diethylamide (LSD): penalty reduced from a Class A misdemeanor to a Class E violation
- **Possession of 40 or more user units** of lysergic acid diethylamide (LSD): penalty reduced from a Class B felony to a Class A misdemeanor

Psilocybin and Psilocin (Section 11)

- **Unauthorized possession of fewer than 12 grams:** penalty reduced from a Class A misdemeanor to a Class E violation
- **Possession of 12 or more grams:** penalty reduced from a Class B felony to a Class A misdemeanor

Methadone (Section 12)

- **Unauthorized possession of fewer than 40 user units:** penalty reduced from a Class A misdemeanor to a Class E violation
- **Possession of 40 or more user units:** penalty reduced from a Class C felony to a Class A misdemeanor

Oxycodone (Section 13)

- **Unauthorized possession of fewer than 40 pills, tablets, or capsules:** penalty reduced from a Class A misdemeanor to a Class E violation
- **Possession of 40 or more pills, tablets, or capsules:** reduced from a Class C felony to a Class A misdemeanor

Heroin (Section 14)

- **Possession of less than one gram:** penalty reduced from a Class A misdemeanor to a Class E violation
- **Possession of one or more grams:** penalty reduced from a Class B felony to a Class A misdemeanor

MDMA/Ecstasy, MDA, MDEA/Eve (Section 15)

- **Possession of less than one gram, or fewer than five pills, tablets, or capsules** of 3,4-methylenedioxymethamphetamine (MDMA/Ecstasy): penalty reduced from a Class A misdemeanor to a Class E violation
- **Possession of one or more grams, or five or more pills, tablets, or capsules** of 3,4-methylenedioxyamphetamine (MDA), 3,4-methylenedioxymethamphetamine (MDMA/Ecstasy), or 3,4-methylenedioxy-N-ethylamphetamine (MDEA/Eve): penalty reduced from a Class B felony to a Class A misdemeanor

Cocaine (Section 16)

- **Unauthorized possession of less than two grams:** penalty reduced from a Class A misdemeanor to a Class E violation
- **Possession of two or more grams:** penalty reduced from a Class C felony to a Class A misdemeanor

Methamphetamine (Section 17)

- **Unauthorized possession of less than two grams:** penalty reduced from a Class A misdemeanor to a Class E violation
- **Possession of two grams or more:** penalty reduced from a Class C felony to a Class A misdemeanor

Impacts on Sentencing

According to a [Racial and Ethnic Impact Statement](#) provided by the Oregon Criminal Justice Commission (CJC), there were 2,139 misdemeanor convictions and 1,918 felony convictions for possession of controlled substances across Oregon in 2019. These convictions disproportionately affected Black and Native American individuals, who accounted for 4.7 and 1.3 percent of the convictions, respectively, despite each making up a smaller share of Oregon's population based on census data.²

With the passage of Measure 110, convictions for both felony and misdemeanor possession of controlled substances are expected to be greatly reduced. Overall, the CJC estimated that there will be an almost 91 percent reduction in convictions, with the total number of misdemeanor convictions falling to approximately 276 and the total number of felony convictions falling to approximately 102. The CJC also estimates that the disparity affecting Black and Native American Oregonians will close substantially, with total convictions for those groups reduced by 93.7 and 94.2 percent respectively. A similar downward trend should also be seen in the number of possession-related arrests.³

Effects on Occupational Licenses

Under [ORS 670.280 \(2019\)](#), a licensing board, commission, or agency may consider a criminal conviction or other conduct, if it relates to the licensed activity, when determining whether a person is fit to receive or hold a specific occupational license. Measure 110 creates a rebuttable presumption that a conviction for conduct that has been classified or reclassified as a Class E violation does not make an applicant unfit to receive or hold an occupational license or otherwise relate to the fitness and ability of the applicant or licensee to engage in the licensed activity.

EXPANDING ADDICTION TREATMENT AND SERVICES

Addiction Recovery Center Grant Program

Measure 110 establishes a program that provides grants to existing agencies or organizations to create Addiction Recovery Centers (Centers) to provide immediate triage of the acute needs of people who use drugs and to assess and address ongoing needs through intensive case management and linkage to care and services. At least one Center must be established and operational within each coordinated care organization (CCO) service area by October 31, 2021. In order to receive grant funds, an applying Center must demonstrate an ability to provide the following services:

- 24/7/365 triage to determine acute care needs;
- behavioral health needs assessment, including a substance use disorder screening by a credentialed addiction treatment professional;
- individual intervention planning, intensive case management, and connection to services;

² Oregon Criminal Justice Commission, *Racial and Ethnic Impact Statement for Initiative Petition 44* (2020), available at <https://sos.oregon.gov/elections/Documents/fec/IP44-REI-Statement.pdf> (last visited December 7, 2020)

³ *Id.*

BACKGROUND BRIEF

- peer support, including direct engagement with marginalized community members who could potentially benefit from the Center's services; and
- outreach to clients who are unable to access the Center.

Services provided by the Centers must be evidence-informed, trauma-informed, culturally responsive, patient-centered, non-judgmental, and centered on principles of harm reduction. Centers must have at least one Certified Alcohol and Drug Counselor or other credentialed addiction treatment professional; intensive case manager; and peer support specialist.

Grants must be provided to increase access to at least one of the following services:

- low-barrier substance use disorder treatment;
- peer support and recovery services;
- transitional, supportive, and permanent housing for persons with substance use disorder; or
- harm reduction interventions including, but not limited to, overdose prevention education, access to naloxone hydrochloride and sterile syringes, and stimulant-specific drug education and outreach.

In the transition to the establishment of Centers in each CCO service area, Measure 110 requires the Oregon Health Authority (OHA) to establish a statewide temporary 24/7/365 telephone Addiction Recovery Center no later than February 1, 2021. If a Center has not been established in the CCO service area, the person may utilize the temporary telephone Center established by OHA to complete the health assessment in lieu of the new \$100 Class E fine. This temporary telephone Center should be terminated with the required October 31, 2021 establishment of CCO service area Centers.

Oversight and Accountability Council

OHA must establish an Oversight and Accountability Council (Council) to determine how grant funds will be distributed and to oversee the Centers. The Council must be formed before February 1, 2021. The 17-member Council must be comprised of qualified individuals with experience in substance use disorder treatment and other addiction services representing specified stakeholders, including:

- a representative of the Behavioral Health Services section of OHA's Health System Division;
- three members of communities that have been disproportionately impacted by arrests, prosecution, or sentencing for Class E drug violations;
- a physician specializing in addiction medicine;
- a licensed clinical social worker;
- an evidence-based substance use disorder provider;
- a harm reduction services provider;
- a person specializing in housing services for people with substance use disorder or a diagnosed mental health condition;
- an academic researcher specializing in drug use or drug policy;
- at least two people who suffered or suffer from substance use disorder;

- at least two recovery peers;
- a mental or behavioral health provider;
- a representative of a CCO; and
- a person who works for a nonprofit organization that advocates for persons who experience or have experienced substance use disorder.

FUNDING

Measure 110 creates the new Drug Treatment and Recovery Services Fund (Fund) within the State Treasury to support the Addiction Recovery Center Grant Program. The Fund has two primary sources: (1) savings to the State resulting from drug offense sentence reductions, including reductions in arrests, incarceration, and supervision; and (2) moneys in the Oregon Marijuana Fund in excess of \$11,250,000 per quarter.

The Oregon Marijuana Fund is currently distributed in specified percentages to cities and counties (10 percent each), the State School Fund (40 percent), the Mental Health Alcoholism and Drug Services Account (20 percent), the State Police Account (15 percent), and for purposes related to alcohol and drug abuse prevention, early intervention and treatment services (five percent). Under Measure 110, those current distribution percentages apply only to a quarterly (\$11.25 million) cap, which in turn sums to \$45 million a year or \$90 million a biennium. All revenue in excess of that (capped) amount will be transferred quarterly to the new Drug Treatment and Recovery Services Fund. The transfer of money to the new Drug Treatment and Recovery Services Fund will therefore result in a reduction of funding to these current recipients of Oregon Marijuana Fund moneys. According to the November Economic and Revenue Forecast, the new Fund is expected to receive \$81.4 million in marijuana tax revenue in the 2019-21 biennium and \$229 million, or about 72 percent of the marijuana revenue, in the 2021-23 biennium.⁴

Marijuana Fund Revenue Reductions (in millions)		
<i>Transferred to Drug Treatment and Recovery Services Fund under Measure 110</i>		
	2019-2021	2021-2023
State School Fund	(\$29.368)	(\$91.593)
Mental Health Alcoholism and Drug Services Account	(\$14.684)	(\$45.796)
State Police Fund	(\$11.013)	(\$34.347)
Cities	(\$11.355)	(\$22.898)
Counties	(\$11.355)	(\$22.898)
Alcohol & Drug Abuse Prevention	(\$3.671)	(\$11.449)
TOTAL	(\$81.446)	(\$228.982)

⁴ Oregon Office of Economic Analysis, *Oregon Economic and Revenue Forecast*, December 2020 (release date: November 18, 2020), <<https://www.oregon.gov/das/OEA/Documents/forecast1220.pdf>> (last visited December 4, 2020)

Moneys in the Fund are to be in addition to, and not in replacement of, any existing allocations or appropriations for the purposes of providing substance use disorder treatment, peer support and recovery services; transitional, supportive, and permanent housing for persons with substance use disorders; harm reduction interventions; and for establishing Centers. The Measure requires a minimum deposit of \$57 million into the Fund in the first year with specified minimum annual increases. OHA may use an amount not exceeding four percent of the Fund for administration, with the remaining balance to be distributed as grants to Centers.

AUDITS

Measure 110 requires the Secretary of State to conduct financial and performance audits on the uses and effectiveness of the Fund by December 31, 2022 and biennially thereafter. These audits are required to look at specified elements of the grant programs and Centers, including the effectiveness of grants in increasing access to treatment and other recovery services and the outcomes of each Center. The audits are also required to include data on the number of Class E violations issued and the race of people who have received citations.

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**G.7 Oregon Senate Bill 1510 (2022) - Relating to Public Safety
Traffic Stops**

Enrolled Senate Bill 1510

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary and Ballot Measure 110 Implementation)

CHAPTER

AN ACT

Relating to public safety; creating new provisions; amending ORS 131.615, 137.540, 144.102, 181A.530 and 810.410 and sections 8, 12, 33, 38, 53, 56 and 60, chapter 649, Oregon Laws 2013, and section 7, chapter 98, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

STOPS

SECTION 1. ORS 131.615 is amended to read:

131.615. (1) A peace officer who reasonably suspects that a person has committed or is about to commit a crime may stop the person and, after informing the person that the peace officer is a peace officer, make a reasonable inquiry.

(2) The detention and inquiry shall be conducted in the vicinity of the stop and for no longer than a reasonable time.

(3) The inquiry shall be considered reasonable if it is limited to:

(a) The immediate circumstances that aroused the officer's suspicion;

(b) Other circumstances arising during the course of the detention and inquiry that give rise to a reasonable suspicion of criminal activity; and

(c) Ensuring the safety of the officer, the person stopped or other persons present, including an inquiry regarding the presence of weapons.

(4)(a) The inquiry may include a request for consent to search in relation to the circumstances specified in subsection (3) of this section or to search for items of evidence otherwise subject to search or seizure under ORS 133.535 **only if the officer first informs the person that the person has the right to refuse the request.**

(b) **An officer who obtains consent to search under this subsection shall ensure that there is a written, video or audio record that the person gave informed and voluntary consent to search.**

(c) **This subsection does not apply to implied consent searches described in ORS 813.100, 813.131 or 813.135.**

(5) A peace officer making a stop may use the degree of force reasonably necessary to make the stop and ensure the safety of the peace officer, the person stopped or other persons who are present.

SECTION 2. ORS 810.410 is amended to read:

810.410. (1) A police officer may arrest or issue a citation to a person for a traffic crime at any place within or outside the jurisdictional authority of the governmental unit by which the police officer is authorized to act as provided by ORS 133.235 and 133.310.

(2) A police officer may issue a citation to a person for a traffic violation at any place within or outside the jurisdictional authority of the governmental unit by which the police officer is authorized to act:

(a) When the traffic violation is committed in the police officer's presence; or

(b) When the police officer has probable cause to believe an offense has occurred based on a description of the vehicle or other information received from a police officer who observed the traffic violation.

(3) A police officer:

(a) [*Shall*] **May** not arrest a person for a traffic violation.

(b) May stop and detain a person for a traffic violation for the purposes of investigation reasonably related to the traffic violation, identification and issuance of citation.

(c) May make an inquiry into circumstances arising during the course of a detention and investigation under paragraph (b) of this subsection that give rise to a reasonable suspicion of criminal activity.

(d) May make an inquiry to ensure the safety of the officer, the person stopped or other persons present, including an inquiry regarding the presence of weapons.

(e) May request consent to search in relation to the circumstances referred to in paragraph (c) of this subsection or to search for items of evidence otherwise subject to search or seizure under ORS 133.535[.], **only if the officer first informs the person that the person has the right to refuse the request. If consent is obtained, the officer shall ensure that there is a written, video or audio record that the person gave informed and voluntary consent to search. This subsection does not apply to implied consent searches described in ORS 813.100, 813.131 or 813.135.**

(f) May use the degree of force reasonably necessary to make the stop and ensure the safety of the police officer, the person stopped or other persons present.

(g) May make an arrest of a person as authorized by ORS 133.310 (2) if the person is stopped and detained pursuant to the authority of this section.

(4) When a police officer at the scene of a traffic accident has reasonable grounds, based upon the police officer's personal investigation, to believe that a person involved in the accident has committed a traffic offense in connection with the accident, the police officer may issue to the person a citation for that offense. The authority under this subsection is in addition to any other authority to issue a citation for a traffic offense.

SECTION 3. The amendments to ORS 131.615 and 810.410 by sections 1 and 2 of this 2022 Act apply to stops and searches occurring on or after the operative date specified in section 4 of this 2022 Act.

SECTION 4. The amendments to ORS 131.615 and 810.410 by sections 1 and 2 of this 2022 Act become operative on January 1, 2023.

SECTION 5. Section 6 of this 2022 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 6. (1) Notwithstanding ORS 810.410, a police officer may not initiate a traffic violation stop for unlawful use or failure to use lights under ORS 811.520 or operation without required lighting equipment under ORS 816.330 if the offense is based on the following circumstances:

(a) **A headlight that is not in compliance with ORS 816.050 or 816.320, and the vehicle has a headlight that is in compliance;**

(b) **A taillight that is not in compliance with ORS 816.080 or 816.320, and the vehicle has a taillight that is in compliance;**

(c) **A brake light that is not in compliance with ORS 816.100 or 816.320, and the vehicle has a brake light that is in compliance;**

- (d) A taillight that does not emit red light as required by ORS 816.080 (2); or
 - (e) A registration plate light that is not in compliance with ORS 816.090 or 816.320.
- (2) A police officer may issue a citation for unlawful use or failure to use lights under ORS 811.520 or operation without required lighting equipment under ORS 816.330 based on circumstances described in subsection (1) of this section only if the police officer has already stopped and detained the driver operating the motor vehicle for a separate traffic violation or other offense.

SECTION 7. Section 6 of this 2022 Act applies to conduct alleged to constitute an offense occurring on or after the operative date specified in section 8 of this 2022 Act.

SECTION 8. Section 6 of this 2022 Act becomes operative on January 1, 2023.

COMMUNITY CORRECTIONS

SECTION 9. ORS 181A.530 is amended to read:

181A.530. (1) Except for a person who has requested and obtained an extension from the Department of Public Safety Standards and Training pursuant to subsection (2) of this section, a person may not be employed as a parole and probation officer for more than 18 months unless the person is a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association, and:

(a) The person has been certified as being qualified as a parole and probation officer under provisions of ORS 181A.355 to 181A.689 and the certification has not lapsed or been revoked pursuant to ORS 181A.630, 181A.640 and 181A.650 (1) and not reissued under ORS 181A.650 (2); or

(b) The person is exempted from the certification requirement under ORS 181A.420 (1) and (2).

(2) The department, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in subsection (1) of this section. If the department finds that there is good cause for failure to timely obtain certification, the department may extend for up to one year the period that a person may serve as a parole and probation officer without certification. The grant or denial of an extension is within the sole discretion of the department.

(3) The initial training required for certification as a parole and probation officer, and any mandatory training to maintain certification, must include training in providing trauma-informed care, culturally specific services and de-escalation techniques.

[(3)] (4) The certification of a parole and probation officer shall lapse upon the passage of more than three consecutive months during which period the officer is not employed as a parole and probation officer, unless the officer is on leave from a law enforcement unit. Upon reemployment as a parole and probation officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181A.355 to 181A.689.

[(4)] (5) In order to maintain certification, a parole and probation officer who is employed part-time must complete annually at least 20 hours of continuing education approved by the Department of Public Safety Standards and Training.

[(5)] (6) The requirement of citizenship imposed under subsection (1) of this section does not apply to a person employed as a parole and probation officer on September 27, 1987, who continues to serve as a parole and probation officer.

SECTION 10. ORS 137.540 is amended to read:

137.540. (1) The court may sentence the defendant to probation subject to the following general conditions unless specifically deleted by the court. The probationer shall:

(a) Pay fines, restitution or other fees ordered by the court.

[(b) *Not use or possess controlled substances except pursuant to a medical prescription.*]

[(c)] (b) Submit to testing for controlled substance, cannabis or alcohol use if the probationer has a history of substance abuse or if there is a reasonable suspicion that the probationer has illegally used controlled substances.

[(d)] (c) Participate in a substance abuse evaluation as directed by the supervising officer and follow the recommendations of the evaluator if there are reasonable grounds to believe there is a history of substance abuse.

[(e)] (d) Remain in the State of Oregon until written permission to leave is granted by the Department of Corrections or a county community corrections agency.

[(f)] *If physically able, find and maintain gainful full-time employment, approved schooling, or a full-time combination of both. Any waiver of this requirement must be based on a finding by the court stating the reasons for the waiver.*

[(g)] (e) [*Change neither employment nor*] **Not change** residence without prior permission from the Department of Corrections or a county community corrections agency **and inform the parole and probation officer of any change in employment.**

[(h)] (f) Permit the parole and probation officer to visit the probationer or the probationer's work site or residence and to conduct a walk-through of the common areas and of the rooms in the residence occupied by or under the control of the probationer.

[(i)] (g) Consent to the search of person, vehicle or premises upon the request of a representative of the supervising officer if the supervising officer has reasonable grounds to believe that evidence of a violation will be found, and submit to fingerprinting or photographing, or both, when requested by the Department of Corrections or a county community corrections agency for supervision purposes.

[(j)] (h) Obey all laws, municipal, county, state and federal, **and in circumstances in which state and federal law conflict, obey state law.**

[(k)] (i) Promptly and truthfully answer all reasonable inquiries by the Department of Corrections or a county community corrections agency.

[(L)] (j) Not possess weapons, firearms or dangerous animals.

[(m)] (k) Report as required and abide by the direction of the supervising officer.

[(n)] (L) If recommended by the supervising officer, successfully complete a sex offender treatment program approved by the supervising officer and submit to polygraph examinations at the direction of the supervising officer if the probationer:

(A) Is under supervision for a sex offense under ORS 163.305 to 163.467;

(B) Was previously convicted of a sex offense under ORS 163.305 to 163.467; or

(C) Was previously convicted in another jurisdiction of an offense that would constitute a sex offense under ORS 163.305 to 163.467 if committed in this state.

[(o)] (m) Participate in a mental health evaluation as directed by the supervising officer and follow the recommendation of the evaluator.

[(p)] (n) If required to report as a sex offender under ORS 163A.015, report with the Department of State Police, a city police department, a county sheriff's office or the supervising agency:

(A) When supervision begins;

(B) Within 10 days of a change in residence;

(C) Once each year within 10 days of the probationer's date of birth;

(D) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and

(E) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.

[(q)] (o) Submit to a risk and needs assessment as directed by the supervising officer and follow reasonable recommendations resulting from the assessment.

(2) In addition to the general conditions, the court may impose any special conditions of probation that are reasonably related to the crime of conviction or the needs of the probationer for the protection of the public or reformation of the probationer, or both, including, but not limited to, that the probationer shall:

(a) For crimes committed prior to November 1, 1989, and misdemeanors committed on or after November 1, 1989, be confined to the county jail or be restricted to the probationer's own residence or to the premises thereof, or be subject to any combination of such confinement and restriction,

such confinement or restriction or combination thereof to be for a period not to exceed one year or one-half of the maximum period of confinement that could be imposed for the offense for which the defendant is convicted, whichever is the lesser.

(b) For felonies committed on or after November 1, 1989:

(A) Be confined in the county jail, or be subject to other custodial sanctions under community supervision, or both, as provided by rules of the Oregon Criminal Justice Commission; and

(B) Comply with any special conditions of probation that are imposed by the supervising officer in accordance with subsection (9) of this section.

(c) For crimes committed on or after December 5, 1996, sell any assets of the probationer as specifically ordered by the court in order to pay restitution.

(d) For crimes constituting delivery of a controlled substance, as those terms are defined in ORS 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic violence, as defined in ORS 135.230, be prohibited from using Internet websites that provide anonymous text message services.

(e) Not use or possess controlled substances except pursuant to a medical prescription.

(3)(a) If a person is released on probation following conviction of stalking under ORS 163.732 (2)(b) or violating a court's stalking protective order under ORS 163.750 (2)(b), the court may include as a special condition of the person's probation reasonable residency restrictions.

(b) If the court imposes the special condition of probation described in this subsection and if at any time during the period of probation the victim moves to a location that causes the probationer to be in violation of the special condition of probation, the court may not require the probationer to change the probationer's residence in order to comply with the special condition of probation.

(4) When a person who is a sex offender is released on probation, the court shall impose as a special condition of probation that the person not reside in any dwelling in which another sex offender who is on probation, parole or post-prison supervision resides, without the approval of the person's supervising parole and probation officer, or in which more than one other sex offender who is on probation, parole or post-prison supervision resides, without the approval of the director of the probation agency that is supervising the person or of the county manager of the Department of Corrections, or a designee of the director or manager. As soon as practicable, the supervising parole and probation officer of a person subject to the requirements of this subsection shall review the person's living arrangement with the person's sex offender treatment provider to ensure that the arrangement supports the goals of offender rehabilitation and community safety. As used in this subsection:

(a) "Dwelling" has the meaning given that term in ORS 469B.100.

(b) "Dwelling" does not include a residential treatment facility or a halfway house.

(c) "Halfway house" means a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative care and treatment for sex offenders.

(d) "Sex offender" has the meaning given that term in ORS 163A.005.

(5)(a) If the person is released on probation following conviction of a sex crime, as defined in ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years of age, the court, if requested by the victim, shall include as a special condition of the person's probation that the person not reside within three miles of the victim unless:

(A) The victim resides in a county having a population of less than 130,000 and the person is required to reside in that county;

(B) The person demonstrates to the court by a preponderance of the evidence that no mental intimidation or pressure was brought to bear during the commission of the crime;

(C) The person demonstrates to the court by a preponderance of the evidence that imposition of the condition will deprive the person of a residence that would be materially significant in aiding in the rehabilitation of the person or in the success of the probation; or

(D) The person resides in a halfway house. As used in this subparagraph, "halfway house" means a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative care and treatment for sex offenders.

(b) A victim may request imposition of the special condition of probation described in this subsection at the time of sentencing in person or through the prosecuting attorney.

(c) If the court imposes the special condition of probation described in this subsection and if at any time during the period of probation the victim moves to within three miles of the probationer's residence, the court may not require the probationer to change the probationer's residence in order to comply with the special condition of probation.

(6) When a person who is a sex offender, as defined in ORS 163A.005, is released on probation, the Department of Corrections or the county community corrections agency, whichever is appropriate, shall notify the city police department, if the person is going to reside within a city, and the county sheriff's office of the county in which the person is going to reside of the person's release and the conditions of the person's release.

(7) Failure to abide by all general and special conditions of probation may result in arrest, modification of conditions, revocation of probation or imposition of structured, intermediate sanctions in accordance with rules adopted under ORS 137.595.

(8) The court may order that probation be supervised by the court.

(9)(a) The court may at any time modify the conditions of probation.

(b) When the court orders a defendant placed under the supervision of the Department of Corrections or a community corrections agency, the supervising officer may file with the court a proposed modification to the special conditions of probation. The supervising officer shall provide a copy of the proposed modification to the district attorney and the probationer, and shall notify the probationer of the right to file an objection and have a hearing as described in subparagraph (A) of this paragraph. The notice requirement may be satisfied by providing the probationer with a copy of a form developed in accordance with rules adopted under ORS 137.595 (2)(b) that describes the right to a hearing. If the district attorney or probationer:

(A) Files an objection to the proposed modification less than five judicial days after the proposed modification was filed, the court shall schedule a hearing no later than 10 judicial days after the proposed modification was filed, unless the court finds good cause to schedule a hearing at a later time.

(B) Does not file an objection to the proposed modification less than five judicial days after the proposed modification was filed, the proposed modification becomes effective five judicial days after the proposed modification was filed.

(10) A court may not order revocation of probation as a result of the probationer's failure to pay restitution unless the court determines from the totality of the circumstances that the purposes of the probation are not being served.

(11) **If the court ordered as a special condition of probation that the probationer find and maintain employment**, it is not a cause for revocation of probation that the probationer failed to apply for or accept employment at any workplace where there is a labor dispute in progress. As used in this subsection, "labor dispute" has the meaning for that term provided in ORS 662.010.

(12) As used in this section, "attends," "institution of higher education," "works" and "carries on a vocation" have the meanings given those terms in ORS 163A.005.

SECTION 11. ORS 144.102 is amended to read:

144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority responsible for correctional services for a person shall specify in writing the conditions of post-prison supervision imposed under ORS 144.096. A copy of the conditions must be given to the person upon release from prison or jail.

(2) The board or the supervisory authority shall determine, and may at any time modify, the conditions of post-prison supervision, which may include, among other conditions, that the person shall:

(a) Comply with the conditions of post-prison supervision as specified by the board or supervisory authority.

(b) Be under the supervision of the Department of Corrections and its representatives or other supervisory authority and abide by their direction and counsel.

- (c) Answer all reasonable inquiries of the board, the department or the supervisory authority.
 - (d) Report to the parole officer as directed by the board, the department or the supervisory authority.
 - (e) Not own, possess or be in control of any weapon.
 - (f) Respect and obey all municipal, county, state and federal laws, **and in circumstances in which state and federal law conflict, obey state law.**
 - (g) Understand that the board or supervisory authority may, at its discretion, punish violations of post-prison supervision.
 - (h) Attend a victim impact treatment session in a county that has a victim impact program.
 - (i) For crimes constituting delivery of a controlled substance, as those terms are defined in ORS 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic violence, as defined in ORS 135.230, be prohibited from using Internet websites that provide anonymous text message services.
- (3) If the person is required to report as a sex offender under ORS 163A.010, the board or supervisory authority shall include as a condition of post-prison supervision that the person report with the Department of State Police, a city police department, a county sheriff's office or the supervising agency:
- (a) When supervision begins;
 - (b) Within 10 days of a change in residence;
 - (c) Once each year within 10 days of the person's date of birth;
 - (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and
 - (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.
- (4)(a) The board or supervisory authority may establish special conditions that the board or supervisory authority considers necessary because of the individual circumstances of the person on post-prison supervision.
- (b) If the person is on post-prison supervision following conviction of a sex crime, as defined in ORS 163A.005, the board or supervisory authority shall include all of the following as special conditions of the person's post-prison supervision:
- (A) Agreement to comply with a curfew set by the board, the supervisory authority or the supervising officer.
 - (B) A prohibition against contacting a person under 18 years of age without the prior written approval of the board, supervisory authority or supervising officer.
 - (C) A prohibition against being present more than one time, without the prior written approval of the board, supervisory authority or supervising officer, at a place where persons under 18 years of age regularly congregate.
 - (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition against being present, without the prior written approval of the board, supervisory authority or supervising officer, at, or on property adjacent to, a school, child care center, playground or other place intended for use primarily by persons under 18 years of age.
 - (E) A prohibition against working or volunteering at a school, child care center, park, playground or other place where persons under 18 years of age regularly congregate.
 - (F) Entry into and completion of or successful discharge from a sex offender treatment program approved by the board, supervisory authority or supervising officer. The program may include polygraph and plethysmograph testing. The person is responsible for paying for the treatment program.
 - (G) A prohibition against direct or indirect contact with the victim, unless approved by the victim, the person's treatment provider and the board, supervisory authority or supervising officer.
 - (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this paragraph, a prohibition against viewing, listening to, owning or possessing sexually stimulating visual or auditory materials that are relevant to the person's deviant behavior.

(I) Agreement to consent to a search of the person or the vehicle or residence of the person upon the request of a representative of the board or supervisory authority if the representative has reasonable grounds to believe that evidence of a violation of a condition of post-prison supervision will be found.

(J) Participation in random polygraph examinations to obtain information for risk management and treatment. The person is responsible for paying the expenses of the examinations. The results of a polygraph examination under this subparagraph may not be used in evidence in a hearing to prove a violation of post-prison supervision.

(K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless approved by the board, supervisory authority or supervising officer.

(L) A prohibition against using a post-office box unless approved by the board, supervisory authority or supervising officer.

(M) A prohibition against residing in a dwelling in which another sex offender who is on probation, parole or post-prison supervision resides unless approved by the board, supervisory authority or supervising officer, or in which more than one other sex offender who is on probation, parole or post-prison supervision resides unless approved by the board or the director of the supervisory authority, or a designee of the board or director. As soon as practicable, the supervising officer of a person subject to the requirements of this subparagraph shall review the person's living arrangement with the person's sex offender treatment provider to ensure that the arrangement supports the goals of offender rehabilitation and community safety.

(c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined in ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years of age, the board or supervisory authority, if requested by the victim, shall include as a special condition of the person's post-prison supervision that the person not reside within three miles of the victim unless:

(i) The victim resides in a county having a population of less than 130,000 and the person is required to reside in that county under subsection (7) of this section;

(ii) The person demonstrates to the board or supervisory authority by a preponderance of the evidence that no mental intimidation or pressure was brought to bear during the commission of the crime;

(iii) The person demonstrates to the board or supervisory authority by a preponderance of the evidence that imposition of the condition will deprive the person of a residence that would be materially significant in aiding in the rehabilitation of the person or in the success of the post-prison supervision; or

(iv) The person resides in a halfway house.

(B) A victim may request imposition of the special condition of post-prison supervision described in this paragraph at the time of sentencing in person or through the prosecuting attorney. A victim's request may be included in the judgment document.

(C) If the board or supervisory authority imposes the special condition of post-prison supervision described in this paragraph and if at any time during the period of post-prison supervision the victim moves to within three miles of the person's residence, the board or supervisory authority may not require the person to change the person's residence in order to comply with the special condition of post-prison supervision.

(d)(A) If a person is on post-prison supervision following conviction of stalking under ORS 163.732 (2)(b) or violating a court's stalking protective order under ORS 163.750 (2)(b), the board or supervisory authority may include as a special condition of the person's post-prison supervision reasonable residency restrictions.

(B) If the board or supervisory authority imposes the special condition of post-prison supervision described in this paragraph and if at any time during the period of post-prison supervision the victim moves to a location that causes the person to be in violation of the special condition of post-prison supervision, the board or supervisory authority may not require the person to change the person's residence in order to comply with the special condition of post-prison supervision.

(5)(a) The board or supervisory authority may require the person to pay, as a condition of post-prison supervision, compensatory fines, restitution or attorney fees:

(A) As determined, imposed or required by the sentencing court; or

(B) When previously required as a condition of any type of supervision that is later revoked.

(b) The board may require a person to pay restitution as a condition of post-prison supervision imposed for an offense other than the offense for which the restitution was ordered if the person:

(A) Was ordered to pay restitution as a result of another conviction; and

(B) Has not fully paid the restitution by the time the person has completed the period of post-prison supervision imposed for the offense for which the restitution was ordered.

(6) A person's failure to apply for or accept employment at a workplace where there is a labor dispute in progress does not constitute a violation of the conditions of post-prison supervision.

(7)(a) When a person is released from imprisonment on post-prison supervision, the board shall order as a condition of post-prison supervision that the person reside for the first six months after release in the county that last supervised the person, if the person was on active supervision as an adult for a felony at the time of the offense that resulted in the imprisonment.

(b) If the person was not on active supervision as an adult for a felony at the time of the offense that resulted in the imprisonment, the board shall order as a condition of post-prison supervision that the person reside for the first six months after release in the county where the person resided at the time of the offense that resulted in the imprisonment.

(c) For purposes of paragraph (b) of this subsection:

(A) The board shall determine the county where the person resided at the time of the offense by examining records such as:

(i) An Oregon driver license, regardless of its validity;

(ii) Records maintained by the Department of Revenue;

(iii) Records maintained by the Department of State Police;

(iv) Records maintained by the Department of Human Services;

(v) Records maintained by the Department of Corrections; and

(vi) Records maintained by the Oregon Health Authority.

(B) If the person did not have an identifiable address at the time of the offense, or the address cannot be determined, the person is considered to have resided in the county where the offense occurred.

(C) If the person is serving multiple sentences, the county of residence is determined according to the date of the last arrest resulting in a conviction.

(D) In determining the person's county of residence, the board may not consider offenses committed by the person while the person was incarcerated in a Department of Corrections facility.

(d) Upon motion of the board, the supervisory authority, the person, a victim or a district attorney, the board may waive the residency condition under paragraph (b) of this subsection only after making a finding that one of the following conditions has been met:

(A) The person provides proof of employment with no set ending date in a county other than the county of residence determined under paragraph (c) of this section;

(B) The person is found to pose a significant danger to a victim of the person's crime residing in the county of residence, or a victim or victim's family residing in the county of residence is found to pose a significant danger to the person;

(C) The person has a spouse or biological or adoptive family residing in a county other than the county of residence who will be materially significant in aiding in the rehabilitation of the person and in the success of the post-prison supervision;

(D) As another condition of post-prison supervision, the person is required to participate in a treatment program that is not available in the county of residence;

(E) The person requests release to another state; or

(F) The board finds other good cause for the waiver.

(e) The board shall consider eligibility for transitional housing programs and residential treatment programs when determining whether to waive the residency condition under paragraph (b) of

this subsection, and the acceptance of the person into a transitional housing program or a residential treatment program constitutes good cause as described in paragraph (d)(F) of this subsection.

(8) As used in this section:

(a) "Attends," "carries on a vocation," "institution of higher education" and "works" have the meanings given those terms in ORS 163A.005.

(b)(A) "Dwelling" has the meaning given that term in ORS 469B.100.

(B) "Dwelling" does not mean a residential treatment facility or a halfway house.

(c) "Halfway house" means a residential facility that provides rehabilitative care and treatment for sex offenders.

(d) "Labor dispute" has the meaning given that term in ORS 662.010.

SECTION 12. The Department of Corrections, in consultation with county community corrections agencies, community members, including persons currently or formerly under supervision, and organizations that provide culturally specific services, shall adopt rules for standards concerning the location of supervision visits, the frequency of visits and the manner of reporting, for persons on supervision. The rules must take into account evidence-based practices and must require consideration of the risks, needs and responsivity of each supervised person and the goals for completion of supervision. The rules must include a reporting process that is designed to minimize disruptions to the life of the supervised person and avoid unnecessary hardships, while offering the supervised person a broad array of reporting options, and that is focused on the success of the person on supervision.

JUSTICE REINVESTMENT (Justice Reinvestment Equity Program)

SECTION 13. Notwithstanding any other provision of law, the General Fund appropriation made to the Emergency Board by section 168, chapter 669, Oregon Laws 2021, for the biennium beginning July 1, 2021, for allocation to the Oregon Criminal Justice Commission for a Transforming Justice Initiative, is decreased by \$10,000,000.

SECTION 14. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Criminal Justice Commission, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$10,000,000, for distribution to the Northwest Health Foundation Fund II to carry out the provisions of section 15 of this 2022 Act.

SECTION 15. (1) The Oregon Criminal Justice Commission shall distribute the moneys received pursuant to section 14 of this 2022 Act to the Northwest Health Foundation Fund II to fund the Justice Reinvestment Equity Program. The program shall consist of the provision of subgrants and technical assistance by the Northwest Health Foundation Fund II to culturally specific organizations and culturally responsive service providers for the following purposes:

- (a) Mental health and substance use disorder treatment;**
- (b) Maternal health services;**
- (c) Trauma-informed restorative justice services;**
- (d) Violence reduction programs, including but not limited to violence interruption mentors or after-school programs focused on art, music, theater or dance;**
- (e) Crisis intervention without police involvement;**
- (f) Reentry programs that are connected to education, workforce development and transitional supports;**
- (g) Long-term supportive housing;**
- (h) Support for setting aside conviction records;**
- (i) Pretrial release support;**
- (j) Services for victims, including incarcerated victims or victims on pretrial release;**
- (k) Programs for persons, and families of persons, who are currently or were formerly incarcerated;**

(L) Programs designed to reduce recidivism and reduce contact with the criminal justice system;

(m) Programs for persons who have been impacted by police violence, either directly or through a family member; or

(n) Planning grants and technical assistance to support the development of new culturally specific services, or to strengthen existing services, that are aligned with the other purposes described in this subsection.

(2) Recognizing that systemic racism exists within this state and within the criminal justice system, and that culturally specific organizations and culturally responsive services must be expanded to address those disparities, the purpose of the Justice Reinvestment Equity Program is to promote racial equity, reduce racial disparities, reduce recidivism and decrease a county's utilization of imprisonment in a Department of Corrections institution, all while protecting public safety and holding offenders accountable.

(3) Notwithstanding subsection (1) of this section, up to three percent of funds distributed under this section may be used by the Northwest Health Foundation Fund II for administrative costs.

(4) The Oregon Criminal Justice Commission may adopt rules to carry out the provisions of this section.

(5) As used in this section:

(a) "Administrative costs" means all costs incurred throughout the administration of the Justice Reinvestment Equity Program that are not directly related to the delivery of program services or projects.

(b) "Culturally responsive service" means a service that is respectful of, and relevant to, the beliefs, practices, cultures and linguistic needs of diverse consumer or client populations and communities whose members identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home. A culturally responsive service has the capacity to respond to the issues of diverse communities and require knowledge and capacity at systemic, organizational, professional and individual levels of intervention.

(c) "Culturally specific organization" means an organization, or a program within an organization, that serves a particular cultural community, that is primarily staffed and led by members of that community and that demonstrates self-advocacy, positive cultural identity and intimate knowledge of the lived experience of the community, including but not limited to:

(A) The impact of structural and individual racism or discrimination on the community;

(B) Specific disparities in access to services and resources experienced by the community; and

(C) Community strengths, cultural practices, beliefs and traditions.

SECTION 16. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Criminal Justice Commission, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$200,000, for the purpose of carrying out section 16a of this 2022 Act.

SECTION 16a. (1) The Oregon Criminal Justice Commission shall evaluate the implementation of the Justice Reinvestment Equity Program and monitor the progress of subgrants provided by the Northwest Health Foundation Fund II under section 15 of this 2022 Act.

(2) The commission shall convene a stakeholder group to assist with the evaluation described in subsection (1) of this section. The group must be composed of culturally diverse persons with expertise in culturally responsive evaluations, persons with expertise in criminal justice issues and subgrantees receiving funds under section 15 of this 2022 Act.

(3) The evaluator conducting the evaluation described in subsection (1) of this section must have expertise in racial equity, facilitation of community-based participatory evaluation

methods and demonstrated experience with facilitating inclusive processes with diverse communities.

(4) No later than September 30, 2024, the commission shall provide a report detailing the progress of the evaluation described in subsection (1) of this section to the Legislative Assembly, in the manner provided in ORS 192.245, and shall include recommendations for additional evaluation needs.

SECTION 17. Section 16a of this 2022 Act is repealed on January 2, 2025.

(Justice Reinvestment Program Modifications)

SECTION 18. Section 53, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 53. (1)(a) In consultation with the Justice Reinvestment Grant Review Committee established under subsection (2) of this section, the Oregon Criminal Justice Commission shall administer the Justice Reinvestment Program described in this section. From funds appropriated to the commission for purposes of the program, the commission shall award grants to counties that establish a process to assess offenders and provide a continuum of community-based sanctions, services and programs that are designed to reduce recidivism and decrease the county's utilization of imprisonment in a Department of Corrections institution while protecting public safety and holding offenders accountable.

(b) Notwithstanding paragraph (a) of this subsection, no less than 10 percent of grant funds awarded under this section must be distributed to community-based nonprofit organizations that provide services to victims of crime, **with priority given to culturally specific organizations and culturally responsive services.**

(2) The Justice Reinvestment Grant Review Committee is established, consisting of the following members:

(a) The Governor shall appoint the following seven members:

(A) One member shall be a district attorney.

(B) One member shall be a county sheriff.

(C) One member shall be a chief of police.

(D) One member shall be a county commissioner.

(E) One member shall be a community corrections director who is not a sheriff.

(F) Two members shall be representatives of community-based organizations that provide services for underserved racial, ethnic or minority communities.

(b) The Chief Justice of the Supreme Court shall appoint one nonvoting member who is a judge.

(c) The President of the Senate shall appoint two nonvoting members from among members of the Senate.

(d) The Speaker of the House of Representatives shall appoint two nonvoting members from among members of the House of Representatives.

(3)(a) A majority of the voting members of the committee constitutes a quorum for the transaction of business.

(b) The committee shall elect one of its members to serve as chairperson.

(c) If there is a vacancy for any cause, the appointing authority shall make an appointment to become effective immediately.

(d) The committee shall meet at times and places specified by the call of the chairperson or a majority of the voting members of the committee.

(e) Legislative members of the committee shall be entitled to payment of compensation and expenses under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

(4)(a) An application for a grant described in this section must be submitted by a local public safety coordinating council convened under ORS 423.560.

(b) The grant application must include a statement of commitment, from the relevant stakeholders of the service or program for which the county is requesting funding and including the district attorney, presiding judge and community corrections director, to reduce recidivism and de-

crease the county's utilization of imprisonment in Department of Corrections facilities while protecting public safety and holding offenders accountable.

(5)(a) During a grant application period established by the commission, the proportion of grant funds available to each county shall be determined in accordance with the formula used to distribute baseline funding under ORS 423.483.

(b) At the conclusion of the grant application period, the commission shall award grants [*to counties*] in accordance with rules adopted by the commission. If unallocated funds remain at the conclusion of the grant acceptance period, the commission may establish a supplemental grant period and distribute the unallocated funds.

(6)(a) The commission shall regularly evaluate the community-based sanctions, services and programs funded under this section. The commission shall specifically assess the extent to which each county is reducing utilization of imprisonment in Department of Corrections facilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or 813.011.

(b) The commission shall report the results of an evaluation conducted under this section to a committee of the Legislative Assembly related to the judiciary.

(7)(a) Before applying for grant funds to administer a community-based program described in subsection (10)(a)(D) of this section, the county must obtain the consent of the presiding judge of the judicial district in which the county is located.

(b) A grant application to administer a community-based program described in subsection (10)(a)(D) of this section must include the costs of appointed counsel.

(8) After consulting with the Justice Reinvestment Grant Review Committee, the commission shall adopt rules to administer the Justice Reinvestment Program. The rules must include:

(a) A methodology for reviewing and approving grant applications and distributing grant funds. Rules described in this paragraph must provide the Justice Reinvestment Grant Review Committee with the ability to approve grant applications for submission for final approval by the commission. The commission may either approve the grant application or return the application for reconsideration by the committee.

(b) A process for evaluating the efficacy of community-based sanctions, services and programs funded under this section.

(c) A requirement that the grant review committee consider, when approving grant applications, each county's historical reduction of utilization of imprisonment in Department of Corrections facilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or 813.011.

(d) Provisions allowing the grant review committee to submit to the commission, and the commission to approve, provisional funding plans for counties applying for grants under this section.

(9)(a) If a county does not reduce utilization of imprisonment in Department of Corrections facilities by offenders convicted of felonies under ORS 137.717, 475.752 to 475.980, 811.182, 813.010 or 813.011, upon request of the grant review committee, the commission shall decline to grant the full grant amount requested by a county, provide technical assistance, withhold approved grant funds or terminate further distribution of the grant award.

(b) If the commission takes an action described in paragraph (a) of this subsection, any remaining moneys may be redistributed by the commission through a supplemental grant program. Priority shall be given to counties funding programs for historically underserved communities including rural communities, racial, ethnic and minority communities and tribal communities. Rural counties may apply for supplemental grants in cooperation with other rural counties.

(10) As used in this section:

(a) [*“Community-based programs”*] **“Community-based program”** includes:

(A) Work release programs;

(B) Structured, transitional leave programs;

(C) Evidence-based programs designed to reduce recidivism that include the balanced administration of sanctions, supervision and treatment;

(D) Administering a reentry court under section 29, [of this 2013 Act] **chapter 649, Oregon Laws 2013**; and

(E) Specialty courts aimed at medium-risk and high-risk offenders.

(b) "County" includes a regional collection of counties.

(c) "**Culturally responsive service**" means a service that is respectful of, and relevant to, the beliefs, practices, cultures and linguistic needs of diverse consumer or client populations and communities whose members identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home. A culturally responsive service has the capacity to respond to the issues of diverse communities and require knowledge and capacity at systemic, organizational, professional and individual levels of intervention.

(d) "**Culturally specific organization**" means an organization, or a program within an organization, that serves a particular cultural community, that is primarily staffed and led by members of that community and that demonstrates self-advocacy, positive cultural identity and intimate knowledge of the lived experience of the community, including but not limited to:

(A) The impact of structural and individual racism or discrimination on the community;

(B) Specific disparities in access to services and resources experienced by the community; and

(C) Community strengths, cultural practices, beliefs and traditions.

(House Bill 3194 (2013) Sunset Extensions)

SECTION 19. Section 56, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 56. Sections 52 and 53, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, are repealed on July 1, [2023] **2024**.

SECTION 20. Section 60, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 60. Section 59, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, is repealed on July 1, [2023] **2024**.

SECTION 21. Section 7, chapter 98, Oregon Laws 2018, is amended to read:

Sec. 7. Section 5, [of this 2018 Act] **chapter 98, Oregon Laws 2018**, is repealed on July 1, [2023] **2024**.

SECTION 22. Section 8, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 8. (1) The amendments to ORS 137.717 by section 7, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, become operative on July 1, [2023] **2024**.

(2) The amendments to ORS 137.717 by section 7, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, apply to crimes committed on or after July 1, [2023] **2024**.

SECTION 23. Section 12, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 12. (1) [Section 11 of this 2013 Act] **ORS 475.934** becomes operative on July 1, [2023] **2024**.

(2) [Section 11 of this 2013 Act] **ORS 475.934** applies to crimes committed on or after July 1, [2023] **2024**.

SECTION 24. Section 33, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 33. Section 29, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, is repealed on July 1, [2023] **2024**.

SECTION 25. Section 38, chapter 649, Oregon Laws 2013, is amended to read:

Sec. 38. (1) The amendments to ORS 40.015, 144.096, 144.101 and 144.106 by sections 34 to 37, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, become operative on July 1, [2023] **2024**.

(2) The repeal of section 29, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, by section 33, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, and the amendments to ORS 40.015, 144.096, 144.101 and 144.106 by sections 34 to 37, [of this 2013 Act] **chapter 649, Oregon Laws 2013**, do not affect the jurisdiction of a reentry court over a person sentenced under section 29, [of this 2013 Act] **chapter 649, Oregon Laws 2013**.

CRIMINAL JUSTICE DATA REPORTING

SECTION 26. (1)(a) The Oregon Criminal Justice Commission, in consultation with the Department of Corrections, shall collect data concerning the imposition of supervision conditions on persons on probation or post-prison supervision.

(b) The commission shall review the data described in paragraph (a) of this subsection and make the data, disaggregated by race, ethnicity, gender and county, available to the public in a clear and accessible format, either in a report or on the website of the commission.

(2)(a) The Oregon Criminal Justice Commission, in coordination with the Department of Corrections, shall collect data concerning the number of persons on supervision, persons revoked from supervision and sentenced to incarceration, and persons sanctioned for violating conditions of supervision and serving a sanction in a local correctional facility.

(b) The commission shall review the data described in paragraph (a) of this subsection and make the data, disaggregated by race, ethnicity, gender and county, available to the public in a clear and accessible format, either in a report or on the website of the commission.

(c) The Department of Corrections, community corrections agencies and local supervisory authorities shall, at intake of a person on supervision, collect and maintain information concerning the person's race, ethnicity and gender, according to standardized designations in census data, and shall at least annually provide the data to the commission.

SECTION 27. Section 26 of this 2022 Act is repealed on January 2, 2033.

SECTION 28. (1) No later than January 15, 2024, the Oregon Criminal Justice Commission shall report to the relevant committees of the Legislative Assembly, in the manner provided under ORS 192.245, the following information:

(a)(A) The amount and percentage of Justice Reinvestment Program funds provided to counties for community-based sanctions, services and programs;

(B) The specific sanctions, services and programs that received program funds, disaggregated by county; and

(C) The populations served by the sanctions, services and programs that received program funds, disaggregated by race, ethnicity, gender and county; and

(b) The amount and percentage of Justice Reinvestment Program funds provided to community-based nonprofit organizations that provide services to victims of crime, disaggregated by county, culturally specific organization and culturally responsive service provider.

(2) No later than January 15, 2024, the Oregon Criminal Justice Commission shall report to the relevant committees of the Legislative Assembly, in the manner provided under ORS 192.245, the following information:

(a) The amount of Justice Reinvestment Equity Program funds provided to culturally specific programs, disaggregated by county and population served; and

(b) The amount of Justice Reinvestment Equity Program funds provided to culturally responsive service providers, disaggregated by county and population served.

(3) As used in this section, "culturally responsive service" and "culturally specific organization" have the meanings given those terms in section 53, chapter 649, Oregon Laws 2013.

SECTION 29. Section 28 of this 2022 Act is repealed on July 1, 2024.

APPROPRIATION

SECTION 30. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Criminal Justice Commission by section 1, chapter 379, Oregon Laws

2021, for the biennium ending June 30, 2023, is increased by \$421,857, for implementation of the provisions of this 2022 Act.

CAPTIONS

SECTION 31. The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

EMERGENCY CLAUSE

SECTION 32. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Passed by Senate March 1, 2022

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Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House March 3, 2022

.....
Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

.....
Shemia Fagan, Secretary of State

**G.8 Virginia Assembly Bill 5058 (2020) - Marijuana and Certain
Traffic Offenses**

VIRGINIA ACTS OF ASSEMBLY -- 2020 SPECIAL SESSION I

CHAPTER 45

An Act to amend and reenact §§ 15.2-919, 18.2-250.1, 46.2-334.01, 46.2-335, as it is currently effective and as it shall become effective, 46.2-646, 46.2-810.1, 46.2-923, 46.2-926, 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1052, 46.2-1054, 46.2-1094, 46.2-1157, and 46.2-1300 of the Code of Virginia, relating to issuing citations; possession of marijuana and certain traffic offenses.

[H 5058]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-919, 18.2-250.1, 46.2-334.01, 46.2-335, as it is currently effective and as it shall become effective, 46.2-646, 46.2-810.1, 46.2-923, 46.2-926, 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1052, 46.2-1054, 46.2-1094, 46.2-1157, and 46.2-1300 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-919. Regulation of motorcycle, moped, or motorized skateboard or scooter noise.

A. Any locality may, by ordinance, regulate noise from a motorcycle, moped, or motorized skateboard or scooter, as defined in § 46.2-100, which is not equipped with a muffler and exhaust system conforming to §§ 46.2-1047 and 46.2-1049, if such noise may be hazardous to the health and well-being of its citizens.

B. *No law-enforcement officer, as defined in § 9.1-101, shall stop a motorcycle, moped, motorized skateboard, or scooter for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.). The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is subject to a civil penalty of no more than \$25. A violation of this section is a civil offense. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02.

B. Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. However, if a violation of this section occurs while an individual is operating a commercial motor vehicle as defined in § 46.2-341.4, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.

C. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

E. The provisions of this section involving marijuana in the form of cannabis oil as that term is defined in § 54.1-3408.3 shall not apply to any person who possesses such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the person's diagnosed condition or disease, (ii) if such person is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if

such person has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease.

F. No law-enforcement officer, as defined in § 9.1-101, may lawfully stop, search, or seize any person, place, or thing solely on the basis of the odor of marijuana and no evidence discovered or obtained pursuant to a violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

G. The provisions of subsection F shall not apply in any airport as defined in § 5.1-1 or if the violation occurs in a commercial motor vehicle as defined in § 46.2-341.4.

§ 46.2-334.01. Licenses issued to persons less than 18 years old subject to certain restrictions.

A. Any learner's permit or driver's license issued to any person less than 18 years old shall be subject to the following:

1. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less than 19 years old shows that he has been convicted of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall direct such person to attend a driver improvement clinic. No safe driving points shall be awarded for such clinic attendance, nor shall any safe driving points be awarded for voluntary or court-assigned clinic attendance. Such person's parent, guardian, legal custodian, or other person standing in loco parentis may attend such clinic and receive a reduction in demerit points and/or an award of safe driving points pursuant to § 46.2-498. The provisions of this subdivision shall not be construed to prohibit awarding of safe driving points to a person less than 18 years old who attends and successfully completes a driver improvement clinic without having been directed to do so by the Commissioner or required to do so by a court.

2. If any person less than 19 years old is convicted a second time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall suspend such person's driver's license or privilege to operate a motor vehicle for 90 days. Such suspension shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial. Any person who has had his driver's license or privilege to operate a motor vehicle suspended in accordance with this subdivision may petition the juvenile and domestic relations district court of his residence for a restricted license to authorize such person to drive a motor vehicle in the Commonwealth to and from his home, his place of employment, or an institution of higher education where he is enrolled, provided there is no other means of transportation by which such person may travel between his home and his place of employment or the institution of higher education where he is enrolled. On such petition the court may, in its discretion, authorize the issuance of a restricted license for a period not to exceed the term of the suspension of the person's license or privilege to operate a motor vehicle in the Commonwealth. Such restricted license shall be valid solely for operation of a motor vehicle between such person's home and his place of employment or the institution of higher education where he is enrolled.

3. If any person is convicted a third time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall revoke such person's driver's license or privilege to operate a motor vehicle for one year or until such person reaches the age of 18 years, whichever is longer. Such revocation shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial.

4. In no event shall any person subject to the provisions of this section be subject to the suspension or revocation provisions of subdivision 2 or 3 for multiple convictions arising out of the same transaction or occurrence.

B. The initial license issued to any person younger than 18 years of age shall be deemed a provisional driver's license. Until the holder is 18 years old, a provisional driver's license shall not authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old. After the first year the provisional license is issued, the holder may operate a motor vehicle with up to three passengers who are less than 21 years old (i) when the holder is driving to or from a school-sponsored activity, (ii) when a licensed driver who is at least 21 years old is occupying the seat beside the driver, or (iii) in cases of emergency. These passenger limitations, however, shall not apply to members of the driver's family or household. For the purposes of this subsection, "a member of the driver's family or household" means any of the following: (a) the driver's spouse, children, stepchildren, brothers, sisters, half-brothers, half-sisters, first cousins, and any individual who has a child in common with the driver, whether or not they reside in the same home with the driver; (b) the driver's brothers-in-law and sisters-in-law who reside in the same home with the driver; and (c) any individual who cohabits with the driver, and any children of such individual residing in the same home with the

driver.

C. The holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth between the hours of midnight and 4:00 a.m. except when driving (i) to or from a place of business where he is employed; (ii) to or from an activity that is supervised by an adult and is sponsored by a school or by a civic, religious, or public organization; (iii) accompanied by a parent, a person acting in loco parentis, or by a spouse who is 18 years old or older, provided that such person accompanying the driver is actually occupying a seat beside the driver and is lawfully permitted to operate a motor vehicle at the time; or (iv) in cases of emergency, including response by volunteer firefighters and volunteer emergency medical services personnel to emergency calls.

C1. Except in a driver emergency or when the vehicle is lawfully parked or stopped, the holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not hand-held.

D. The provisional driver's license restrictions in subsections B, C, and C1 shall expire on the holder's eighteenth birthday. A violation of the provisional driver's license restrictions in subsection B, C, or C1 shall constitute a traffic infraction. For a second or subsequent violation of the provisional driver's license restrictions in subsection B, C, or C1, in addition to any other penalties that may be imposed pursuant to § 16.1-278.10, the court may suspend the juvenile's privilege to drive for a period not to exceed six months.

E. A violation of subsection B, C, or C1 shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

F. ~~No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

§ 46.2-335. (Effective until January 1, 2021) Learner's permits; fees; certification required.

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving

privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the Department. This passenger limitation, however, shall not apply to the members of the driver's family or household as defined in subsection B of § 46.2-334.01.

D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and four o'clock a.m.

E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether or not such device is handheld. ~~No citation for a violation of this subsection shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.~~ *law-enforcement officer shall stop a motor vehicle for a violation of this subsection. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*

F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits issued under this section.

H. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license.

I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It shall be unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

K. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.
2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.
3. No person other than the operator shall occupy the motorcycle.

L. Any violation of this section shall be punishable as a Class 2 misdemeanor.

§ 46.2-335. (Effective January 1, 2021) Learner's permits; fees; certification required.

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the Department. This passenger limitation, however, shall not apply to the members of the driver's family or household as defined in subsection B of § 46.2-334.01.

D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and four o'clock a.m.

E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether or not such device is handheld. ~~No citation for a violation of this subsection shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply, *mutatis mutandis*, to applications for learner's permits and motorcycle learner's permits issued under this section.

H. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license.

I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits, other than permits issued under § 46.2-328.3, shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It is unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

K. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.
2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.
3. No person other than the operator shall occupy the motorcycle.

L. Any violation of this section is punishable as a Class 2 misdemeanor.

§ 46.2-646. Expiration and renewal of registration.

A. Every registration under this title, unless otherwise provided, shall expire on the last day of the twelfth month next succeeding the date of registration. Every registration, unless otherwise provided, shall be renewed annually on application by the owner and by payment of the fees required by law, the renewal to take effect on the first day of the month succeeding the date of expiration. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring registration if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, and (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

B. All motor vehicles, trailers, and semitrailers registered in the Commonwealth shall, at the discretion of the Commissioner, be placed in a system of registration on a monthly basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the 12 months of the year. All such motor vehicles, trailers, and semitrailers, unless otherwise provided, shall be registered for a period of 12 months. The registration shall be extended, at the discretion of the Commissioner, on receipt of appropriate prorated fees, as required by law, for a period of not less than one month nor more than 11 months as is necessary to distribute the registrations as equally as practicable on a monthly basis. The Commissioner shall, on request, assign to any owner or owners of two or more motor vehicles, trailers, or semitrailers the same registration period. The expiration date shall be the last day of the twelfth month or the last day of the designated month. Except for motor vehicles, trailers, and semitrailers registered for more than one year under subsection C of this section, every registration shall be renewed annually on application by the owner and by payment of fees required by law, the renewal to take effect on the first day of the succeeding month.

C. The Commissioner may offer, at his discretion, an optional multi-year registration for all motor vehicles, trailers, and semitrailers except for (i) those registered under the International Registration Plan and (ii) those registered as uninsured motor vehicles. When this option is offered and chosen by the registrant, all annual and 12-month fees due at the time of registration shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

D. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons where proof of compliance with this section is provided to the court on or before the court

date.

E. No law-enforcement officer shall stop a motor vehicle due to an expired registration sticker prior to the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-810.1. Smoking in vehicle with a minor present; civil penalty.

A. For the purposes of this section, "smoke" means to carry or hold any lighted pipe, cigar, or cigarette of any kind or any other lighted smoking equipment or to light or inhale or exhale smoke from a pipe, cigar, or cigarette of any kind or any other lighted smoking equipment.

B. It is unlawful for a person to smoke in a motor vehicle, whether in motion or at rest, when a minor under the age of 15 is present in the motor vehicle. A violation of this section is punishable by a civil penalty of \$100 to be paid into the state treasury and credited to the Literary Fund. No demerit points shall be assigned under Article 19 (§ 46.2-489 et seq.) of Chapter 3 and no court costs shall be assessed for a violation of this section. A violation of this section may be charged on the uniform traffic summons form.

~~C. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute~~ *law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*

§ 46.2-923. How and where pedestrians to cross highways.

A. When crossing highways, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross, wherever possible, only at intersections or marked crosswalks. Where intersections contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections when crossing by the most direct route.

B. The governing body of any town or city or the governing body of a county authorized by law to regulate traffic may by ordinance permit pedestrians to cross an intersection diagonally when all traffic entering the intersection has been halted by lights, other traffic control devices, or by a law-enforcement officer.

C. No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-926. Pedestrians stepping into highway where they cannot be seen.

A. No pedestrian shall step into a highway open to moving vehicular traffic at any point between intersections where his presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side. The foregoing prohibition shall not apply to a pedestrian stepping into a highway to board a bus or to enter a safety zone, in which event he shall cross the highway only at right angles.

B. No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1003. Illegal use of defective and unsafe equipment.

A. It shall be unlawful for any person to use or have as equipment on a motor vehicle operated on a highway any device or equipment mentioned in § 46.2-1002 which is defective ~~or~~ *and in an unsafe condition.*

B. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

C. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1013. Tail lights.

A. Every motor vehicle and every trailer or semitrailer being drawn at the end of one or more other vehicles shall carry at the rear two red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle.

~~Such~~ *B. All tail lights required pursuant to subsection A shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light*

shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. *No law-enforcement officer shall stop a motor vehicle for a violation of this subsection. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*

C. Any such tail lights or special white light required pursuant to this section shall be of a type approved by the Superintendent.

D. In any instance where the tail light is to be installed on a boat trailer and the boat extends beyond the end of the trailer or to the end of the trailer, an approved portable light assembly or assemblies may be attached to the exposed rear of the boat, provided such installation complies with the visibility requirements of this section. The provisions of this section shall not apply to motorcycles.

§ 46.2-1014. Brake lights.

A. Every motor vehicle, trailer, or semitrailer, except an antique vehicle not originally equipped with a brake light, registered in the Commonwealth and operated on the highways in the Commonwealth shall be equipped with at least two brake lights of a type approved by the Superintendent. Such brake lights shall automatically exhibit a red or amber light plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle when the brake is applied.

The provisions of this section shall not apply to motorcycles or autcycles equipped with brake lights as required by § 46.2-1012.

B. No law-enforcement officer shall stop a motor vehicle, trailer, or semitrailer for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no brake lights that meet the requirements set forth in subsection A. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1014.1. Supplemental high mount stop light.

A. Whenever operated on the highways, every Virginia-registered passenger car manufactured for the 1986 or subsequent model year shall be equipped with a supplemental center high mount stop light of a type approved by the Superintendent or which meets the standards adopted by the United States Department of Transportation. The light shall be mounted as near the vertical center line of the vehicle as possible. The light shall be actuated only in conjunction with the vehicle's brake lights and hazard lights. Any supplemental high mount stop light installed on any other vehicle shall comply with those requirements.

B. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of warning lights.

A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights and illuminating devices as required by this article (i) from sunset to sunrise; (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the Superintendent, shall be lighted at any time. However, motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights as may be authorized by the Superintendent.

C. Vehicles equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall display lighted warning lights as authorized in such sections at all times when responding to emergency calls, towing disabled vehicles, or constructing, repairing, and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

D. The failure to display lighted headlights and illuminating devices under the conditions set forth in clause (iii) of subsection A shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A constitute a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A.

F. No citation for a violation of clause (iii) of subsection A shall be issued unless the officer issuing

such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. *No law-enforcement officer shall stop a motor vehicle for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no lighted headlights during the time periods set forth in subsection A. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*

§ 46.2-1049. Exhaust system in good working order.

A. No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise; provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment *or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.* ~~An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make.~~

~~The term As used in this section, "exhaust system," as used in this section,~~ means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.

The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

B. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1052. Tinting films, signs, decals, and stickers on windshields, etc.; penalties.

A. As used in this article, unless the context requires a different meaning:

"Front side windows" means those windows located adjacent to and forward of the driver's seat;

"Holographic effect" means a picture or image that may remain constant or change as the viewing angle is changed;

"Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road use;

"Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various colored components that may change depending on viewing angle;

"Rear side windows" means those windows located to the rear of the driver's seat;

"Rear window" or "rear windows" means those windows that are located to the rear of the passenger compartment of a motor vehicle and that are approximately parallel to the windshield.

B. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for any person to operate any motor vehicle on a highway with any sign, poster, colored or tinted film, sun-shading material, or other colored material on the windshield, front or rear side windows, or rear windows of such motor vehicle. This provision, however, shall not apply to any certificate or other paper required by law or permitted by the Superintendent to be placed on a motor vehicle's windshield or window.

The size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be in compliance with regulations promulgated by the Superintendent. Such stickers shall be affixed on the windshield at a location designated by the Superintendent.

C. Notwithstanding the foregoing provisions of this section, whenever a motor vehicle is equipped with a mirror on each side of such vehicle, so located as to reflect to the driver of such vehicle a view of the highway for at least 200 feet to the rear of such vehicle, any or all of the following shall be lawful:

1. To drive a motor vehicle equipped with one optically grooved clear plastic right-angle rear view lens attached to one rear window of such motor vehicle, not exceeding 18 inches in diameter in the case of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which enables the driver of the motor vehicle to view below the line of sight as viewed through the rear window;

2. To have affixed to the rear side windows, rear window or windows of a motor vehicle any sticker or stickers, regardless of size; or

3. To drive a motor vehicle when the driver's clear view of the highway through the rear window or windows is otherwise obstructed.

D. Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of this section, no sun-shading or tinting film may be applied or affixed to any window of a motor vehicle unless such motor vehicle is equipped with a mirror on each side of such motor vehicle, so located as to reflect to the driver of the vehicle a view of the highway for at least 200 feet to the rear of such vehicle, and the sun-shading or tinting film is applied or affixed in accordance with the following:

1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear window or windows of any motor vehicle operated on the highways of the Commonwealth that reduce the total light transmittance of such window to less than 35 percent;

2. No sun-shading or tinting films may be applied or affixed to the front side windows of any motor vehicle operated on the highways of the Commonwealth that reduce total light transmittance of such window to less than 50 percent;

3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

Any person who operates a motor vehicle on the highways of the Commonwealth with sun-shading or tinting films that (i) have a total light transmittance less than that required by subdivisions 1 and 2, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects is guilty of a traffic infraction but shall not be awarded any demerit points by the Commissioner for the violation.

Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia sun-shading or tinting films that (i) reduce the light transmittance to levels less than that allowed in subdivisions 1 and 2, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects is guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for any subsequent offense.

E. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper standards for equipment or devices used to measure light transmittance through windows of motor vehicles. Law-enforcement officers shall use only such equipment or devices to measure light transmittance through windows that meet the standards established by the Division. Such measurements made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

F. No film or darkening material may be applied on the windshield except to replace the sunshield in the uppermost area as installed by the manufacturer of the vehicle.

G. Nothing in this section shall prohibit the affixing to the rear window of a motor vehicle of a single sticker no larger than 20 square inches if such sticker is totally contained within the lower five inches of the glass of the rear window, nor shall subsection C apply to a motor vehicle to which but one such sticker is so affixed.

H. Nothing in this section shall prohibit applying to the rear side windows or rear window of any multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total light transmittance of such window or windows below 35 percent.

I. Notwithstanding the foregoing provisions of this section, sun-shading material which was applied or installed prior to July 1, 1987, in a manner and on which windows not then in violation of Virginia law, shall continue to be lawful, provided that it can be shown by appropriate receipts that such material was installed prior to July 1, 1987.

J. Where a person is convicted within one year of a second or subsequent violation of this section involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition to any other penalty, may order the person so convicted to remove such tinted or smoked windshield from the vehicle.

K. The provisions of this section shall not apply to law-enforcement vehicles.

L. The provisions of this section shall not apply to the rear windows or rear side windows of any emergency medical services vehicle used to transport patients.

M. The provisions of subdivisions D 1, 2, and 3 shall not apply to vehicles operated in the performance of private security duties by a security canine handler as defined in § 9.1-138 and licensed in accordance with § 9.1-139.

N. The provisions of subdivision D 1 shall not apply to sight-seeing carriers as defined in § 46.2-2000 and contract passenger carriers as defined in § 46.2-2000.

O. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

P. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1054. Suspension of objects or alteration of vehicle so as to obstruct driver's view.

A. It shall be unlawful for any person (i) to drive a motor vehicle on a highway in the

Commonwealth with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the Superintendent, suspended from any part of the motor vehicle in such a manner as to *substantially* obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window or (ii) to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield. However, this section shall not apply (a) when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the driver a view of the highway for at least 200 feet to the rear of such vehicle, (b) to safety devices installed on the windshields of vehicles owned by private waste haulers or local governments and used to transport solid waste, or (c) to bicycle racks installed on the front of any bus operated by any city, county, transit authority, or transit or transportation district. The provisions of clause (ii) shall not apply to the lawful immobilization of vehicles pursuant to § 46.2-1216 or 46.2-1231.

B. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1094. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses; penalty.

A. Any driver, and any other person at least 18 years of age and occupying the front seat, of a motor vehicle equipped or required by the provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public highway. A passenger under the age of 18 years, however, shall be protected as required by the provisions of Article 13 (§ 46.2-1095 et seq.) of this chapter.

B. This section shall not apply to:

1. Any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's physical condition or other medical reason, provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the grounds for the exemption; or

2. Any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical; or

3. Any person while driving a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service; or

4. Any person driving a motor vehicle and performing the duties of a rural newspaper route carrier, newspaper bundle hauler or newspaper rack carrier; or

5. Drivers of and passengers in taxicabs; or

6. Personnel of commercial or municipal vehicles while actually engaged in the collection or delivery of goods or services, including but not limited to solid waste, where such collection or delivery requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or when the vehicle is in transit to or from a point of final disposition or disposal, including but not limited to solid waste facilities, terminals, or other location where the vehicle may be principally garaged; or

7. Any person driving a motor vehicle and performing the duties of a utility meter reader; or

8. Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor vehicle parking.

C. Any person who violates this section shall be subject to a civil penalty of twenty-five dollars to be paid into the state treasury and credited to the Literary Fund. No assignment of demerit points shall be made under Article 19 of Chapter 3 (§ 46.2-489 et seq.) of this title and no court costs shall be assessed for violations of this section.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

E. A violation of this section may be charged on the uniform traffic summons form.

~~F. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute~~ *law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*

G. The governing body of the City of Lynchburg may adopt an ordinance not inconsistent with the provisions of this section, requiring the use of safety belt systems. The penalty for violating any such ordinance shall not exceed a fine or civil penalty of twenty-five dollars.

§ 46.2-1157. Inspection of motor vehicles required.

A. The owner or operator of any motor vehicle, trailer, or semitrailer registered in Virginia and operated or parked on a highway within the Commonwealth shall submit his vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with § 46.2-1158. No owner or operator shall fail to submit a motor vehicle, trailer, or semitrailer operated or parked on the highways in the Commonwealth to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of this title any mechanical defects found by such inspection to exist.

B. The provisions of this section requiring safety inspections of motor vehicles shall also apply to vehicles used for firefighting; inspections of firefighting vehicles shall be conducted pursuant to regulations promulgated by the Superintendent of State Police, taking into consideration the special purpose of such vehicles and the conditions under which they operate.

C. Each day during which such motor vehicle, trailer, or semitrailer is operated or parked on any highway in the Commonwealth after failure to comply with this law shall constitute a separate offense.

D. Except as otherwise provided, autocycles shall be inspected as motorcycles under this article.

E. No law-enforcement officer shall stop a motor vehicle due to an expired vehicle inspection sticker until the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum penalties.

A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or markers on the highway showing the general regulations applicable to the operation of vehicles on such highways. The governing body of any county, city, or town may by ordinance, or may by ordinance authorize its chief administrative officer to:

1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in speed shall be based upon an engineering and traffic investigation by such county, city or town and provided such speed area or zone is clearly indicated by markers or signs;

2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a temporary period not to exceed sixty days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the city or town on which work is being done or where the highway is under construction or repair;

3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or more of the intersecting streets has been designated as a part of the primary state highway system in a town which has a population of less than 3,500.

B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily observant person under the same circumstances would not be aware of the existence of the ordinance.

C. No governing body of a county, city, or town may (i) provide penalties for violating a provision of an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar offense under the provisions of this title or (ii) provide that a violation of a provision of an ordinance adopted pursuant to this section is cause for a stop or arrest of a driver when such a stop or arrest is prohibited for a similar offense under the provisions of this title.

D. No county whose roads are under the jurisdiction of the Department of Transportation shall designate, in terms of distance from a school, the placement of flashing warning lights unless the authority to do so has been expressly delegated to such county by the Department of Transportation, in its discretion.

E. No law-enforcement officer shall stop a motor vehicle for a violation of a local ordinance relating to the ownership or maintenance of a motor vehicle unless such violation is a jailable offense. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

**G.9 Vermont Assembly Bill 635 (2022) - An Act Relating to
Secondary Enforcement of Minor Traffic Offenses**

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H.635

Introduced by Representatives Colston of Winooski, Mrowicki of Putney,
Anthony of Barre City, Bluemle of Burlington, Christie of
Hartford, Cina of Burlington, Copeland Hanzas of Bradford,
Donnally of Hyde Park, Lippert of Hinesburg, McCormack of
Burlington, Patt of Worcester, Stebbins of Burlington, Troiano
of Stannard, and Vyhovsky of Essex

Referred to Committee on

Date:

Subject: Motor vehicles; secondary enforcement

Statement of purpose of bill as introduced: This bill proposes to designate
certain motor vehicle and pedestrian traffic violations as violations that may
only be enforced if a law enforcement officer has detained the operator of a
vehicle or pedestrian for another suspected traffic violation.

An act relating to secondary enforcement of minor traffic offenses

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. § 9 is added to read:

§ 9. SECONDARY ENFORCEMENT OF VIOLATIONS

(a) Motor vehicle violations.

1 (1) The following offenses may be enforced only if a law enforcement
2 officer has detained the operator of a motor vehicle for another suspected
3 traffic violation:

4 (A) section 307 of this title (failure to carry a registration certificate);

5 (B) subsection 511(c) of this title (failure to display registration
6 sticker or failure to display unobstructed license numbers);

7 (C) section 512 of this title (failure to display number plate on trailer
8 or semi-trailer);

9 (D) section 615 of this title (operation by an individual with a
10 learner's permit);

11 (E) section 1125 of this title (obstructing windshield or windows);

12 (F) sections 1134 (possession or consumption of alcohol or cannabis
13 by operator) and 1134a (possession or consumption of alcohol or cannabis by
14 passenger) of this title and subsection 1134b(a) (using tobacco in a motor
15 vehicle with child present) of this title;

16 (G) section 1221 of this title (condition of vehicle);

17 (H) sections 1243 (headlights), 1244 (illumination required), 1245
18 (illumination required on motorcycles), 1248 (taillights), and 1249 (directional
19 signal lights) of this title; and

20 (I) section 1259 of this title (safety belts; persons 18 years of age or
21 older).

1 (2) An operator shall not be subject to the penalty established for the
2 offenses listed in subdivision (1) of this subsection unless the operator is
3 required to pay a penalty for the primary violation.

4 (b) Pedestrian violations.

5 (1) The following violations may be enforced only if a law enforcement
6 officer has detained the pedestrian for another suspected violation:

7 (A) section 1023 of this title (pedestrian-control signals); and

8 (B) sections 1052 (crossing except at crosswalks), 1054 (pedestrians
9 to use right half of crosswalks), 1055 (pedestrians on roadways), 1056
10 (highway solicitations), and 1058 (duties of pedestrians) of this title.

11 (2) A pedestrian shall not be subject to the penalty established for the
12 offenses listed in subdivision (1) of this subsection unless the pedestrian is
13 required to pay a penalty for the primary violation.

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on July 1, 2022.

APPENDIX H – LETTERS IN REFERENCE TO THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST)

H.1 Amendments and Related Documents to Peace Officers Selection Standards, Commission Regulations 1953 and 1955



*State of California Racial and Identity
Profiling Advisory Board*

RIPA BOARD c/o
1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 879-3311
Facsimile: (510) 622-2270

October 22, 2021

California Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

232

Via email to melani.singley@post.ca.gov

RE: Comment on proposed amendments to Commission on Peace Officer Standards and Training (POST) regulations implementing Assembly Bill 846

Dear Commission on POST:

We respectfully write on behalf of the State of California's Racial and Identity Profiling and Advisory Board (RIPA Board) to provide public comment on the Commission's proposed regulations implementing Assembly Bill (AB) 846 noticed on September 10, 2021. Specifically, we write to provide recommendations regarding the assessment of explicit bias of a peace officer candidate's social media accounts and revisions to proposed amendments to POST Commission Regulations 1953(g)(1) and 1955(d)(3), discussed fully below. While we recognize that some agencies have already implemented these recommendations, we feel it is important to ensure consistency throughout the profession.

1. Recommendation to Require Investigators and Evaluators to Assess Peace Officer Candidates' Social Media Accounts For Explicit Bias

The Board proposes an amendment to Section 1953, subdivision (g)(1) and Section 1955, subdivision (d)(3) to require background investigators and psychological evaluators to specifically assess candidates for peace officer employment for bias in their public-facing social media accounts. While the proposed Bias Assessment Framework includes "social media postings" as an example of "Aggravating or Facilitative Factors" that may be considered when determining whether an applicant has exhibited biased behavior, the proposed regulation does not specifically require investigators and evaluators to search and evaluate an applicant's social media profile—including prior postings, affiliations, and conduct reflecting agreement or opposition to others' postings. We believe that such an investigation and review is necessary to accomplish the purposes of AB 846 as envisioned by the Legislature in its adoption.

Assembly Bill 846 directed POST to develop regulations and screening material that incorporated procedures for identifying both explicit and implicit bias. (See Penal Code 1031.3, subd. (a).) Advocates of the legislation cited the firing of four San Jose police officers engaged in an “online ring of hate” on Facebook as an example of the type of racism and bigotry that needs to be screened out of policing agencies.¹ Social media has been a rich source for finding explicit biases among law enforcement nationwide. As the RIPA Board identified in its 2021 report, the Plain View Project, an advocacy group formed in 2016, found thousands of troubling Facebook posts that included racist or otherwise offensive language, leading several departments nationwide to conduct investigations of their officers.² Of the Facebook accounts that Plain View researchers could identify as belonging to officers or retired officers, about 1 in 5 of the current officers and 2 in 5 of the retired officers made public posts or comments that included biased language or otherwise undermined confidence or trust in law enforcement by using dehumanizing language or praising violence.³ California agencies, including the Los Angeles Sheriff’s Department and the San Francisco Police Department, have had to address biased social media posts by deputies and officers.⁴

In these investigations, researchers have found that this behavior by law enforcement on social media may be consistent with those officers’ actions towards the public they serve. For instance, the Plain View project found that “[o]f 327 officers in Philadelphia who posted troubling content, more than a third — 138 officers — appeared to have had one or more federal civil rights lawsuits filed against them, [. . . and while the] Facebook posts were not specifically connected to incidents that were the subject of lawsuits . . . in some cases the officers were supporting conduct, like using Tasers to subdue suspects, that could mirror the kind of conduct raised in complaints.”⁵ But even without direct evidence of officers engaging in conduct against the community that mirrors the biased views espoused in their social media, the mere fact that officers endorse such views elicits deeper concerns of affiliations with white supremacist groups

¹ See Assembly Floor Analysis, August 29, 2020, https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB846

² The Plain View Project, About the Project <<https://www.plainviewproject.org/about>> (as of Dec. 14, 2020), and see Andone, This group found thousands of offensive Facebook comments by police. Here’s what you should know, CNN.com (June 20, 2019) < <https://www.cnn.com/2019/06/20/us/plain-view-project-what-is/index.html>> (as of Dec. 14, 2020)

³ <https://www.injusticewatch.org/interactives/cops-troubling-facebook-posts-revealed/>

⁴ Chabria, When cops abuse social media, the results are explosive: ‘One post can become a movement,’ Los Angeles Times (Oct. 13, 2020) <<https://www.latimes.com/california/story/2020-10-13/cops-social-media-dangerous-combo-era-racialreckoning>> [describing a Facebook post by a Los Angeles County Sheriff’s Captain, stating that Andres Guardado, a Salvadoran American killed by a deputy in Gardena, “chose his fate”] (as of Dec. 14, 2020); Fuller, San Francisco Police Chief Releases Officers’ Racist Texts, N.Y. Times (April 29, 2016) < <https://www.nytimes.com/2016/04/30/us/san-francisco-police-orders-officers-to-complete-anti-harassment-class.html>> (as of Dec. 14, 2020).

⁵ <https://www.injusticewatch.org/interactives/cops-troubling-facebook-posts-revealed/>

and extremist groups⁶, as well as concerns that officers are carrying out their duties while driven by bigotry.⁷

Moreover, given limitations in the available tools for identifying and screening implicit biases that may manifest in disparate treatment of individuals based on racial, religious, or other identities, POST should ensure that agencies are relying upon all available measures of bias—particularly those that have already been observed as strongly correlated to biased policing and community harm.

For these reasons, the RIPA Board recommends that the regulations require background investigators and evaluators to specifically assess peace officer candidates' public-facing social media accounts for evidence of bias.

2. Recommendation to Amend Proposed Section 1953, subdivision (g)(1) Documentation and Reporting: Background Narrative Report/Investigator Requirements

Section 1953, subdivision (g)(1) requires “that the background investigator summarize the background investigation results in a narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment. The report shall reference the Background Investigation Dimensions and include any findings of biased behaviors and/or bias-relevant traits and attributes per the Bias Assessment Framework.”⁸ While the regulation attempts to provide some guidance to the investigator in assessing bias and making determinations for employment suitability, it does not require the investigator to provide clear investigative findings with respect to the targeted constructs: biased behaviors, biased attitudes, and biased relevant traits and attributes.

The Board recommends amending Section 1953, subd. (g)(1), Background Narrative Report/Investigator Requirements, to explicitly require the investigator to report findings of the investigation based upon each targeted construct (behavior, attitudes, traits and attributes) of the candidate. Reported findings should clearly explain the investigator's assessment of the candidate for each construct while incorporating and accounting for sources used, evidence used,

⁶ 2 Federal Bureau of Investigation, Counterterrorism Policy Directive and Policy Guide (April 1, 2015) 89

<<https://assets.documentcloud.org/documents/3423189/CT-Excerpt.pdf>> (as of Dec. 14, 2020); Levin, White supremacists and militias have infiltrated police across US, report says, *The Guardian* (Aug. 27, 2020) < <https://www.theguardian.com/usnews/2020/aug/27/white-supremacists-militias-infiltrate-us-police-report>> (as of Dec. 14, 2020). See also <https://www.npr.org/2021/10/06/1043651361/oath-keepers-california-sheriff-chad-bianco-january-6-us-capitol> (discovery that Riverside County Sheriff was a dues-paying member of the racist, extremist group Oath Keepers).

⁷ ABC7 News, 4 San Jose police officers put on leave amid investigation into alleged racist Facebook posts (June 28, 2020) <https://abc7news.com/san-jose-police-department-report-news-sjpd-facebook/6275266/> (as of Dec. 14, 2020).

⁸ https://post.ca.gov/Portals/0/post_docs/regulationnotices/2021/2021-38_TPRP.pdf, p. 2

and factors considered, among others. This would provide greater transparency in the assessment process, and greater detail for the psychological evaluator, whose evaluation commences after the conditional offer of employment.⁹ The evaluator, who determines whether a candidate's biases might adversely affect their behavior as a peace officer could then refer back to the constructs and investigative source(s) used in determining a finding for bias if there are questions related to the background investigation.¹⁰ This process would improve public accountability, ensure the clarity of the findings record for review and department educational purposes, increase effectiveness of the background investigator process, and consequently lead to more transparent and evidence-based public service processes.¹¹

3. Recommendation to Amend Proposed Section 1955, subdivision (d)(3) Psychological Screening Procedures and Evaluation Criteria Requirements

Section 1955, subdivision (d)(3) requires that “when evaluating a peace officer candidate for explicit and implicit bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation that might adversely affect the exercise of the powers of a peace officer, psychological evaluators shall use the Bias Assessment Framework [to] assess biased behaviors, biased attitudes and bias-relevant traits and attributes.”¹² Additionally, the requirement gives evaluators discretion¹³ as to which data sources to use for the assessments;¹⁴ however, the regulations do not require the evaluator to provide clear findings with respect to each construct. Moreover, given the discretion provided to evaluators to determine which data sources or facts may be relied upon in making their final determination, a review of the currently-required documentation will provide little insight to how the evaluators are making crucial decisions.

The Board recommends requiring the evaluator to report detailed findings of the evaluation based upon each targeted construct of the candidate. Such findings would clearly explain the evaluator's assessment of biased behavior, biased attitudes, and biased traits, including identification of sources, evidence used, and other factors relied upon, and an explanation of how they contributed the evaluator's analysis and decision. This would significantly improve the transparency of this screening process, and would provide a basis to further develop the screening tools over time.

⁹<https://govt.westlaw.com/calregs/Document/I92ABA5B682E14626A39750AFF7D0BBCB?originationContext=document&transitionType=StatuteNavigator&needToInjectTerms=False&viewType=FullText&contextData=%28sc.Default%29&bhcp=1>

¹⁰Ibid

¹¹ Cordner, Gary, National Institute of Justice, Evidence-Based Policing In 45 Small Bytes, May 2020, p. 6

¹² https://post.ca.gov/Portals/0/post_docs/regulationnotices/2021/2021-38_TPRA.pdf

¹³ The Board is not commenting on the fact that the evaluator has discretion here and believes that providing the evaluator with discretion is reasonable.

¹⁴ https://post.ca.gov/Portals/0/post_docs/regulationnotices/2021/Bias_Assessment_Framework.pdf, see footnote no. 2

October 22, 2021

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In closing, we appreciate the work of the Commission and its role in safeguarding the integrity of the law enforcement profession. We believe that the recommendations above will strengthen the profession through enhanced screening for explicit bias and the more specific findings required by the investigator and evaluator.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven Raphael".

Steven Raphael, Professor of Public Policy
Goldman School of Public Policy at U.C. Berkeley
RIPA Board Co-Chair

A handwritten signature in blue ink, appearing to read "David Swing".

David Swing, Chief of Police
City of Pleasanton
RIPA Board Co-Chair

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING



POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

November 16, 2021

Professor Steven Raphael and Chief David Swing, Co-Chairs
State of California Racial and Identity Profiling Advisory (RIPA) Board
c/o Department of Justice
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550

Dear Professor Raphael and Chief Swing:

The California Commission on Peace Officer Standards and Training (POST) is in receipt of your comment letter, dated October 22, 2021, in response to the Public Notice of Proposed Regulatory Action for Commission Regulations 1953 and 1955 related to AB 846, with your three (3) recommendations. POST is very appreciative of the insight, perspective, and recommendations of the RIPA Board.

As with any change in regulation or performance standard, the Commission must apply careful and thoughtful consideration as to the appropriateness of the regulation or standard in consultation with a diverse collection of subject matter experts and contributors, as well as legal considerations, including case law and statute.

The Board's recommendations illustrate the complexity of background investigations.

With respect to the Social Media Access Recommendation, there is a vast array of case law regarding the constitutional rights of individuals to take under consideration, as well as statute. Regarding the Background Narrative Report Recommendation, POST must ensure that the responsibilities of the Background Investigator and Psychologist are clearly bifurcated, to ensure the Investigator is not placed in a position to make medical assessments, which would be beyond his/her professional scope. And, regarding the Psychological Screening Procedures Recommendation, POST staff will need to consult with psychologists in order to determine if such recommendations comport with medical assessment protocols and reporting procedures within the profession.

AB 846 has a mandate for POST to update regulation and associated screening materials by January 1, 2022, and POST would be unable to assemble further work groups and incorporate the regulatory changes associated with the recommendations within that timeline.

Accordingly, POST will not incorporate your recommendations into the current regulatory package.

Professor Raphael and Chief Swing

November 16, 2021

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Nevertheless, POST will further evaluate your recommendations in the future and is committed to finding solutions that not only enhance peace officer screening, but also adhere to statute and case law, thus protecting the constitutional rights of individuals. In fact, the POST Legislative Liaison is in ongoing discussion with Department of Justice staff assigned to RIPA to regularly evaluate the Board's input and to continually enhance the quality of peace officer performance and service to California communities.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SL', is positioned above the typed name.

SCOTT LOGGINS
Assistant Executive Director
Standards and Development Division

cc: Aisha Martin-Walton, California Department of Justice
Allison Elgart, California Department of Justice
Nancy Benanati, California Department of Justice



Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
www.post.ca.gov

Date: July 27, 2022

Bulletin: No. 2022-34

Subject: **Amendments to Peace Officer Selection Standards, Commission Regulations 1953 and 1955**

At the May 26, 2022 meeting, the Commission approved changes to Regulations 1953 and 1955, adopting the use of the Bias Assessment Framework in screening peace officer candidates for bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation [Regulation 1955(a)]. These regulatory changes were made in response to mandates imposed by [Assembly Bill \(AB\) 846](#) (2020).

The Office of Administrative Law approved the regulatory changes on July 18, 2022. The [Notice of Approval](#) (pdf), which includes the approved text, may be accessed on the [POST Website](#). These regulation changes become **effective August 1, 2022**. Significant changes are addressed below.

Bias Assessment Framework

The new regulations incorporate a Bias Assessment Framework, which identifies three constructs - biased behaviors, biased attitudes, and bias-relevant traits and attributes – by which candidates will be evaluated. The evaluation will rely on data sources that include the candidate's personal/background history, written assessments (e.g., written psychological exams), and a clinical interview. The new regulations also require that background investigators and screening psychologists report bias-relevant findings to the hiring department.

Multicultural Competence

Multicultural competence is added to the current list of peace officer psychological evaluator competencies, to ensure psychologists have the ability to interact with candidates in cross-cultural situations.

Social Media Check

A social media check is being implemented as part of the background investigation as another potential source of bias-relevant information and to ensure that a thorough background investigation is conducted in compliance with Government Code section 1031(d) and Commission Regulation 1953(a). To assist departments with implementing this new requirement, attached to this bulletin is a list of Frequently Asked Questions (FAQs) and information on additional resources and considerations.

Earlier this year, Chapter 5 of the Peace Officer Psychological Screening Manual (PSM) and Chapter 2 of the Background Investigation Manual (BIM) were revised to include the Bias Assessment Framework (Framework) as a recommendation for meeting the bias screening

Amendments to Peace Officer Selection Standards, Commission Regulations 1953 and 1955

Page 2

requirement of Commission Regulation 1955(a). Both manuals are in the process of being updated to reflect the new regulations, including changing the current recommendations to requirements.

Additionally, amendments to Commission Regulations 1953 and 1959, mandating background investigator training, were recently approved (see [Bulletin 2022-27](#)). Although the regulatory action was implemented on July 1, 2022, the mandatory training requirement is not in effect until July 1, 2023. In anticipation of this requirement, POST is in the process of updating the current recommended background investigation course curriculum, identifying mandatory curriculum content, and exploring the development of additional training options. Investigators are encouraged to obtain POST-certified background investigation training prior to the effective date, to ensure they are compliant with the requirement. Available POST-certified courses can be found in the [Course Catalog](#). A list of FAQs regarding the mandated background investigation training is attached to this bulletin.

Questions regarding Commission Regulations 1953 and 1955 may be directed to [Melani Singley](#), Selection Standards Program Manager, at [\(916\) 227-4258](tel:9162274258).

MANUEL ALVAREZ, JR.
Executive Director

MA:mls

Attachment

Social Media Check FAQs

Q1: Does the social media check require that the background investigator access a candidate's private social media account(s)?

A1: The social media check requires that a search be conducted of postings made by the candidate to determine suitability for peace officer employment, regardless of where the postings are made (e.g., on social networking sites, blogs, forums). It does not, however, require nor permit infringement of a candidate's privacy rights. All searches must be conducted in accordance with state and federal laws.

Q2: Section 980 of the Labor Code prohibits employers from requiring or requesting applicants to: "(1) Disclose a username or password for the purpose of accessing personal social media. (2) Access personal social media in the presence of the employer. (3) Divulge any personal social media." What does this mean for law enforcement employers (e.g., POST-participating departments) who must conduct a social media check?

A2: Whether Labor Code section 980 applies to public sector employers is unsettled. Some cases hold that Labor Code provisions must specifically be made applicable to public employers to bind them [see e.g., [Johnson v Arvin-Edison](#) 174 Cal.App.4th 729 (2009) - unless a Labor Code provision specifically states it applies to public employers, it is presumed to apply only to private employers]. While the Legislature may have intended in enacting Labor Code section 980 that it apply to public employers (because, among other things, an example given as a justification for it was a background investigation of a Maryland correctional officer), no provision was included in the legislation specifically applying it to public agencies. While this may have been an oversight, a subsequent legislative attempt to clarify its applicability to public agencies did not survive the legislative process. Therefore, as it currently stands, the law is not clear-cut on this issue, especially when considering legislative history and intent. Thus, departments are encouraged to work with their legal counsel to develop a cyber vetting policy to address this and other relevant laws.

Q3: What information should be provided in the social media search results?

A3: Only information that is relevant to peace officer suitability should be reported and documented. This would include evidence of bias-related behaviors, traits and/or attributes, illegal and/or immoral behaviors, or other behaviors that indicate unsuitability to be a peace officer. This could also include evidence that may mitigate past behaviors, such as positive character traits and/or activities that indicate the individual has matured and/or been rehabilitated. All results should be directly related to either the background investigation dimensions or the bias assessment framework.

Q4: Is there specific information that should not be included in the social media search results?

A4: Employers should not be provided information that is protected under fair employment laws, privacy provisions, or any information that is not relevant to peace officer suitability. This

may include pregnancy status, religion, disability information, political affiliation, and sexual preference to name a few. Results should be restricted to candidate information only.

Q5: How far back should the social media search be conducted (e.g., should only recent social media postings be reviewed)?

A5: It depends. A younger candidate may not need as lengthy of a search as an older candidate. Evidence of unsuitable behavior may necessitate a longer history search to determine patterns of behavior. Departments should establish a cyber vetting policy to ensure that all candidates are being treated in a fair and consistent manner.

Q6: Where in the background file should the social media findings be placed?

A6: Documentation (e.g., printouts, screenshots) should be included under Tab L – Relatives/Personal References. The tabs are in the process of being updated with the new regulations. In general, the location of current tab information will not change. Social media findings, including bias-relevant information, must be included in the narrative report.

Additional Resources and Considerations

The information below is intended as guidance for investigators in conducting social media searches and for departments in establishing cyber vetting policies for screening peace officer candidates. The information should not be interpreted as compulsory, exhaustive, nor a substitute for competent legal advice. Departments are highly encouraged to work with their legal counsel to develop a comprehensive cyber vetting policy.

State and Federal Laws

- [Labor Code § 980](#)
- Federal Equal Employment Opportunity Commission (EEOC)
 - *EEOC Social Media in the Workplace: Examining Implications for Equal Employment Opportunity Law* (EEOC Meeting of March 12, 2014)
 - [Press Release](#)
 - <https://www.eeoc.gov/meetings/meeting-march-12-2014-social-media-workplace-examining-implications-equal-employment>
 - [Fair Employment and Discrimination Laws](#)
 - Prohibited Employment Policies and Practices:
<https://www.eeoc.gov/prohibited-employment-policiespractices>
- California Department of Fair Employment and Housing (DFEH)
 - [Employment Discrimination](#)
- State and Federal Fair Credit and Investigator Consumer Reporting Requirements
 - ICRAA (California [Civil Code §1786](#), et seq.)
 - FCRA ([5 U.S.C. §§ 1681](#))
- Article 1 of the California Constitution
- The First Amendment to the United States Constitution

- Case Law – regard should be given to cases specific to law enforcement employment, including First Amendment and relevant background issues

Social Media Content Considerations

- POST background investigation dimensions and bias screening requirements. Relevant content may include bias-relevant behaviors; behaviors indicative of misconduct or dishonesty, illegal acts, or activity; or other behaviors or evidence indicative of unsuitability for employment
- Publicly available, open-source information
- Seek legal counsel advice with regard to private social media accounts
- Careful consideration of protected information
- Restrict to information relevant to the candidate only
- Number of followers/friends etc. should not be considered

Searchable sites may include, but not be limited to:

- Social networking (e.g., Facebook, Instagram, LinkedIn)
- Blogs (e.g., Twitter, Tumblr)
- Video (e.g., YouTube, TikTok, Twitch)
- Forums (e.g., Quora, Reddit)

Reporting Limits and Considerations

- Report only information relevant to peace officer suitability
- Do not include information about others
- Redact irrelevant information
- Verify accuracy of information
- Provide sources – URLs, webpages
- Provide documentation – screenshots, printouts, etc.

Mandatory Background Investigation Training FAQs

Q1: *Who must meet the mandatory background investigator training requirement?*

A1: The requirement applies to those who conduct the background investigation, thus a staff member who merely collects information at the onset of the background would not necessarily be required to attend training. However, an officer being assigned to backgrounds (even if temporarily) would have to complete the training prior to being able to conduct background investigations.

Q2: *Where do I find information about POST-certified background investigation course availability?*

Q2: All POST-certified courses, including the background investigation course, can be found in the [Course Catalog](#).

Q3: *Are all background investigation course presentations the same?*

Q3: POST currently only provides recommended course curriculum; thus, content and instruction may vary by presenter. POST is in the process of identifying mandatory content requirements, and once identified, will pursue regulatory changes to that effect. In the interim, departments and investigators are encouraged to reach out to course presenters directly and/or access the [POST Open Data](#) resource to identify specific course content, curriculum, and learning objectives.

Q4: *If the investigator has already attended background investigation training, will they need to repeat it and/or update the training?*

A4: Once the training has been completed, it does NOT need to be repeated, regardless of when the course was completed. There is no current requirement for update training.

Q5: *How do departments track completion of the training requirement (e.g., confirm that their investigator(s) have completed the mandatory training)?*

A5: Departments can request the background investigator to provide a copy of their POST Profile (e.g., training record), which the investigator can easily access through the POST PASS system. The profile will include the completed training.

**State of California
Office of Administrative Law**

In re:
**Commission on Peace Officer Standards and
Training**

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections:

Amend sections: 1953, 1955

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2022-0606-02

OAL Matter Type: Regular Resubmittal (SR)

This action implements Government Code section 1031.3 which requires that regulations and screening materials related to the emotional and mental condition of peace officers incorporate identification of explicit and implicit bias in relation to race or ethnicity, gender, nationality, religion, disability, and sexual orientation.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 8/1/2022.

Date: July 18, 2022



Dale Mentink
Assistant Chief Counsel

For: Kenneth J. Pogue
Director

Original: Manuel Alvarez, Jr., Executive
Director

Copy: Melani Singley

APPROVED TEXT OF REGULATORY ACTION

Amend Commission Regulations 1953 and 1955

11 CCR § 1953

§ 1953. Peace Officer Background Investigation.

(a) Government Code Mandate

Every peace officer candidate shall be the subject of a thorough background investigation to verify good moral character and the absence of past behavior indicative of unsuitability to perform the duties of a peace officer [Government Code section 1031(d)].

(Regulation 1953(a)(1) continued...)

(b) Background Investigation Evaluation Criteria

The background and personal history sections of the Bias Assessment Framework [Commission Regulation 1955(d)(3)] and the entire set of *The POST Background Investigation Manual: Guidelines for the Investigator (2018)* provides assistance in conducting background investigations. The use of the manual is discretionary; except the POST Background Investigation Dimensions (Dimensions), herein incorporated by reference, described in the manual *POST Background Investigation Manual – Guidelines for the Investigator (2022)* - Integrity, Impulse Control/Attention to Safety, Substance Abuse and Other Risk-Taking Behavior, Stress Tolerance, Confronting and Overcoming Problems, Obstacles, and Adversity, Conscientiousness, Interpersonal Skills, Decision-Making and Judgment, Learning Ability, and Communication Skills - shall be considered in the conduct of every peace officer background investigation. The manual provides guidance in conducting background investigations. The use of the manual is discretionary, with the exception of the Dimensions and the relevant sections of the Bias Assessment Framework.

(Regulation 1953(c) – (d)(2) continued...)

(e) Areas of Investigation

(1) Citizenship Verification

(A) Every peace officer candidate, except those applying to the California Highway Patrol, shall be either a United States citizen or a permanent resident alien who is eligible for and has applied for citizenship on or within three years before the date of appointment as a peace officer (Government Code sections 1031(a) and 1031.5).

(B) Every peace officer candidate for the California Highway Patrol shall be a United States citizen at time of appointment as a peace officer (Vehicle Code section 2267).

(C) Proof of U.S. citizenship shall consist of an official government-issued birth certificate, naturalization documentation, or other citizenship documentation deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

(Regulation 1953(e)(2) – (e)(4) continued...)

(5) Education Verification

APPROVED TEXT OF REGULATORY ACTION

Amend Commission Regulations 1953 and 1955

(A) Every peace officer candidate shall meet one of the following minimum education requirements pursuant to Government Code section 1031(e):

1. Be a high school graduate of one of the following:
 - a. A U.S. public school, or
 - b. An accredited U.S. Department of Defense high school, or
 - c. An accredited or approved public or nonpublic high school.
2. Pass the General Education Development (GED) test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level.
3. Pass the California High School Proficiency Examination, or
4. Have attained a two-year, four-year, or advanced degree from an accredited college or university.

Any accreditation or approval required by this subdivision shall be from a state or local government educational agency using local or state government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPISA), an organization holding full membership in AdvancED or Cognia, an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFSSAA).

(B) Proof shall consist of an official transcript or other means of verifying satisfactory completion of educational requirements deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

(6) Employment History Checks

(A) Every peace officer candidate shall be the subject of employment history checks through contacts with all past and current employers over a period of at least ten years, as listed on the candidate's personal history statement.

(B) Every peace officer candidate, with prior peace officer experience, shall be the subject of a search of their general personnel file and/or a separate file designated by the department or agency, pursuant to Penal Code section 832.12(b).

(C) Proof of the employment history check shall be documented by a written account of the information provided and source of that information for each place of employment contacted. All information requests shall be documented.

(7) Relatives/Personal References Checks

(A) Every peace officer candidate shall be the subject of reference checks through contacts and interviews with relatives, including former spouses, and personal references listed on the candidate's personal history statement. Additional references (e.g., secondary references), provided by the initial contacts, shall also be contacted and interviewed to determine whether the candidate has exhibited behavior incompatible with the position sought. Sufficient information shall be collected and reviewed to determine candidate suitability.

(B) Proof of reference checks shall be documented by written information showing that relatives and personal references identified by the candidate and additional references

APPROVED TEXT OF REGULATORY ACTION

Amend Commission Regulations 1953 and 1955

provided by the initial contacts (e.g., secondary references) were interviewed. Documentation shall include the identity of each individual contacted, if the contact is an initial or secondary reference, the contact's relationship to the candidate, and an account of the information provided by the contact. All requests for information shall be documented.

(Regulation 1953(e)(8)-(10) continued...)

(11) Credit Records Check

(A) Every peace officer candidate shall be the subject of a credit record search with a bona fide credit reporting agency (i.e., Experian, TransUnion, Equifax) to determine the candidate's credit standing with lenders, as an indication of the candidate's dependability and integrity.

(B) Proof of a credit record check shall be documented by an official credit report returned by one of the bona fide credit reporting agencies. The report shall have been created no more than one year prior to the date of employment.

(12) Social Media Check

(A) Every peace officer candidate shall be the subject of a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of Commission Regulation 1955(d)(3). Social media may include, but not be limited to, social networking sites, online forums, blogs, and video sharing platforms. Searches must be conducted in compliance with state and federal laws.

(B) Proof shall consist of documentation verifying a social media search was conducted which, at a minimum, shall include written documentation of websites searched and/or services used, including webpage URLs and findings. When there is evidence of activity relevant to peace officer suitability, documentation shall consist of screenshots, printouts, website links, and/or other documentation verifying the information and shall be limited to that which is relevant to suitability for peace officer employment.

(Regulation 1953(f)(1) through (2)(F) continued...)

(g) Documentation and Reporting

(1) Background Narrative Report

The background investigator shall summarize the background investigation results in a narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment. The report shall reference the Background Investigation Dimensions and include any findings of behaviors, traits and/or attributes that may be relevant to bias per the Bias Assessment Framework [subsection 1953(b)]. The report shall identify the data sources reviewed for the findings, regardless of weight given, and include relevant supporting documentation, including documentation obtained through the social media search [subsection 1953(e)(12)]. The report, along with all supporting documentation obtained during the

APPROVED TEXT OF REGULATORY ACTION

Amend Commission Regulations 1953 and 1955

course of the background investigation, shall be included in the candidate's background investigation file. The supporting documents shall be originals or true, current and accurate copies as attested to by the background investigator. The background investigation file shall be made available during POST compliance inspections.

(2) Retention

The background narrative report and supporting documentation shall be retained in the individual's background investigation file for as long as the individual remains in the department's employ. Additional record retention requirements are described in Government Code section 12946.

(3) Information Access

The narrative report and any other relevant background information [subsection 1953(g)(1)] shall be shared with the psychological evaluator [Commission Regulation 1955(e)(3)]. This information shall also be shared with others involved in the hiring process, such as screening physicians, if it is relevant to their respective evaluations. This information must be furnished to those conducting background investigations of peace officer candidates on behalf of other law enforcement departments except as specifically provided by statute (Government Code section 1031.1, Government Code section 6250 et seq, Labor Code section 1050, Labor Code section 1054, O'Shea v. General Telephone Co. (1987) 193 Cal. App 3d 1040). This information shall only be utilized for investigative leads and the information shall be independently verified by the prospective department to determine the suitability of the peace officer candidate.

Note: Authority cited: Sections 1029, 1030, 1031, 1031.2, 1031.3, 1031.4, and 1031.5, Government Code; Section 2267, Vehicle Code; and Sections 13503, 13506 and 13510, Penal Code. Reference: Sections 1029, 1030, 1031, 1031.2, 1031.3, 1031.4, 1031.5 and 12900 et seq., Government Code; Sections 2267 and 12500, Vehicle Code; Sections 13510 and 29805, Penal Code; and Title 18 Section 922(d)(9), US Code.

APPROVED TEXT OF REGULATORY ACTION

Amend Commission Regulations 1953 and 1955

11 CCR § 1955

§ 1955. Peace Officer Psychological Evaluation.

(a) Government Code Mandate/Evaluator Requirements

Every peace officer candidate shall be evaluated to determine if the candidate is free from any emotional or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of the powers of a peace officer [Government Code section 1031(f)], and to otherwise ensure that the candidate is capable of withstanding the psychological demands of the position.

(1) The psychological evaluation shall be conducted by either of the following:

(A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.

(B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued post-doctorate.

(2) The psychological evaluator (hereinafter referred to as “evaluator”) shall be competent in the conduct of preemployment psychological screening of peace officers. The required areas of competence, ~~as are~~ defined in the *POST Peace Officer Psychological Evaluator Competencies (Competencies): Assessment, Clinical, Communication, Jurisprudence, Multicultural, Occupational, Procedural, Psychometric, and Standards*, ~~are~~ herein incorporated by reference. The Competencies are contained and defined in Chapter 3 of the *POST Peace Officer Psychological Screening Manual (201822)*.

(3) The evaluator must complete a minimum of 12 hours biennially of POST-approved continuing professional education per subsection 1955(b).

(4) The evaluator shall conduct the examination on behalf of and for the benefit of the employing department.

(b) Continuing Professional Education (CPE)

(Regulation 1955(b)(1) – (2)(G) continued...)

(3) Evaluator CPE Requirement

(A) ~~Effective July 1, 2019, All~~ evaluators must complete the POST-developed Peace Officer Psychological Screening Manual on-line exam prior to conducting preemployment psychological screening. ~~Incumbent evaluators must meet this requirement no later than July 1, 2019.~~

(B) Effective September 1, 2014, evaluators must complete 12 hours of POST-approved CPE every license renewal cycle. For partial cycles, CPE hours are prorated at .5 hours per month, based on the evaluator's license renewal date. The POST CPE requirement

APPROVED TEXT OF REGULATORY ACTION

Amend Commission Regulations 1953 and 1955

must be met no later than the evaluator's license renewal date. Additional CPE hours above the 12 hour minimum do not count toward the next two-year cycle.

(C) The evaluator may satisfy no more than 75% [up to nine (9) hours] of the POST CPE requirement through independent learning that meets subsection 1955(b)(1). Independent learning includes, but is not limited to, courses delivered via the Internet, including asynchronous training, CD-ROM, satellite downlink, correspondence, and home study.

(Regulation (b)(4) – (c) continued...)

(d) Psychological Screening Procedures and Evaluation Criteria

(1) The psychological screening procedures and evaluation criteria used in the conduct of the psychological evaluation shall be based on the peace officer duties, powers, demands, and working conditions as defined by the department. This information shall be provided to the evaluator, along with any other information (e.g., risk management considerations) that will allow the evaluator to make a psychological suitability determination.

(2) Every peace officer candidate shall be evaluated, at a minimum, against job-related psychological constructs herein incorporated by reference in the *POST Peace Officer Psychological Screening Dimensions* (Dimensions): Social Competence, Teamwork, Adaptability/Flexibility, Conscientiousness/Dependability, Impulse Control, Integrity/Ethics, Emotional Regulation/Stress Tolerance, Decision Making/Judgment, Assertiveness/Persuasiveness, and Avoiding Substance Abuse and Other Risk-Taking Behavior. The Dimensions are contained and defined in Chapter 4 of the *POST Peace Officer Psychological Screening Manual (201822)*.

(3) When evaluating a peace officer candidate for explicit and implicit bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation that might adversely affect the exercise of the powers of a peace officer, psychological evaluators shall use the Bias Assessment Framework, herein incorporated by reference. The evaluator shall assess the candidate on each of the three Targeted Constructs identified in the Bias Assessment Framework (Biased Behaviors, Biased Attitudes, and Bias-Relevant Traits and Attributes).

(4) The *POST Peace Officer Psychological Screening Manual (201822)* provides guidance in the evaluation of peace officer candidates. The use of this manual is discretionary with the exception of the required Psychological Evaluator Competencies, and the Psychological Screening Dimensions, and the Bias Assessment Framework outlined in subsections 1955(a)(2), and 1955(d)(2), and 1955(d)(3), respectively.

(e) Required Sources of Information for the Psychological Evaluation

The psychological evaluation shall include a review by the evaluator of the following sources of information prior to making a determination about the candidate's psychological suitability.

(1) Job Information

Job information shall consist of the peace officer duties, powers, demands, and working conditions provided by the department per subsection 1955(d)(1).

(2) Written Assessments

APPROVED TEXT OF REGULATORY ACTION

Amend Commission Regulations 1953 and 1955

Written assessments shall consist of a minimum of two written psychological instruments. One of these instruments shall be designed and validated to identify patterns of abnormal behavior; the other instrument shall be designed and validated to assess normal behavior. Both instruments shall have documented evidence of their relevance for evaluating peace officer suitability. Together, the instruments shall provide information about each candidate related to: (1) freedom from emotional and/or mental conditions that might adversely affect the exercise of the powers of a peace officer, and (2) psychological suitability per the POST Psychological Screening Dimensions [refer to subsection 1955(d)(2)].

The psychological assessments shall be interpreted using appropriate, authorized test publisher scoring keys. If mail-order, internet-based, or computerized test interpretations are used, the evaluator shall verify and interpret the individual results.

(3) Personal History Information

Personal history information includes the candidate's relevant work, life, and developmental history based on information collected during the background investigation [Commission Regulation 1953(g)(3)]. This includes the background narrative report and any other relevant background information including, but not limited to, documentation obtained through the social media search [Commission Regulation 1953(e)(12)]. This information may be augmented by responses on a personal history questionnaire collected as part of the psychological evaluation.

(4) Psychological Interview

A psychological interview shall be administered to each peace officer candidate subsequent to a review and evaluation of the results of the written assessments [subsection 1955(e)(2)] and the candidate's personal history information [subsection 1955(e)(3)]. Sufficient interview time shall be allotted to address all issues arising from the reviewed information and other issues that may arise during the interview.

(5) Psychological Records

Psychological records and relevant medical records shall be obtained from the candidate's treating health professional, if warranted and obtainable. This information may be provided by the candidate, or, with written authorization from the candidate (Civil Code section 56.11), may be obtained directly from the health professional.

(f) Psychological Evaluation Reporting Requirements

(1) Data from all sources of information shall be considered; the evaluator's determination shall not be based on one single data source unless clinically justified.

(2) The evaluator shall provide the department with their findings from the bias assessment [subsection 1955(d)(3)] and identify the data sources relied upon for their findings, including information obtained through the background investigation [Commission Regulation 1953(g)(3)].

~~(2)~~(3) The evaluator shall provide the department with a psychological suitability declaration that shall include the following information:

- (A) The evaluator's printed name, contact information and professional license number,
- (B) The name of the candidate,
- (C) The date the evaluation was completed, and
- (D) A statement, signed by the evaluator, affirming that the candidate was evaluated in accordance with Commission Regulation 1955. The statement shall include a determination of the candidate's psychological suitability for exercising the powers of a

H.2 Recommendations Regarding SB 2



*State of California Racial and Identity
Profiling Advisory Board*

RIPA BOARD c/o
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P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 879-3311
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April 18, 2022

Via Email - manny.alvarez@post.ca.gov

Commission on Peace Officer Standards and Training
c/o Manuel Alvarez, Jr.
Executive Director
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Re: Recommendations regarding SB 2

Dear POST Commissioners:

Thank you for inviting the Racial and Identity Profiling Advisory (RIPA) Board to participate in the Senate Bill 2 (S.B.2) Stakeholder Meeting in January 2022. We are writing to memorialize our recommendations to the Peace Officer's Standards and Training (POST) Commission on the regulations pertaining to the definition of "serious misconduct" under Penal Code section 13510.8.

"The RIPA Board was formed as part of the Racial and Identity Profiling Act of 2015 (AB 953), and began its work in July 2016. The Legislature charged the Board with an ambitious purpose: to eliminate racial and identity profiling, and improve diversity and racial and identity sensitivity in law enforcement. By unifying a diverse group of individuals from across different sectors – law enforcement, civil and human rights, and academia – in a shared cause, the RIPA Board aims to improve law enforcement-community relations in California through collaboration, transparency, and accountability."¹

The imposition of mandatory stop data collection and the creation of the RIPA Board are among the many steps the Legislature has taken to help identify and shield the public from the effects of biased policing. One of the Legislature's most recent efforts to reform policing was Senate Bill 2: The Kenneth Ross Jr. Police Decertification Act of 2021, a bill named in the memory of Kenneth Ross Jr., a Black man shot and killed by a Gardena police officer who was employed by the Gardena Police Department after being involved in three prior "questionable" shootings in his previous agency.²

¹ Racial and Identity Profiling Advisory Board, 2021 Annual Report (2018), p. 4

<<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2018.pdf>> [as of March 28, 2022].

² Chabria, *How a Black Lawmaker From L.A. Won a 'Mammoth Fight' to Oust Bad Cops*, L.A. Times (Oct. 1, 2021)

<<https://www.latimes.com/california/story/2021-10-01/how-black-los-angeles-lawmaker-won-fight-to-oust-bad-cops>> [as of March 28, 2022].

In passing S.B.2, the Legislature acknowledged that “Black and Latino families and communities of color are disproportionately vulnerable to police violence,”³ and it committed to creating a system to “ensure that officers who abuse their authority by committing serious or repeated misconduct, or otherwise demonstrate a lack of fitness to serve as peace officers, are removed from the streets.”⁴ To that end, this bill was passed to end the too-common practice of allowing officers who have been fired or resigned from one agency due to misconduct to be re-hired at new agencies, only to “go on[] to commit further serious acts of misconduct.”⁵ An agency’s determination that an officer is unfit for duty is powerful evidence they are unfit for any community, but through SB 2 the Legislature additionally acknowledged the “nearly universal recognition across the country that local law enforcement cannot be relied upon to protect our residents from people that should not be peace officers.”⁶ Given the importance of rooting out unfit officers, the Legislature went further by providing a decertification process where the public, Commission, or Board may also identify officers to be investigated for disqualifying conduct even if those officers are not found guilty of misconduct by their employing agencies.⁷ The Legislature further mandates that the decertification process “maintain independence from law enforcement” so that it may effectively “hold peace officers accountable for misconduct . . . [against] standards . . . [that] reflect community values.”⁸

Altogether, the goal of the decertification process is to ensure that police officers are “held to the *highest standard of accountability*” and “that individual peace officers who abuse their authority are held” to that standard.⁹ The Legislature’s statements along with the overall decertification scheme makes clear its intent that decertification serve as an *additional* form of accountability, not limited by the measures that policing agencies have already taken to address misconduct by their employees, to ensure that officers meet the “highest standards” of community values and is not limited to addressing only the most egregious acts of police misconduct.

Senate Bill 2 tasks the POST Commission with creating criteria for determining when officers have committed “serious misconduct” and may be “considered for ineligibility for, or revocation of, certification.”¹⁰ The statute identifies as exemplars of “serious misconduct” nine categories, including “demonstrating bias,” which is defined as “bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer’s obligation to carry out their duties in a fair and unbiased manner.”¹¹

³ Sen. Bill No. 2 (2021-2022 Reg. Sess.), §§ 1, 2, subd. (c).

⁴ *Id.* at §§ 1, 2, subd. (d).

⁵ Sen. Com. on Pub. Safety, Rep. on Sen. Bill 2 (2021-2022 Reg. Sess.) Apr. 13, 2021, p. 10.

⁶ *Id.*

⁷ Sen. Bill No. 2 (2021-2022 Reg. Sess.), § 13, subd. (c)(3)(A-B); § 8, subd. (d).

⁸ Sen. Bill No. 2 (2021-2022 Reg. Sess.), §§ 1, 2, subd. (e).

⁹ *Id.* at §§ 1, 2, subds. (a), (d).

¹⁰ Pen. Code, § 13510.8, subd. (b).

¹¹ *Id.* at §. 13510.8, subd. (b)(5).

With respect to the definition of “demonstrating bias,” the RIPA Board recommends that the regulations reflect the following:

1. **Clarify that bias based upon an officer’s perception of an individual’s identity, not only their actual identity, would be a basis for decertification.** The Racial and Identity Profiling Act recognizes that individuals are often treated differently on the basis of their perceived identity, even if it conflicts with their actual identity, and requires officers to track their actions taken on the basis of their perceptions of the identities of members of the public. The definition of racial and identity profiling created by that Act also includes profiling based upon “actual or perceived” identities.¹² It would be consistent with this expressed legislative intent and the reality of how members of the public are acted upon by law enforcement if the definition of bias under the S.B.2 regulations reflected bias-based conduct based upon an individual’s actual or perceived identity.
2. **The definition of bias should explicitly include, but not be limited to, conduct that would constitute illegal profiling as defined by Penal Code Section 13519.4.** The definition of racial or identity profiling within this section includes “the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.”¹³ Violation of these tenets to subject an individual to police action in part because of their identity characteristics is undoubtedly an “abuse of authority” that reflects a “lack of fitness to serve as peace officers” that strikes directly to the heart of the bias the Legislature sought to address, and should be grounds upon which POST may decertify.
3. **Acts or omissions that would render an individual ineligible as a peace officer under Government Code Section 1031.3 should be included as grounds for decertification.** The Legislature recently passed A.B. 846, which required POST to incorporate into its screening materials for assessing the fitness of individuals who apply to be peace officers guidelines for identifying explicit or implicit bias “against race or ethnicity, gender, nationality, religion, disability, or sexual orientation.”¹⁴ In discussing the need for a more intensive process to screen out officer biases, the Legislature cited existing “disparities in stop, search, and arrest rates across demographic groups” and acknowledged that “bias among law enforcement is especially dangerous because of the positions of power they hold.”¹⁵ It further reasoned that it

¹² *Id.* at §. 13519.4, subd. (e).

¹³ *Id.* at §. 13519.4, subd. (e).

¹⁴ *Id.* at § 1031.3.

¹⁵ Sen. Com. on Pub. Safety, Rep. on Assem. Bill 846 (2019-2020 Reg. Sess.) July 31, 2020, p. 4.

was “critical that we require screening of bias during the hiring process and recognize how to take steps to counteract their influence . . . [and] make sure that officers are trained and acting on facts, not biases.”¹⁶ These concerns are equally, if not more, valid when applied to officers that have already been hired and are actively policing our communities. While POST is currently in the process of finalizing regulations to guide the bias assessments of investigators and evaluators, these guidelines should be incorporated into the decertification process, such that individuals who would be deemed ineligible for employment as an officer under these screening guidelines as a result of implicit or explicit bias should also be eligible for decertification.

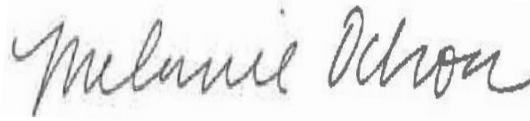
With these recommendation, we want to underscore that the regulations clarifying what conduct constitutes serious misconduct be sufficiently inclusive to incorporate the spirit of recent state legislation pertaining to hiring/screening and the definition of bias in policing. Under the statute, acts that constitute “serious misconduct” serve only as “criteria to be considered for” decertification, but do not mandate decertification. Other jurisdictions utilize very broad language to ensure that officers are aware of the range of conduct that may result in their decertification and provide the certifying agencies with maximal authority to remove officers if the facts justify such action. For instance, in Georgia, its authority can refuse certification or discipline certified peace officers for “any act or omission which is indicative of bad moral character or untrustworthiness,”¹⁷ and in Mississippi, officers’ certificates can be revoked for “an act of malfeasance.”¹⁸ POST should follow this trend to ensure that the California regulations similarly provide sufficient notice to officers and range of discretion to the POST Commission.

Thank you for your time and attention.

Regards,



Steven Raphael
Professor of Public Policy
Goldman School of Public Policy
University of California, Berkeley
RIPA Board Co-Chair



Melanie Ochoa
Director of Police Practices
ACLU of Southern California
RIPA Board Co-Chair

¹⁶ *Id.*

¹⁷ Ga. Code, § 35-8-7.1, subd. (8).

¹⁸ Miss. Code, § 45-6-11, subd. (7)(e).

H.3 Assembly Bill 2547, As Amended June 16, 2022
--Support if Amended



*State of California Racial and Identity
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July 28, 2022

Via Email -

The Honorable Adrin Nazarian
1021 O Street, Room 6230
Sacramento, CA 95814

Re: Assembly Bill 2547, As Amended June 16, 2022 -- Support If Amended

Dear Assemblymember Nazarian:

The Racial and Identity Profiling Advisory (RIPA) Board appreciates the efforts to create an expansive and uniform definition of “biased conduct” in the context of policing to ensure that policing agencies appropriately identify and discipline officers engaged in unlawful biased conduct that harms the public. We understand that AB 2547 responds directly to concerns identified by the California State Auditor, whose April 2022 audit¹ identified officers engaged in biased conduct at several agencies. In response to the audit, AB 2547 is an attempt to address claims by department leadership that the absence of a “clear and exhaustive definition of actions or behavior considered to be bias” caused their inaction in response to known instances of unlawful officer bias.

The RIPA Board writes to respectfully request that AB 2547 be amended to clarify that the definition of bias should include the definition of racial profiling contained in Penal Code section. 13519.4, subdivision (e) and expresses our support for the bill if amended.

“The RIPA Board was formed as part of the Racial and Identity Profiling Act of 2015 (AB 953) and began its work in July 2016. The Legislature charged the Board with an ambitious purpose: to eliminate racial and identity profiling and improve diversity and racial and identity sensitivity in law enforcement. By unifying a diverse group of individuals from across different sectors – law enforcement, civil and human rights, and academia – in a shared cause, the RIPA Board aims to improve law enforcement-community relations in California through collaboration, transparency, and accountability.”² With this mandate, the RIPA Board has a clear interest in the proposed definition of

¹Auditor of the State of California, April 2022 audit: “Law Enforcement Departments Have Not Adequately Guarded Against Biased Conduct.”

<https://www.auditor.ca.gov/pdfs/reports/2021-105.pdf>

² Racial and Identity Profiling Advisory Board, 2021 Annual Report (2018), p. 4

<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2018.pdf>

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biased conduct to be used by policing agencies to ensure any Legislative changes do not interfere with the goals of the Racial and Identity Profiling Act.

AB 2547 delegates to the Commission on Peace Officer Standards and Training (POST) the responsibility to create a definition of “biased conduct” that would provide the definition of biased conduct in any “investigation into a bias-related complaint.” (See, proposed Pen. Code § 13510.6, subd. (a)(2).) It also requires that the definition include “at a minimum” four separate elements, including “conduct resulting from implicit and explicit biases” and clarifies that relevant conduct includes an officer’s statements on social media. (*Id.* at proposed Pen. Code, § 13510.6, subd. (a)(1).)

While it is reasonable to presume that POST would look to and incorporate definitions related to racial bias that already exist within the law in the process of crafting the definition and implementing regulations for AB 2547, we believe that it is important to specify that conduct that would constitute “racial and identity profiling” pursuant to Penal Code section 13519.4, subdivision (e) is also among the minimum requirements of the definition of biased conduct. While the goal of AB 2547 is to ensure that all officers’ biased conduct is identified and acted upon by policing agencies, if acts of racial and identity profiling are not ultimately included in this definition, the law could narrow the scope of biased conduct from what already exists today.

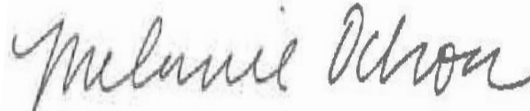
With this minor amendment the Legislature can avoid any possible confusion, and if amended, the RIPA Board would be pleased to support AB 2547.

Thank you for your time and attention.

Regards,



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Melanie Ochoa
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Cc: Michael Adamski, Legislative Director, Office of Assemblymember Nazarian:
Michael.Adamski@asm.ca.gov and the following Senate Appropriations Members and staff:

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- VC Bates: cynthia.bryant@sen.ca.gov
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July 28, 2022

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