

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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STOP DATA ANALYSIS SUBCOMMITTEE MEETING MINUTES

July 21, 2022, 12:03 p.m. - 1:39 p.m.

Subcommittee Members Present: Co-Chair Lily Khadjavi, Co-Chair Steven Raphael, Andrea Guerrero, LaWanda Hawkins, Rich Randolph, Tamani Taylor

Subcommittee Members Absent: Abdul Pridgen

1. Introductions

Co-Chair Raphael called the meeting to order at 12:03 p.m. Co-Chair Khadjavi and each subcommittee member introduced themselves.

2. Approval of March 10, 2022 Subcommittee Meeting Minutes

Member Taylor motioned to approve the minutes. Co-Chair Khadjavi seconded the motion. All members voted “Yes,” there were no “no” votes, and no abstentions.

3. Overview of Proposed Subcommittee Work & Updates by the Department of Justice

Research Data Supervisor (RDSup) Kevin Walker from the Department of Justice (DOJ) Research Center shared updates on the work to support the development of the 2023 RIPA Board Report. He stated that a preliminary draft of the Stop Data Discussion section of the Report was shared for the subcommittee’s review and for discussion. He shared a presentation that addressed additional areas of the 2023 RIPA Board Report that would incorporate stop data analysis, including sections addressing pretextual stops and the profiling of youth and data comparisons with alternative sources. He explained that the graphics he would present to the subcommittee were examples of the types of analyses that were being done for the 2023 RIPA Board Report sections and these examples did not include all of the analyses that were being done.

Mr. Walker stated that the Research Center had begun to analyze stops related to specific violation types (bicycle, jaywalking, and loitering violations) as part of the analyses for the section addressing pretextual stops, in addition to analyses of stops related to traffic violations. He stated that as part of the analysis of stops for bicycle-related offenses, the Research Center analyzed the proportion of bicycle-related stops across racial/ethnic groups and identified that Multiracial, Hispanic, and Black individuals experienced a higher proportion of stops for bicycle violations. He stated that the Research Center also analyzed actions taken by officers during stops and identified that Multiracial, Hispanic and Black individuals were searched, detained curbside or in a patrol vehicle, and were handcuffed during stops initiated for bicycle violations at higher rates when compared to White individuals. He stated that additionally, for the development of the 2023 RIPA Board Report section addressing pretextual stops, the Research Center analyzed the proportion of stops for jaywalking-related offenses across racial/ethnic groups and the proportion of stops for loitering-related offenses across gender groups, across disability types, and across racial/ethnic groups. He stated that the proportion of stops of transgender individuals for loitering violations was much higher than the proportion of stops or cisgender or gender non-conforming individuals. He stated that across disability types, individuals perceived to have a disability, especially individuals perceived to have a mental health disability, had a much larger proportion of stops for loitering violations in comparison with individuals perceived not to have a disability.

Mr. Walker stated that the Research Center would also look at analyses between moving and non-moving traffic violations across various stop outcomes. He explained that per stop data regulation, an officer shall designate the primary type of violation as a moving violation, equipment violation, or non-moving violation in addition to a Vehicle Code (VC) when initiating a stop for a traffic violation. In analyzing this year's data, he highlighted an issue of officers being inconsistent in reporting traffic violation types across violations. He shared an example where officers initiating stops for VC 5200(A), displaying license plates incorrectly, had a quarter of the stops entered as moving violations and three quarters of the stops entered as non-moving or equipment violations despite using the same vehicle code. He shared that vehicle stops for VC 23123(A), using a cellphone while driving, had two thirds of stops entered as moving violations and one third of stops entered as a non-moving or equipment violations despite using the same vehicle code. He stated that these inconsistencies may lead to comparing the same type of traffic violations against itself. He stated that he would like to see more reliable categorization of these types, and has worked with the Civil Rights Enforcement Section (CRES) to develop preliminary language and definitions of moving and non-moving violations that can be used instead of officer-provided categories to avoid inconsistencies.

Mr. Walker defined a moving violation as a violation of the traffic laws while the vehicle is in motion such as speeding or failing to signal before a turn.

Mr. Walker defined a moving violation as a violation of traffic laws aimed at correcting the improper condition of a vehicle rather than unlawful driver behavior, such as expire registration tabs. He stated this also includes a violation of the duties outlined in the traffic laws related to properly maintaining a vehicle, including broken headlights or tail lights, which encompasses equipment violations.

Mr. Walker stated that in addition to analyses aimed at contrasting moving and non-moving violations, he is receiving assistance from Research Center research associates outside of the RIPA Support Section. He stated that Keiko Matsushita and Dr. Matthew Thompson are analyzing if vehicle code traffic violations that occur more frequently result in higher or lower outcomes of consent searches, use of force, or no action taken. He stated that once completed these analyses might be areas of interest to the subcommittee since it can be used to develop specific policy recommendations and interventions around code violations.

Mr. Walker stated that the Research Center would also provide introductory data analysis for the youth stop section of the 2023 RIPA Board Report with the intention to further examine this data in future reports. He stated that preliminary 2021 data shows that 132 School Resource Officers and School Police Officers were assigned a K-12 Public School Assignment type and reported nearly 1,700 stops under the K-12 Public School assignment type. He explained that in addition to an assignment type there is a location type where K-12 Public School officers indicate if a stop was made on the school grounds. He stated that of the stops in the 2021 data only 284 stops were made on K-12 school grounds, which is less than 20%. He stated that the Research Center also looked at all stops that occurred at K-12 school grounds regardless of the officer assignment type and found there were 1,511 reported stops. He stated that this means that less than 20% of stops made on K-12 school grounds were made by K-12 Public School officers. He stated that looking forward the Research Center would look at examinations of the data more broadly to look at age, race, and ethnicity to analyze differences in reason for stop, actions taken during the stop, and results of stop.

Mr. Walker shared that there will be a continuation of the Research Center's analysis of RIPA-reported incidents involving an officer discharging their firearms compared to incidents that were reported to other sources of similar data collection, such as the Use of Force Incident Reporting Database maintained by the Department of Justice under AB 71. He stated that 2020 RIPA use of force data did not align with other sources of similar data collection, and that this spoke to potential issues with collection and reporting of RIPA data. He stated that the Research Center would expand its data comparisons between RIPA use of force data and data from the Use of Force Incident Reporting Database by looking at other types of force such as canine use. He stated that this will help identify if agencies are reporting more incidents under the more narrowly constrained data collection efforts of the Use of Force Incident Reporting Database, which could highlight potential issues in RIPA data quality. He stated that other efforts to examine data quality concerns would be through internal comparisons of RIPA data, which may include looking at moving violations that result in a custodial arrest but lack data entry for an action taken during the stop. He stated that these arrest should be indicating if a stopped individual was removed by force or was asked to exit the vehicle. He concluded his presentation by asking the subcommittee for feedback or questions on this new approach.

4. Discussion regarding Proposed Stop Data Analyses in the 2023 Board Report

Member Randolph asked if data on School Resource Officers was from consensual encounters or encounters where the School Resource Officer received a call regarding a juvenile. Mr. Walker stated that RIPA data is not collected from contact or conversation unless the specific contact or conversation gives rise to constituting a stop as defined by the RIPA government code. Mr. Walker stated that this would need to be a detention or consensual encounter that resulted in a search to be captured in the RIPA data.

Member Taylor asked if in the consent searches data there is information as to when consent is asked or consent is given across racial/ethnic groups to see if there is racial disparity in consent searches. Mr. Walker stated that there is data on when an officer asks an individual for consent to perform a search and when the individual consents to that request. He further stated that the Research Center has looked and can continue to look at the rate at which individuals were asked for consent broken down by racial/ethnic groups.

Subcommittee Co-Chair Khadjavi requested that the board review the preliminary traffic violation definitions of "moving violations" and "non-moving violations" that were presented. She expressed support for distinguishing these terms and recommended creating clarity between driver behavior and equipment since driver behavior may include using equipment like a cellphone in a moving violation. She also recommended explicitly including "equipment" in the non-moving violation definition.

Co-Chair Raphael recommended language to broaden the moving violation definition to include "a violation of traffic laws while the vehicle is in motion or while operating a vehicle." Member Taylor agreed and suggested moving the descriptor of unlawful driver behavior out of the non-moving violation definition and into the moving violation definition. Co-Chair Raphael also expressed support for the Research Center coming up with a business practice that maps the vehicle codes that align with new, preliminary definitions of moving and non-moving violations and receiving external feedback from law enforcement agencies to see if they agree. Mr. Walker agreed that communicating with law enforcement agencies about definitions could be helpful in establishing greater consensus among all agencies. Deputy Attorney General (DAG) Allison Elgart clarified that these preliminary definitions have

been vetted by experts in the areas of policing and stated that these definitions can be edited by the Board or Subcommittee, but to move forward with data analyses it is important to have definitions that are consistent.

Co-Chair Raphael requested that the proportion of stops per racial/ethnic groups be compared to the base population of that racial/ethnic group to identify potential disparities. Co-Chair Raphael also requested a timeline on the new regulations regarding how questions will be asked and separating questions into different pull-down categories, and to inquire if there is flexibility in regulations to update form layout to improve accuracy. DAG Elgart stated that regulations are still pending approval with the Office of Administrative Law (OAL). Supervising Deputy Attorney General (SDAG) Nancy Beninati stated once regulations are approved by OAL researchers can request the data through DOJ protocol immediately, and the data elements and reporting requirements would go in effect January 1, 2024. SDAG Beninati stated that updating form layouts is a project that CRES has been investigating and that it can be presented to the subcommittee at the next meeting.

Member Randolph stated that RIPA data entry has been an adjustment for law enforcement agencies and it would be important to be mindful of form layouts and training periods so that agencies can effectively embrace this change and report accurately. SDAG Beninati concurred and stated it is the intention of the CRES team to think through form layouts that will make it easier for officers to complete the form and be trained with the new dataset.

Member Taylor asked if it is possible to evaluate the duration of stops by race and ethnicity, sexual orientation, and other categorical groups to identify potential disparities. Mr. Walker stated there is RIPA data on the duration of stops and under the revised regulations there will be added clarity as to when an officer should be measuring time. Mr. Walker stated that it is possible to look at specific offense codes and look at average duration of stops with respect to race and ethnicity. Member Randolph suggested using the timestamped data from the call for service or utilizing the recorded time from body-worn cameras to capture data natively instead of manually duplicating data.

Co-Chair Khadjavi suggested looking into how mental health crises are being handled by agencies and municipalities that are implementing alternative approaches, such as the City of West Hollywood increasing the number of ambassadors that are trained in dealing with mental health crises. Member Hawkins stated their support of ambassador programs but expressed concern about public safety if ambassadors are not sent with law enforcement. DAG Elgart stated that the Calls for Service Subcommittee is looking at differing types of crisis intervention models, developing updates from the outcomes of the 2022 RIPA Board Report, and examining ways the State of California is approaching crisis intervention. DAG Elgart said if the Stop Data Analysis Subcommittee has specific questions that she can discuss with the Calls for Service subcommittee. Mr. Walker stated that once new regulations are approved and implemented additional data fields will be added, indicating whether a stop was made during the course of a welfare check or a community caretaking function, providing much needed context on stops.

5. Public Comment

Anthony Beltran with WesTech Environmental asked how they can volunteer or submit ideas and suggestions to the subcommittee. DAG Elgart stated that the best way to participate is through the public comment process and that content may be shared with the subcommittee or board via email at AB953@doj.ca.gov.

6. Discussion of Next Steps

Co-Chair Raphael thanked Mr. Walker for their participation and shared two items for next steps: Revisions to the definitions of moving and non-moving violations and adding a discussion to the next subcommittee meeting about RIPA data entry item ordering and question design to increase efficiency and accuracy. Mr. Walker stated they will prepare analyses on the proportion of time when officers ask for consent and duration of stop as an outcome measure.

7. Adjourn

Co-Chair Raphael thanked Co-Chair Khadjavi, the subcommittee members, and the public for their participation. He thanked Department staff for the presentations and their work for the Board. He adjourned the meeting at 1:39 p.m.