



Racial and
Identity
Profiling
Advisory
Board

Annual Report
Executive Summary
2023

January 1, 2023

EXECUTIVE SUMMARY

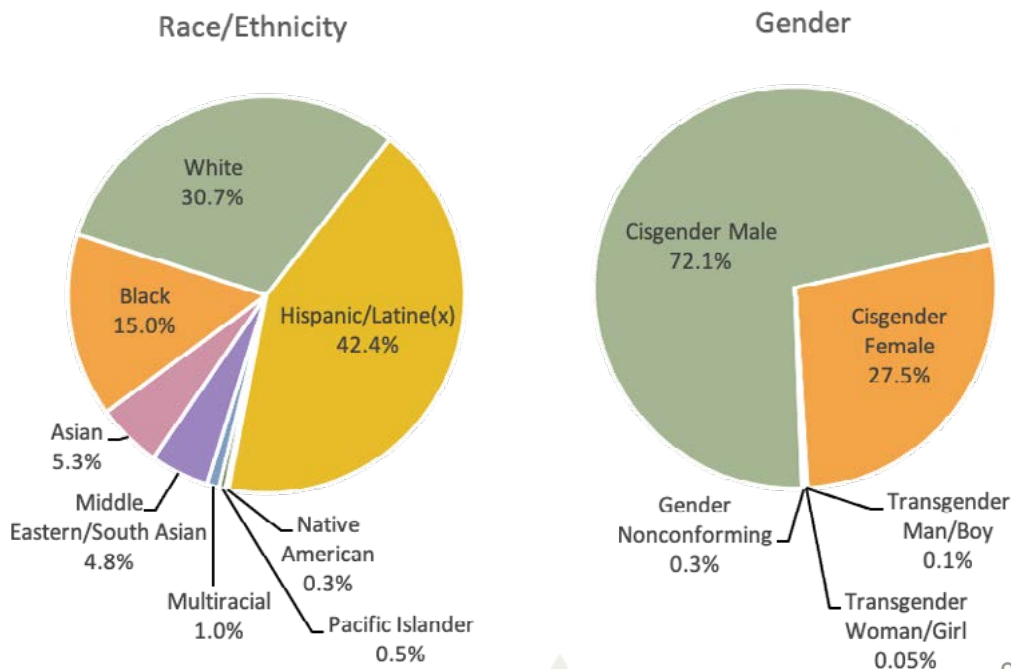
The California Racial and Identity Profiling Advisory Board's ("Board") 2023 Annual Report ("Report") marks the Board's sixth report since the Board's formation in 2016. This Report builds upon the Board's prior work by closely examining a wide range of issues related to racial and identity profiling in policing and how to eliminate this unlawful practice. Over the past four years, the data collected under the Racial and Identity Profiling Act ("RIPA") has provided empirical evidence showing disparities in policing throughout California. This year's data demonstrates the same trends in disparities for all aspects of law enforcement stops, from the reason for stop to actions taken during stop to results of stop.

Specifically, the 2023 Report analyzes the RIPA stop data from January 1, 2021 to December 31, 2021, collected and reported by 58 law enforcement agencies, including the 23 largest law enforcement agencies in California. The Report also explores the negative mental health impacts of adverse law enforcement interactions on individuals and communities and contains a new focus on youth interactions with law enforcement both inside and outside of school. Additionally, the report continues to examine the data and research on pretextual stops and consent searches. In this Executive Summary, the Board highlights specific findings, analyses, and research discussed in more detail in the body of the Report.

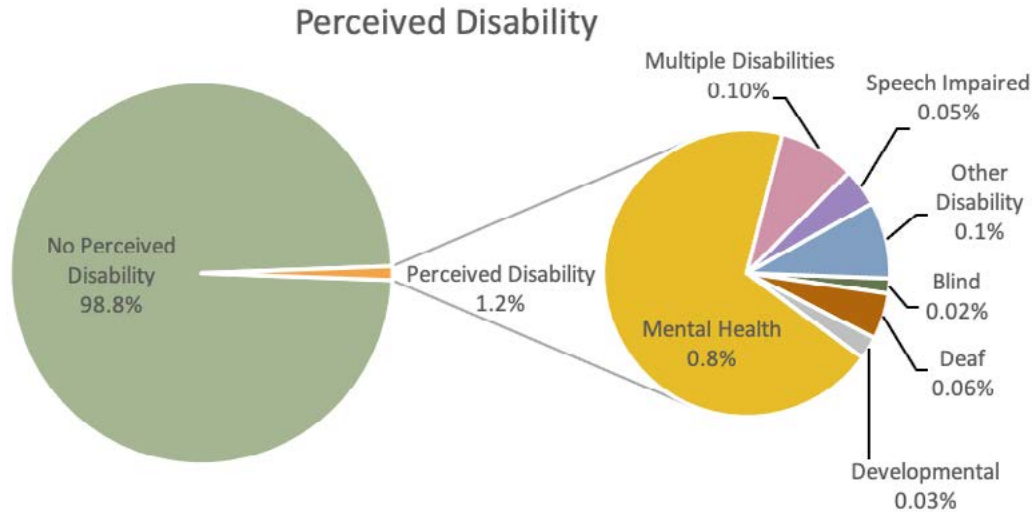
As a supplement to the Report, the Board is also including a list of Recommendations and Best Practices discussed in the Report. The Board encourages all stakeholders, including law enforcement agencies, policymakers, the California Commission on Peace Officer Standards and Training (POST), researchers, advocates and community members, to use these recommendations and best practices as a springboard for discussion and implementation of reforms. These reforms will not only improve public safety in California, but also strengthen law enforcement and community relations. Community input is critical to any reform process. The Board encourages agencies and municipalities to work with community members in effecting change in their communities.

FINDINGS REGARDING RIPA STOP DATA

- Agencies reported over 3.1 million stops during the data collection period, with the California Highway Patrol conducting the most stops of any single agency (54.9%).
- Individuals perceived to be Hispanic/Latine(x) (42.4%), White (30.7%), or Black (15.0%) comprised the majority of stopped individuals.



- The majority of stopped individuals were perceived as either (cisgender) male (72.1%) or (cisgender) female (27.5%), together accounting for 99.7 percent of individuals stopped.
- Officers perceived 1.2 percent of the individuals they stopped to have one or more disabilities. Of those perceived to have a disability, the most common disability reported by officers was a mental health condition (75.1%).



- The most commonly reported reason for a stop across all racial/ethnic groups was a traffic violation (86.8%), followed by reasonable suspicion that the individual was engaged in criminal activity (10.5%). Relative to other racial/ethnic groups, Black individuals had the highest proportion of their stops reported as reasonable suspicion (16.2%) and the lowest proportion of their stops reported as traffic violations (80.5%).
- To provide context for the racial distribution of stops by the reporting agencies, the Board compared the stop data to residential population data from the American Community Survey that was weighted to correspond with the jurisdictions of the reporting agencies. Black and Hispanic/Latine(x) individuals represented a higher proportion of stopped individuals than their relative proportion of the weighted California residential population.

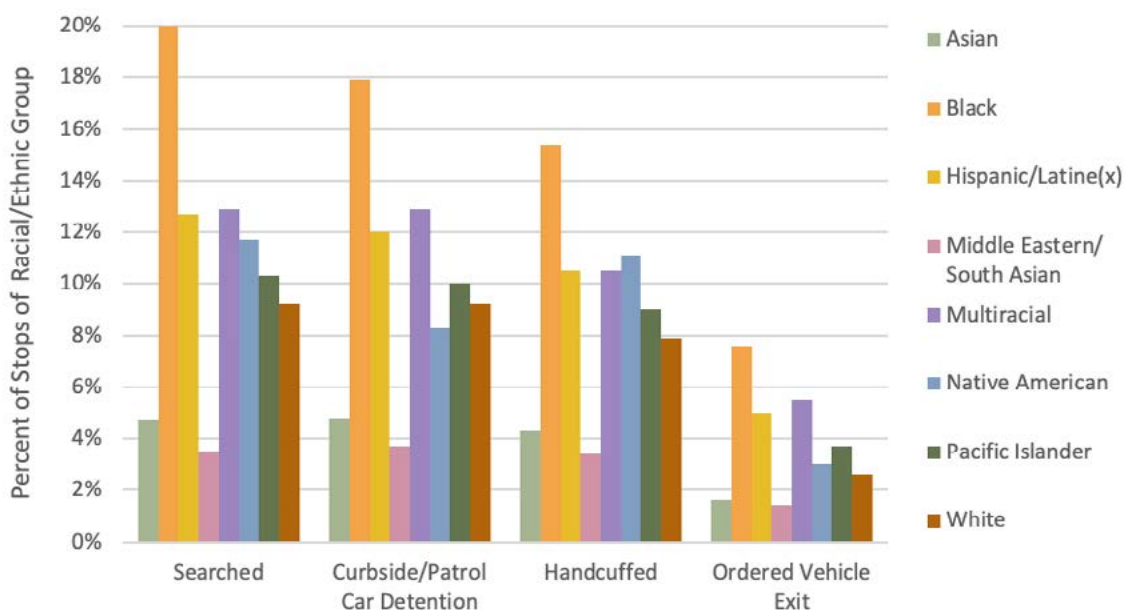


The Board analyzed when officers reported using force during a stop. Findings indicate that:

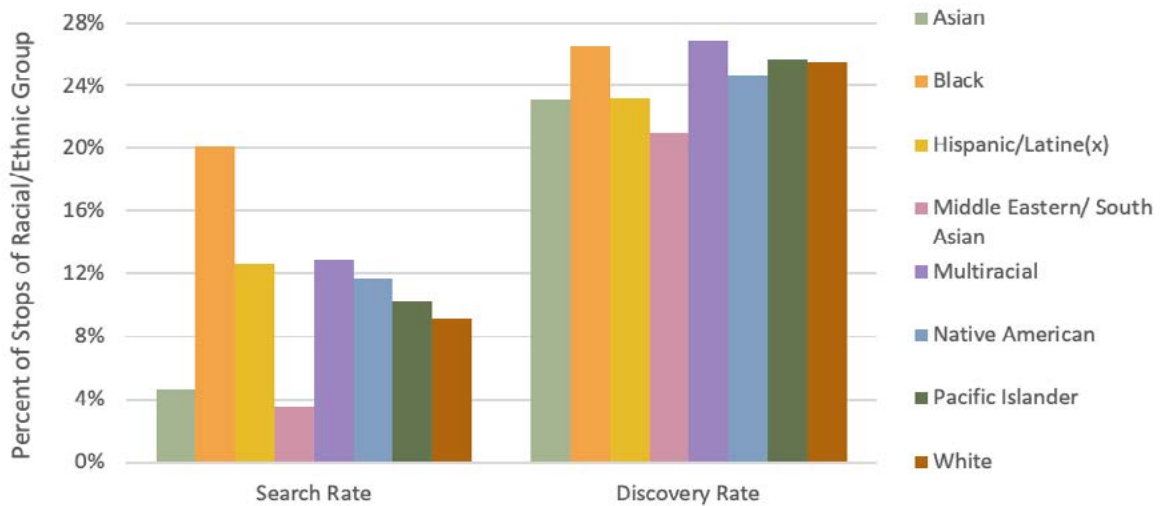
- Black and Hispanic/Latine(x) individuals were more likely to have force used against them compared to White individuals, while Asian and Other individuals were less likely to have force used against them. Specifically, the odds of having force used during a stop were 1.24 times and 1.09 times as high for Black and Hispanic/Latine(x) individuals, respectively.

The Board also analyzed the actions taken during stops. Findings indicate that:

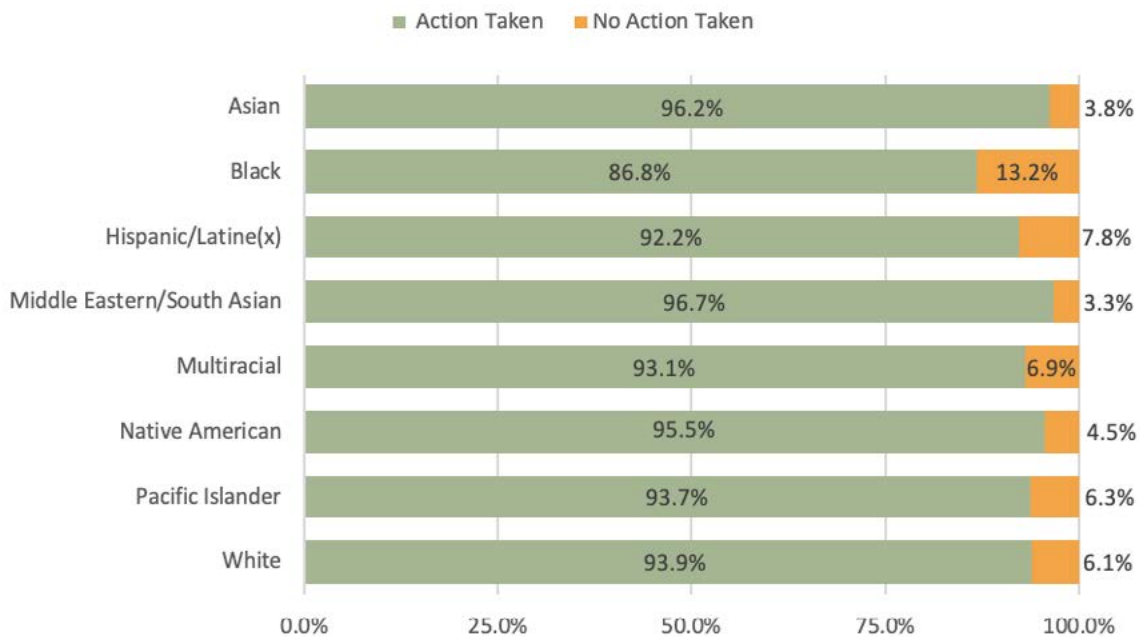
- Stopped individuals whom officers perceived to have a disability were searched (45.9%), detained on the curb or in a patrol car (46.0%), and handcuffed (49.4%) at a much higher rate than individuals perceived not to have a disability (11.4% searched, 10.8% detained, and 9.3% handcuffed). Individuals whom officers perceived to have a disability had a lower rate of being removed from a vehicle by order (3.3%) compared to individuals who were not perceived as having a disability (4.3%).
- Within all racial and ethnic groups, the highest observed percentage of stops in which officers handcuffed, searched, or detained individuals curbside or in a patrol car was for adolescents (10-14 years old and 15-17 years old). Within intersections of perceived age and racial and ethnic identity, Black adolescents (10-14 and 15-17 years old) were detained curbside or in a patrol car (36.2-44.5% of the time), searched (39.9-42.4% of the time), or handcuffed (33.5-36.5% of the time) during a higher percentage of stops than any other combinations of race and ethnicity and age groups. The RIPA data reveals that 15-17 year old Black youth are searched at nearly six times the rate of White youth, and 15-17 year old Hispanic/Latine(x) youth are searched nearly four times the rate of White youth.
- Overall, of all the racial and ethnic groups, stopped individuals whom officers perceived to be Black had the highest rate of being searched (20.1%), detained on the curb or in a patrol car (17.9%), handcuffed (15.4%), and removed from a vehicle by order (7.6%). Similar to findings from the 2022 Report, officers searched and removed from vehicle by order more Black individuals than White individuals, despite stopping over twice the number of White individuals as Black individuals.



- Additionally, search discovery rate analysis showed that stopped individuals of all racial or ethnic groups of color, with the exception of Asian and Middle Eastern/South Asian individuals, had higher search rates compared to individuals perceived as White. Stopped individuals perceived to be Black were searched at more than two times the rate of White individuals.



- Officers also report the result of each stop (for example, warning or citation given, arrest, or no action taken). Officers reported taking no action as the result of stop most frequently during stops of individuals they perceived to be Black compared to individuals of other racial/ethnic groups, indicating those stopped Black individuals were not engaged in criminal activity.



MENTAL HEALTH IMPACTS OF BEING POLICED

The Board examined recent research showing that police interactions can negatively impact the mental and physical health of individuals who are Black, Indigenous, Hispanic/Latine(x) and other people of color. Research shows that the types of contact and frequency of involuntary contacts with law enforcement may have a harmful impact on the individual stopped, triggering stress responses, depressive symptoms, anxiety, and other related negative mental health impacts. This research suggests that racial and identity profiling goes beyond the criminal legal system and policing; it is also a critical public health issue.

Urban policing practices over recent decades has experienced a movement toward a proactive or aggressive policing approach, wherein officers employ active engagement tactics with individuals in “high crime areas” to discover “imminent” criminal activity. The predominant police contact in large cities is with young Black and Hispanic/Latine(x) males, who experience stark differences from their White peers in how they are treated during law enforcement encounters.

The threat or act of calling the police on Black and Hispanic/Latine(x) individuals can expose them to risk of a range of serious, negative psychological effects. Research shows that bias-based calls to law enforcement – also known as bias by proxy – can be weaponized against innocent people of color as a form of racial intimidation that can cause terror in the victim, given the history of police brutality and use of force against Black, Hispanic/Latine(x), Indigenous, and other people of color.

The Board reviewed studies and surveys of Black individuals living in urban areas, and the researchers suggest that individuals who are stopped experience high rates of distress, a sense of injustice, feelings of hopelessness, and even feelings of dehumanization. Rather than bolster public safety, increased police presence may have the opposite effect and erode the community’s feeling of security. For Black individuals, merely seeing the police can increase anxiety levels, and interacting with officers correlates with higher distress, anxiety, trauma, and depression. Higher levels of police intrusion also corresponded with worse mental health. Heightened police surveillance can have especially acute mental health impacts on youth.

Based on the research, the Board believes that public health officials and policymakers should treat racial and identity profiling and adverse policing as significant public health issues. It is imperative to recognize that police interactions can negatively affect the mental and physical health of individuals who are Black, Hispanic/Latine(x), Indigenous, and people of color. Doing so could help significantly reduce the high stress, community fragmentation, and poor health outcomes among community members who experience targeting of their neighborhoods and aggressive policing practices. Given this, adequate resources should be invested to understand and address the health implications of racial and identity profiling.

PRETEXT STOPS

This year the Board continues examining pretextual stops and searches. A pretext stop occurs when an officer stops someone for a lawful traffic violation or minor infraction with the intention to use the stop to investigate a hunch regarding a different crime that by itself would not amount to reasonable suspicion or probable cause. While pretext stops are legal, this practice is widely criticized and often described as a fishing expedition, which is supported by the data that shows these types of stops do not yield high rates of contraband or evidence.

The Board reviews historical policing practices and policies that may have encouraged the use of pretextual stops and then breaks down the different types of stops that would be considered pretextual. Because pretextual stops allow officers to exercise significant discretion, explicit and implicit bias may influence officers’ decisions to make a stop and their actions during the stop. Research shows that traffic stops are the number one reason people encounter law enforcement and are the greatest

source of Black-White disparities among routine law enforcement activity.

- Research shows Black Californians are more likely to have force used against them during a traffic stop and are about three times more likely to be injured, shot, or killed by the police relative to their share of the state's population. Nationally, the majority of killings by law enforcement arose out of an incident involving a traffic violation or a law enforcement response to a non-violent offense.
- The RIPA data reveal Black individuals were 4 times as likely, Hispanic/Latine(x) individuals were 2.4 times as likely, and Multiracial individuals were 2.2 times as likely as White individuals to be asked for consent to search during a traffic stop. Yet RIPA consent search data from 2019 to 2021 show a continued trend of officers being least likely to find contraband in the possession of these groups as compared to those perceived to be White.
- Similar to consent searches, searches based on a person's supervision status (e.g., parole, probation, etc.) do not require the officer to suspect any criminal wrongdoing. RIPA data show Black individuals stopped for traffic offenses are 5.2 times as likely to experience a search based solely upon supervision status compared to White individuals stopped for traffic offenses. Contraband was discovered during only 15 percent of all traffic stops involving supervision only searches and even less frequently when these types of stops (involving a supervision only search) were of individuals perceived to be Black (12.3%) or Hispanic/Latine(x) (14.2%).

In addition to a broader analysis of traffic stops, the Board also examined a narrower subset of stops that can be pretextual in nature – including stops for bicycle-related violations, stops of pedestrians for roadway violations (such as not crossing at a designated intersection or failure to obey a traffic sign), or loitering stops – to determine if certain violations are disparately used against certain groups of individuals.

- Out of all stops, the Board found that people perceived to be Multiracial, Hispanic/Latine(x), or Black comprise a larger percentage of those stopped for bicycle violations than those who are perceived as White.
- During stops for bicycle violations generally, the rates of search, curbside or patrol car detention, and handcuffing were much higher compared to stops for all other reasons, and officers performed searches during 37.5 percent of stops for bicycle-related violations compared to 11.8 percent of all other stops. Compared to overall action rates during bicycle violation stops described above, an officer was more likely to search, detain, or handcuff individuals who were perceived to be Multiracial or Hispanic/Latine(x) and more likely to detain or handcuff individuals perceived to be Black.
- Pedestrian roadway violations were identified as the reason for a stop a higher proportion of the time when individuals stopped were perceived to be Black (0.81%), White (0.80%), and Multiracial (0.66%). Compared to the average rates among pedestrian roadway stops, officers more frequently searched, detained, and handcuffed individuals when they perceived them to be Multiracial, Black, or Hispanic/Latine(x). Individuals whom officers stopped and perceived to be Black were 2.6 times as likely to have no action taken at the end of a stop for a pedestrian roadway violation than those who were perceived as White.
- When disaggregated by race, loitering violations made up a larger percentage of stops when the individual was perceived to be Black (1.68%), White (1.27%), or Multiracial (1.05%). For gender identity, loitering violations made up a larger percentage of all stops when officers perceived individuals to be Transgender Men/Boys (4.55%) or Transgender Women/Girls (4.36%) – four times higher than the overall proportion of stops that were for loitering (1.03%). In addition, loitering stops made up a 6 times larger percentage of total stops for people with perceived mental health disabilities and a 4 times larger percentage of total stops for people with another disability

compared to those perceived to have no disabilities.

Focusing on intelligence-led and evidence-based stops have the potential to reduce disparities and profiling while focusing on public safety. Research indicates reducing pretextual stops will not have a negative impact on public safety.

- Pretextual stops do not often result in the recovery of contraband or weapons.
- Pretextual stops are costly. Data show that officers spend a significant amount of time –nearly 80,000 hours in 2019 – on traffic stops that lead to no enforcement action or discovery of contraband. For local law enforcement departments, 28,000 of those hours were spent on enforcing non-moving violations, which are more likely to be pretextual.
- Studies by the National Highway and Traffic Safety Administration (NHTSA) suggest traffic safety measures such as automated speed enforcement and red-light cameras can improve public safety while reducing officer discretion.

In an effort to reduce disparities shown by the data and make policing practices fairer, safer, and more equitable, some law enforcement agencies, municipalities, and states are working to end pretextual stops and searches. In addition to ending pretext stops, several municipalities are considering broader strategies to reduce the footprint of policing in traffic enforcement, including: (1) limiting the use of fines and fees for traffic violations to reduce the collateral effect of some pretextual stops; and (2) creating a traffic program that involves unarmed civilians rather than law enforcement. The Board highlighted the policies of several cities in California and around the country that have been developing civilian traffic departments.

The Board encourages stakeholders to create data-driven policies to improve public safety and develop innovative ways to address racial and identity profiling through eliminating pretextual stops. Specifically regarding high discretion pretext stops and searches, which are vulnerable to bias, the Board calls on the Legislature, law enforcement agencies, and local district attorneys to examine emerging approaches, including:

- (1) Identifying and taking action to limit enforcement of traffic laws and minor offenses that pose a low risk to public safety and show significant disparities in the rate of enforcement.
- (2) Limiting armed law enforcement responses with respect to traffic enforcement by allowing for stops only if there is a concern for public safety and explore amending the vehicle code to more broadly move traffic enforcement out of law enforcement's purview (e.g., to a civilian traffic unit).
- (3) Prohibiting certain searches, such as consent searches or supervision searches, during traffic stops and instead requiring probable cause for any search.
- (4) Eliminating all pretextual stops and subsequent searches and ensuring that a stop or search is based on reasonable suspicion or probable cause, respectively.

The Report also discusses models implemented in various jurisdictions aimed at eliminating disparities related to pretextual stops. These models contain key provisions other law enforcement agencies and municipalities may wish to explore when developing their own policies. Based on these models, the Board makes the following recommendations:

- (1) The Board recommends agencies' policies should prescribe the specific types of prohibited stops and, thus, limit the discretion officers have to determine what can be characterized as a public safety stop.

(2) The Board recommends that the Legislature evaluate moving to a probable cause standard for stops that the RIPA data shows have a statistically significant disparate outcome with little benefit to public safety.

(3) Policies should prohibit specific types of enforcement actions traditionally allowed in the absence of probable cause or reasonable suspicion. Specifically, the Board believes that law enforcement policies should prohibit both consent searches and supervision searches unless there are articulable facts establishing probable cause that a crime has been committed.

(4) The Board recommends that the Legislature prohibit asking an individual their probation, parole, or supervision status, unless there are articulable facts establishing probable cause that a crime has been committed.

Similarly, the Board explored various policies implemented by district attorneys aimed at reducing disparities related to pretext stops. Many of these policies contain several core components the Board recommends that district attorneys consider when developing strategies to address pretextual stops, namely:

(1) Declining to file charges that stem from a pretextual stop or search.

(2) Creating policies that direct deputy district attorneys to decline to file possessory charges based on a search that occurred during a traffic encounter or misdemeanor offense, such as a consent or probation search.

(3) Developing directives that clearly prescribe the types of stops that are restricted or prohibited, such as obstructed window or expired registration.

Lastly, the Board examined new laws in other states that rely on a variety of approaches to end pretextual stops. The Board recommends several considerations for the California Legislature to review when evaluating potential state policy reforms:

(1) Consider various measures, including prohibiting consent searches or creating primary and secondary traffic enforcement systems, and how the measures might reduce disparities and inequitable enforcement of laws.

(2) Consider addressing pretextual stops beyond just traffic violations, such as pedestrian-related stops (for example, policies that address stop-and-frisk, such as in the State of New York).

(3) Consider creating a package of reforms to address and end pretextual stops that includes decriminalization as a core component.

It is also important for agencies, district attorneys, and lawmakers to work with the communities they serve to develop their own policies to address pretextual stops in addition to looking at new types of traffic enforcement programs.

YOUTH CONTACT WITH LAW ENFORCEMENT

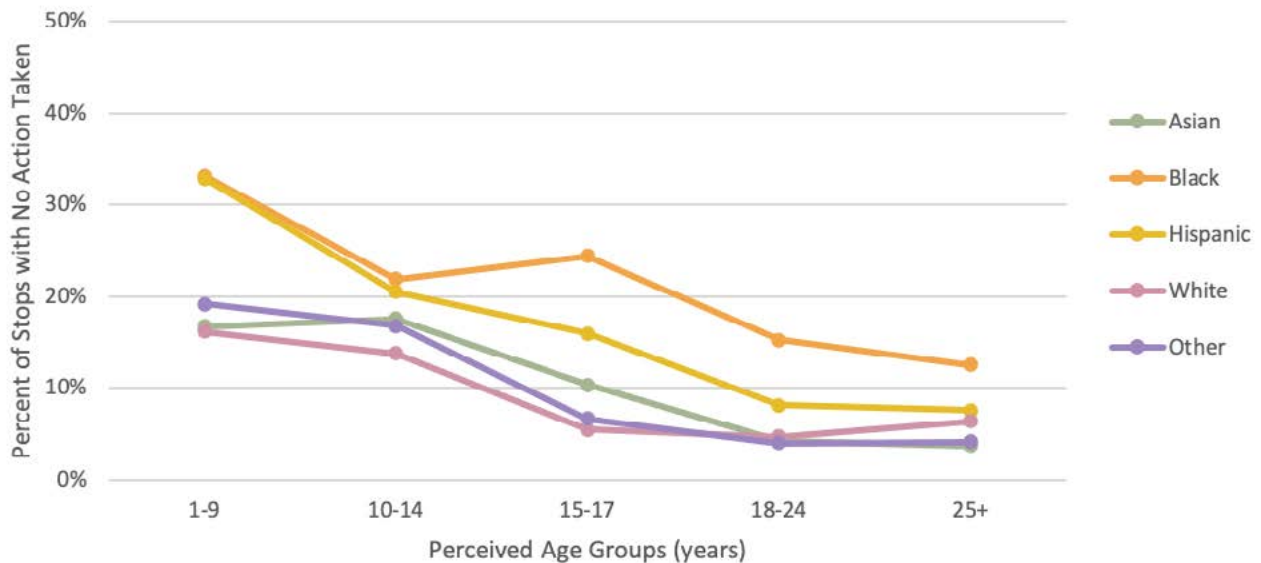
Children and adolescents can face the same treatment as adults during police encounters – they may be detained, searched, handcuffed, pepper sprayed, tased, and even shot. When these encounters go wrong, the consequences can be devastating and have far-reaching effects that go beyond what the data show. The Board highlights several high-profile incidents where the officer’s lack of consideration for the age of the youth involved resulted in the child being harmed.

In addition, the Board examines the data to better understand the experience of youth when

interacting with law enforcement. Research shows that Black and Hispanic/Latine(x) youth are more likely than White youth to experience direct contact with law enforcement. The data reveal that 15-17 year old Black youth are searched at nearly six times the rate of White youth and Hispanic/Latine(x) youth are searched at nearly four times the rate of White youth. Black adolescents are also detained curbside or in a patrol car, searched, or handcuffed during a higher percentage of stops than any other combinations of race and ethnicity with age groups. Black youth are also more likely than their White peers to be stopped and detained for identical behavior, including minor offenses like vandalism and disorderly conduct, and are more likely to have force used against them. Studies also show that misbehavior by youth of color is more likely to be treated as a disciplinary or policing issue, unlike misbehavior by their White peers, which is more frequently perceived as a “behavioral health concern” to be addressed by school officials instead of police.

The Board also carefully evaluated disparities in stops that result in officers taking no reportable action to determine whether the stop was sufficiently supported by reasonable suspicion or probable cause and whether it should have occurred in the first place. The largest disparity between racial groups in the percent of stops that result in no reportable action taken occurs in the 15- to 17-year-old age group. Within this age group of stopped individuals, officers took no action with Black adolescents 24.4 percent of the time, Hispanic/Latine(x) adolescents 15.8 percent of the time, Asian adolescents 10.3 percent of the time, adolescents in other racial/ethnic groups 6.6 percent of the time, and White adolescents 5.5 percent of the time.

Rate of No Reportable Action Taken as Result of Stop by Age and Racial and Ethnic Group



Additionally, the Board examined consent only searches, which are searches in which the only basis provided by the officer is “consent given.” The highest percentage of stops with consent only searches was reported among individuals who were perceived to be both Black and between the ages of 15 and 17 years old. This data may reflect the fact that youth may not know their rights or feel comfortable declining an officer’s request to search their person or property.

The Board also reviewed field interview card data. Officers can fill out field interview cards to record and track contacts made during stops, investigations, and arrests; the field interview cards may be used to then enter data into law enforcement databases, such as the CalGang Database, which tracks potential gang membership. Within the different age groups, officers completed field interview cards during a higher percentage of stops of individuals perceived to be 10-14 years old from all perceived racial and ethnic groups (Black 19.1%, Hispanic/Latine(x) 16.4%, Asian 11.3%, White 10.1%, and Other 8.6%). The Board expresses concerns about including youth in police databases after a field interview

card is completed – both because of their greater vulnerability and willingness to comply with authority figures and answer officers’ questions, but also because children may not be able to weigh the long-term consequences of speaking to the police about information that could later be put into a database. The Board encourages policymakers and law enforcement agencies to consider additional protections and safeguards for youth, given the potential long-term negative consequences.

The Board also explored the increase in school-based law enforcement, which has increased contact with law enforcement for recent generations of youth. In the U.S. Department of Education’s 2015-16 Civil Rights Data Collection, California school districts reported 2,080 onsite law enforcement officers and 4,228 security guards in schools. Data show that 6.3% of students (390,072 students) in California attended schools where law enforcement was present, but the school did not have a counselor.

The Board reviewed data from state and national sources regarding student safety before exploring the relationship between student safety and school-based law enforcement. While often the motivation for establishing school-based law enforcement is increasing public safety, incidents of school violence and safety issues decreased over the decade between 2009 and 2019, except for school shootings. Researchers have found that school resource officers (SROs) do not prevent gun-related incidents and the presence of SROs increases the use of suspension, expulsion, police referral, and arrest of students. These increases were consistently greatest for Black students, male students, and students with disabilities.

Moreover, students who experience higher rates of disciplinary exclusion, such as suspensions, expulsions, and transfers to alternative schools, may also be at higher risk for contact with the criminal legal system. Over the past decade, rates of suspensions and expulsions declined within California schools. However, studies show that students of color, students with disabilities, and LGBTQ+ students are more likely to experience disciplinary exclusion compared to their peers, although evidence does not suggest higher rates of problematic behavior.

Given this research, the Board asks that policymakers consider if additional protections for youth should also extend to other areas of law enforcement practice, such as consent searches and field interview cards. Youth may also need additional protections and safeguards prior to waiving any rights, particularly if any statements they make could be used against them in criminal proceedings. Additionally, youth may respond differently in an encounter with officers than adults. Policymakers may also consider how use of force policies and practices can be reformed to take into account the physical and developmental differences of youth.

The Board emphasizes the importance of creating policies or laws that account for the vulnerability of youth and plans to review additional policy recommendations and best practices for student disciplinary issues and policy recommendations regarding school-based police.

RACIAL AND IDENTITY PROFILING POLICIES AND ACCOUNTABILITY

Several high-profile police killings, especially the killing of George Floyd, have catalyzed a national movement calling for deep systemic changes that would reduce the persistent violence against Black Americans by police officers. At the heart of the movement is an outcry for police accountability. Most law enforcement agencies have internal processes that should hold officers accountable. However, many of these processes are hindered by various institutional failures and hurdles. When these internal mechanisms failed to curtail misconduct, jurisdictions created external agencies to serve as additional checks on agencies. The Report surveys a variety of police accountability mechanisms. There are many factors that contribute to the effectiveness of internal accountability mechanisms. Such mechanisms often rely on civilian complaints or internal complaints, where sworn officers hold other sworn officers accountable, as discussed in more detail in the Report. The effectiveness of internal mechanisms may depend on officers dutifully carrying out processes that are established by the agency, having checks on both the processes and officers to ensure they are adhering to established policies, and the

commitment to accountability from the agency's leadership.

The Report discusses the effects of agency culture, the role supervisors may play in shaping that culture, and data and policy analysis used to promote accountability. A law enforcement agency's culture regarding accountability influences the efficacy of internal affairs and other departmental accountability systems. Supervisors play an integral role in building and shaping a department's culture and encouraging accountability. Internal affairs departments are a first line mechanism for accountability; a law enforcement agency has the most direct access to the officer in question and the evidence surrounding allegations of misconduct. Agencies should also conduct data analysis to provide concrete evidence of the impact of a practice on the community and review and revise their policies as needed.

Some jurisdictions have created accountability mechanisms external to law enforcement agencies, depending on the community's resources and desire for change. All accountability systems are better when they are integrated and take a holistic view so that there are different checks on the officers and agency that people feel they can count on. The Board reviews the following external accountability mechanisms:

- Attorney general oversight;
- Civil litigation mechanisms;
- Criminal oversight;
- Civilian review boards, including the various types and guiding principles for effective civilian review boards;
- Inspector generals, highlighting characteristics of successful inspector generals and providing examples of the Offices of Inspector Generals that oversee the Los Angeles Police Department and Los Angeles Sheriff's Department;
- Police commissions, discussing commissions in San Francisco, Oakland, Los Angeles, and Burbank; and
- San Francisco Department of Police Accountability, a unique government department that oversees and is independent from the police department.

While these mechanisms may overlap, a concerted and integrated effort among them is more likely to achieve accountability. Because communities have varying resources and needs, there is not a one-size-fits-all model. Different agencies and municipalities may try different approaches to fit their community's needs. As the Board emphasizes throughout this Report, the community should be involved in making the decisions about what approach will be the best fit. In the future, the Board would like to review the efficacy of accountability mechanisms and discuss efficacy measures. The Board would also like to discuss the limitations faced by accountability mechanisms, particularly those that may be experiencing retaliation from law enforcement agencies.

CALLS FOR SERVICE AND BIAS BY PROXY

The Report discusses the role dispatchers play in racial and identity profiling. Dispatchers play an integral role in the response to and outcome of a call for service for a number of reasons. They serve as the conduit between the 911 caller and the response team. A dispatcher interacts directly with the 911 caller – hearing the voice and tone of the caller and any background noises – and can ask questions as necessary. The dispatcher then makes the choice to (1) send law enforcement; (2) send a crisis intervention team in jurisdictions that have them; (3) send out a medical or fire team; or (4) not send out a team at all. Thus, the ability to discern whether a call is about a non-violent crisis, such

as a mental health or substance abuse episode, or improperly fueled by bias, is an important skill. Additionally, the response team relies on the information gathered by a dispatcher. That information may influence how a team responds to a particular incident and may set the stage for or prevent a volatile interaction.

The Report examines why dispatchers might be reluctant to not send law enforcement teams and examines several resources that can be utilized to help a dispatcher make better-informed decisions on responses to calls for services, such as:

- **Technology and Information:** California's 911 call system is also being updated to Next Generation 911 (NG911) to keep pace with current technology. This system will give dispatchers access to more information as they answer calls, such as text messages and videos;
- **988 Suicide and Crisis Lifeline:** 911 dispatchers will work contemporaneously with a newly created mental health crisis hotline, 988, to reduce law enforcement response to crisis calls. The 988 system will help stem law enforcement response to calls in which a mental health response or substance abuse response is the more appropriate response; and
- **Resource Line and Database – 211:** Services are also available through another three-digit phone number, 211. It is a free phone number and online database that connects people to local health and human services, such as food, housing, child care, utility assistance, crisis intervention, disaster response information, and more.

POST is updating its dispatcher training course to include training on mental health, crisis intervention, and de-escalation techniques, and the effects of implicit and explicit biases. As POST updates and develops the Dispatcher Basic Training Course, the Board recommends that POST:

- (1) (a) Create a bias training for dispatchers that must be attended by all dispatchers at least once a year; (b) mandate participation in bias training to be repeated, sustained, and reinforced as further research supports; (c) and perform an annual review and update of the bias training for quality assurance and effectiveness;
- (2) Develop an assessment tool beyond an oral interview for determining potential bias of applicants during dispatcher hiring;
- (3) Develop outreach strategies for hiring dispatchers such that dispatchers are representative of the diversity of the community they serve; and
- (4) Offer guidance to local law enforcement agencies regarding social media investigations or inquiries in the hiring of dispatchers.

In last year's Report, the Board highlighted a number of local programs around the country that were developing alternatives to armed officers responding to crises. These programs, in cities such as San Francisco, Sacramento, Oakland, Denver, and Los Angeles, consist of trained, unarmed professional crisis response teams that can respond to calls for service and help individuals in need of mental health or other support. In this Report, the Board provides updates from these programs, including expansions or changes in procedure in the past year. In short, these crisis intervention programs are continuing to provide care to their community and expanding to add new teams or additional service times. This expansion means fewer crisis calls are answered by law enforcement, which reduces contact between individuals in crisis and the police and the criminal legal system. A community response means more referrals to treatment and fewer calls that end with individuals in handcuffs. Critically, crisis intervention teams rarely called for police reinforcement, which indicates that alternatives to law enforcement are successful at providing crisis response without risking public safety.

The Report also discusses a number of federal- and state-level funding resources for communities looking to set up crisis intervention programs. Additionally, the Report describes the funding of the

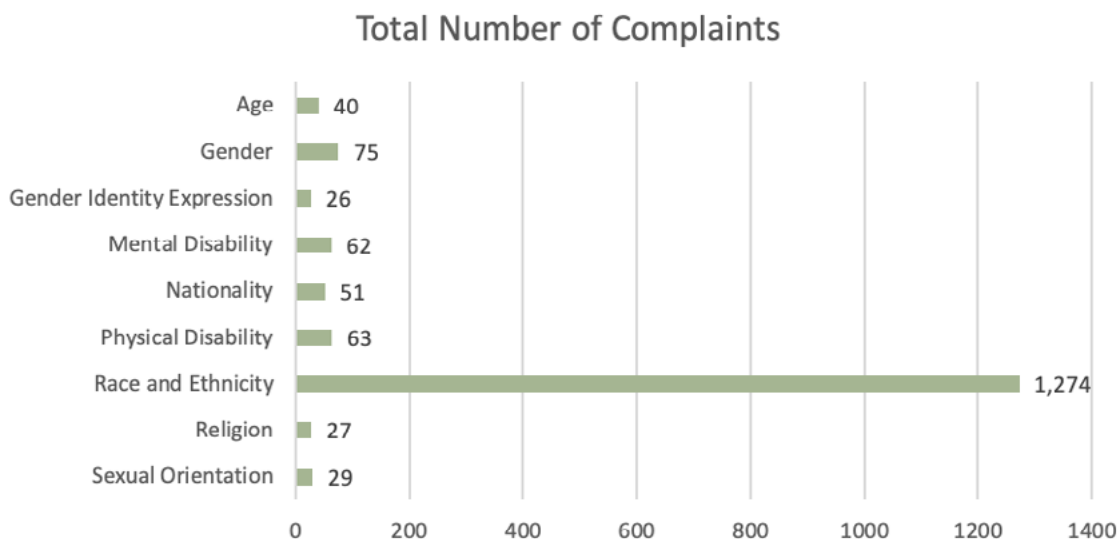
programs described above. The various programs referenced in this Report draw funding from sources such as city funds, grants, or the service of volunteers.

CIVILIAN COMPLAINTS

The Report includes an analysis of civilian complaints received in 2021 by 688 law enforcement agencies in California, including the 522 RIPA reporting agencies. RIPA agencies reported 10,088 complaints in total, and 10,490 complaints reached a disposition in the 2021 calendar year. Of the complaints that reached a disposition, 992 (9.5%) were sustained, 1,076 (10.3%) were not sustained, 3,496 (33.3%) were exonerated, and 4,926 (47%) were unfounded.

RIPA agencies reported 1,426 complaints alleging an element or elements of racial or identity profiling, constituting 14.1 percent of the total complaints reported by RIPA agencies in 2021. Within those 1,426 complaints, there were 1,647 allegations of identity profiling. This is because some civilians alleged more than one type of identity profiling, such as profiling based on both their nationality and religion. Complaints alleging race and ethnicity profiling constituted approximately 77 percent of the 1,647 allegations of identity profiling. The figure below provides a breakdown of the allegations within those complaints.

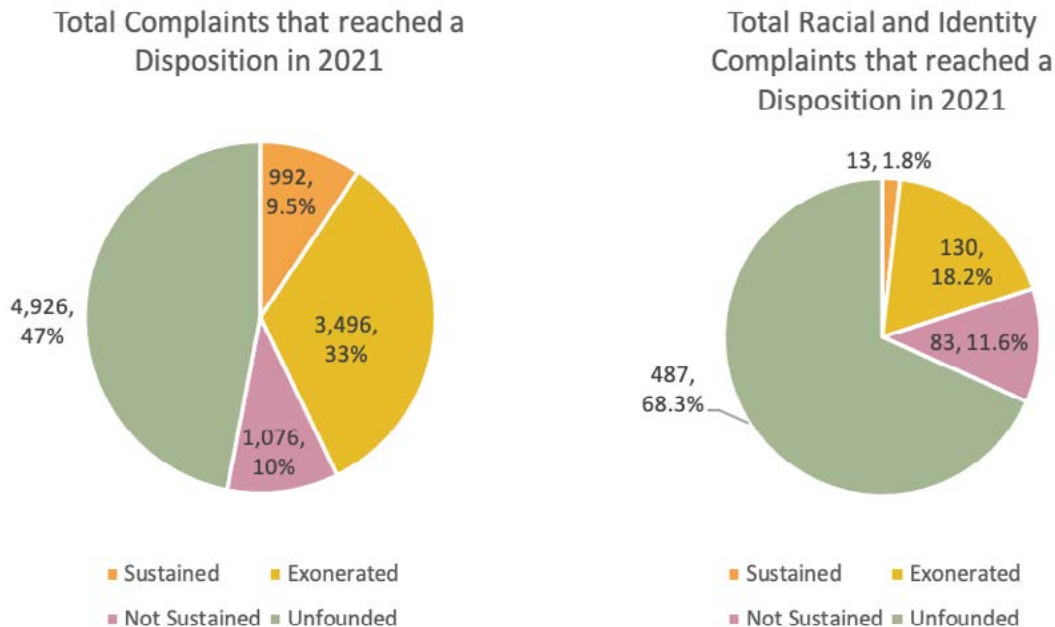
Total Allegations of Racial and Identity Profiling Reported in 2021



Of the 1,426 complaints alleging identity profiling, 713 reached a disposition in 2021: 13 (1.8%) were sustained, 83 (11.6%) were not sustained, 130 (18.2%) were exonerated, and 487 (63.8%) were unfounded.

The figure below displays the distribution of disposition types within the 2021 data for (1) all complaints that reached disposition and (2) complaints of racial and identity profiling that reached disposition.

Disposition Distribution of 2021 Complaints



The Report contains more details and a breakdown of complaint numbers for Wave 1, 2, and 3 agencies. Notably, Wave 1 agencies experienced an increase in the total number of complaints alleging racial and identity profiling, while Wave 2 and 3 agencies experienced a decrease. However, there was no clear correlation between the total number of complaints and the number of profiling complaints received within each wave. Wave 1 agencies experienced a 3.5 percent decrease in the total number of complaints, but an 18.2 percent increase in the number of complaints alleging racial and identity profiling. Wave 2 agencies experienced a 30.1 percent decrease in total complaints and a 1.4 percent decrease in profiling complaints. Wave 3 agencies experienced a 6.5 percent decrease in total complaints and a 22.7 percent decrease in profiling complaints.

In addition to data analysis, the Report contains a comprehensive discussion of best practices for each step of civilian complaint process. These practices aim to ensure that the complaint process is accessible and meaningful to members of the community as well as law enforcement. Standardizing the complaint process, ensuring that all complaints are investigated, and encouraging regular and transparent communication with complainants allows members of the community to feel heard and that their input is valued. Additionally, these practices allow agencies to develop a better understanding of the facts underlying each complaint, which, in turn, may assist in the identification of personnel issues affecting the agency. Accordingly, the Board encourages law enforcement agencies to review the best practices discussed in this Report and incorporate them into their complaint practices.

Lastly, the Board renews its recommendations to the Legislature to (1) define “civilian complaint” in Penal Code section 832.5 and (2) modify or eliminate the requirement stated in Penal Code section 148.6 that law enforcement agencies obtain a signed acknowledgement regarding criminal sanctions before accepting civilian complaints.

POST TRAINING AND RECRUITMENT

As required by law, the Commission on Peace Officer Standards and Training (POST) is the independent state agency responsible for all training and regulations for peace officers throughout California and is charged with developing minimum standards, disseminating guidelines, and certifying training. As part of its mandate under RIPA, the Board has reviewed and made recommendations on curriculum, videos, online course materials, and classroom training. The Board's review of POST's trainings and expenditures provides public insight into: (1) the quality of the course and training offerings and suggested revisions and improvements, (2) how effective the trainings are at reducing racial and identity profiling, and (3) how POST funding for law enforcement training is utilized.

This Report highlights the Board's reviews and commentary on two courses that focus on racial and identity profiling: Learning Domain 42 (LD 42), the Basic Academy course on Cultural Diversity/Discrimination, and the Museum of Tolerance's (MOT) curriculum for trainers entitled "Racial and Identity Profiling Train-the-Trainer." The Board's comments varied among the courses, including but not limited to the following: the courses should contain meaningful discussion regarding unlawful racial or identity profiling behavior and accountability for engaging in such behavior; the courses should include discussion of disparities shown in RIPA data and evidence-based content around profiling; the courses should discuss the history of policing; MOT and POST should work continuously to update course materials much more frequently in collaboration with community members; the Board expressed concerns that MOT and POST only dedicated a year to update MOT's curriculum after the course was not substantially updated for 20 years; the Board members would have liked the opportunity to observe the facilitation of the course; the Board would like to receive data measuring the effectiveness of POST's trainings; the courses should refer to racial *and identity* profiling throughout the training, rather than focusing only on racial profiling; the facilitation team should include non-law enforcement representatives; and the courses should aim for trainees to leave with the understanding that addressing bias can actually lead to better outcomes. The Report contains a more detailed discussion of Board commentary for both courses.

The Report lists a number of recommendations for consideration by the public, the Legislature, POST, and law enforcement agency executives. These include, but are not limited to:

- Providing the Board with information on how the Board's recommendations were incorporated into the courses;
- Expanding the size of the POST Commission to add additional public members to ensure more diverse representation from the public non-sworn community; conducting an audit or fiscal analysis of POST's funding for training to determine the most effective use of training funds;
- Requiring Field Training Officers to take extensive racial and identity profiling training prior to providing field training to newly certified Academy graduates;
- Mandating that POST create measures of effectiveness of its certified courses;
- Incorporating RIPA data into POST course framework and using real-life situations in the training;
- Increasing public participation by having the RIPA Board's course feedback and best practice recommendations discussed at public POST Commission meetings, developing a community engagement plan, and hiring a community engagement coordinator;
- Updating the Train-the-Trainer course more frequently, and proactively engaging with the community and a diverse group of stakeholders to review and provide recommendations regarding new course content; and
- Expanding the collaborative partnerships to different organizations that can receive funds for designing the curriculum and delivering the training.

The Report also reviews analyses, studies, and audits regarding POST training of peace officers and dispatchers from the Legislative Analyst’s Office, The Little Hoover Commission, and the California State Auditor.

Additionally, the Board provided comments to POST regarding its regulations relevant to racial and identity profiling, including AB 846, which required POST to develop regulations around screening for bias in the hiring process, and SB 2, which required POST to define “serious” misconduct for purposes of evaluating peace officers for decertification.

The Board looks forward to continued dialogue with POST to explore how racial and identity training can become a more effective tool for officers in the effort to eliminate racial and identity profiling in California.

PUBLIC USE OF RIPA DATA

To understand the utility and effectiveness of RIPA data, the Board invited several organizations to present on how they have used RIPA data in their communities. The Report highlights how the Public Policy Institute of California, Neighborhood Legal Services of Los Angeles County, and the Center for Policing Equity have all analyzed RIPA data to identify racial disparities in policing practices across California.

RIPA REGULATIONS

The Report summarizes the amendments to the regulations implementing RIPA, which were approved by the Office of Administrative Law on August 5, 2022. The Attorney General’s Office amended the regulations to improve accuracy and consistency of the reported stop data. The goal of the amendments is to assist the Board, law enforcement agencies, independent researchers, and the public in tracking, analyzing, and learning how racial or identity profiling may occur in order to develop solutions and policy changes.

The Report highlights some key changes to the regulations, which include requiring officers to report whether they perceive stopped individuals as unhoused, clarifying existing obligations so reporting will be more streamlined for officers, and outlining a process for researchers and the public to access stop data. California Code of Regulations, title 11, section 999.28, related to how agencies report stop data to the Department and how members of the public can access the stop data, is effective as of August 5, 2022, while California Code of Regulations, title 11, sections 999.224, 999.226, and 999.227, related to data collection, are effective on January 1, 2024.

RELEVANT LEGISLATION ENACTED IN 2022

The Report includes a section on recently enacted legislation related to RIPA that may require updated trainings and revisions to agencies’ policies and procedures. The legislation highlighted in the Report deals with reform to background investigations for officers, implementation of a 988 number to handle mental health and crisis incidents, and decriminalization of pedestrian roadway violations, among others.