CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD
https://oag.ca.gov/ab953/board

<u>STATE AND LOCAL RACIAL & IDENTITY PROFILING POLICIES</u> SUBCOMMITTEE <u>MEETING NOTICE AND AGENDA</u>

<u>**Wednesday, September 30, 2020**</u>

10:00 AM

<u>**Via Blue Jeans video and telephone conference ONLY**</u>**. The public is encouraged to join the meeting using the "Join Meeting" link below. The "Join Meeting" link will provide access to the meeting video and audio. We recommend that you login 5-10 minutes before the start of the meeting to allow sufficient time to set up your audio/video, and to download the Blue Jeans application, if desired.**

Join Meeting

(Join from computer or phone)

A phone dial-in option will also be available.

Number: (408) 317-9254
Meeting ID: 108 097 371

1. INTRODUCTIONS (3 min.)

2. APPROVAL OF MAY 27, 2020 SUBCOMMITTEE MINUTES (2 min.)

3. UPDATE ON SUBCOMMITTEE WORK BY THE DEPARTMENT OF JUSTICE (45 min.)

4. DISCUSSION OF PROPOSED SUBCOMMITTEE REPORT CONTENTS (45 min.)

5. PUBLIC COMMENT (15 min.)
    Both the Blue Jeans application and dial-in number will permit public comment

6. DISCUSSION OF NEXT STEPS (10 min.)

7. ADJOURN

Documents that will be reviewed during the meeting will be available in the Upcoming Meeting section of the Board's website https://oag.ca.gov/ab953/board at least one day before the meeting.

The meeting will begin at the designated time. Other times on the agenda are approximate and may vary as the business of the Board requires. For any questions about the Board meeting, please contact Anna Rick, California Department of Justice, 1515 Clay Street, Suite 2100, Oakland, California 94612, ab953@doj.ca.gov or 510-879-3095. If you need information or assistance with accommodation or interpretation requests, please contact Ms. Rick at least five calendar days before the scheduled meeting.

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD
https://oag.ca.gov/ab953/board

STATE AND LOCAL RACIAL AND IDENTITY PROFILING POLICIES AND ACCOUNTABILITY SUBCOMMITTEE MEETING MINUTES

May 27, 2020 – 1:10 p.m. – 2:45 p.m.

Subcommittee Members Present: Subcommittee Co-Chair Andrea Guerrero, Subcommittee Co-Chair Warren Stanley, David Robinson, LaWanda Hawkins, Melanie Ochoa, Oscar Bobrow, Sahar Durali, Tim Silard
Subcommittee Members Absent: Micah Ali

1. **Introductions**
   Subcommittee Co-Chair Guerrero called the State and Local Racial and Identity Profiling Policies Subcommittee to order at 1:10 pm. The meeting was held with a quorum of members present.

   Co-Chair Guerrero welcomed Member Ochoa to the Board and Subcommittee. Member Ochoa shared that, in addition to serving on the Board, she is a Senior Staff Attorney with the ACLU of Southern California.

2. **Approval of the Subcommittee Meeting Minutes**

   MOTION: Member Robinson made a motion to approve the October 23, 2019 subcommittee meeting minutes. Subcommittee Co-Chair Stanley seconded the motion.

   APPROVAL: Three subcommittee members in attendance voted "yes" (Guerrero, Robinson & Stanley); there were no "no" votes and two abstentions (Ochoa & Durali).

3. **Overview of Proposed Subcommittee Work by Department of Justice**
   Allison Elgart from the DOJ stated that the first Board meeting of the year was canceled due to COVID-19. She explained that the DOJ would review Wave 2 law enforcement agencies' policies and discuss a survey of law enforcement agencies with the subcommittee, and that the DOJ would like to hear Board member recommendations regarding the report contents. Ms. Elgart noted that the review of policies was a continuation of the work that the subcommittee began in 2019 with the Wave 1 reporting agencies.

4. **Update on Review of Wave 2 Bias-Free Policing Policies by Department of Justice**

Domonique Alcaraz from the DOJ discussed the Board's review of Wave 1 agencies' bias-free policing policies. She stated that the review was based on the best practices included in the 2019 RIPA Board Annual Report. She explained that before the matrix was finalized, it was provided to agencies with a request for feedback. Ms. Alcaraz stated that this year the review would include Wave 2 agencies. She explained that a paragraph describing key elements of each agency's policies were included in the meeting materials and requested Board member feedback regarding the matrix and review process.

Member Ochoa requested that the DOJ follow up with Wave 2 agencies and ask how each agency has incorporated bias-free policing across policies, for example, in policies about bias-free policing training. She recommended that the DOJ provide the Board information about agencies' adherence to RIPA reporting requirements. Subcommittee Co-Chair Guerrero stated that the DOJ is working closely with reporting agencies and requested an update regarding monitoring of the data integrity. She added that the work of the subcommittee in 2019 focused on data integrity and recommended that the Stop Data Analysis subcommittee continue to monitor data integrity.

Subcommittee Co-Chair Guerrero requested that the DOJ follow up with Wave 1 agencies and ask about any change in policy in the last year. Member Durali recommended reviewing if the agencies' policies address remedial action. She stated that research demonstrates that policies that do not address accountability do not produce results. She stated that the existing category "supervisory review" is too vague. Member Durali recommended that for the agencies showing a checkmark for supervisory review an explanation of the supervisory review should be provided in the paragraph about the agency's policies.

Member Bobrow stated that supervisory review was not included in the policies of five of the agencies. He stated that the lack of policies addressing supervisory review undermines civilian complaint processes and the ability of agencies to address violations of bias-free policing policies. Co-Chair Guerrero requested that the DOJ follow up with the Wave 1 and Wave 2 agencies to request their policies about supervisory review and request an explanation if there is not a supervisory review policy. Ms. Alcaraz stated that the DOJ would follow up with the agencies.

Member Ochoa recommended that the Board provide best practice recommendations and a model policy regarding the handling of civilian complaints. Member Robinson stated that it would be challenging to have uniform policies for handling civilian complaints across agencies, as differences in agency size and staffing impact these policies. He stated that he supported the recommendations discussed and believes that analysis of the

data will direct the policies work. Subcommittee Co-Chair Stanley agreed that it would be difficult to produce a model policy for handling civilian complaints that would work for all law enforcement agencies.

Subcommittee Co-Chair Guerrero stated that the Board should include a model policy for accountability in the report to then evaluate individual agency's policies in this area. She recommended that the Board review agencies' COVID-19 enforcement policies. Subcommittee Co-Chair Stanley stated that the CHP was not including COVID-19 enforcement in stop data reports because all encounters were purely educational. Member Robinson stated that the Kings County Sheriff's Office (KCSO) had not done any COVID-19 enforcement, but he had seen videos of enforcement on social media. He stated that COVID-19 was the current public health crisis, but over time, there will be distinct public health crises. He added that it would be possible to track stops related to enforcement of a government code section. He stated that, during the Shelter-in-Place period, KCSO had seen a decrease in stops overall and was not responding to calls for service related to social distancing requirements but was taking the calls as informational. Member Robinson stated that this might result in a period of data that is markedly different from the full data set. Co-Chair Stanley agreed that traffic volume was down significantly, and there were fewer stops.

Member Durali recommended that the Board address use of force related to COVID-19 enforcement and bias-free policing policies related to COVID-19 enforcement. Co-Chair Guerrero requested consideration of how the Board can address public health crises in its report.

5. **Discussion of Proposed Subcommittee Report Contents**
Ms. Elgart reviewed the Draft Report Outline and stated that there is the opportunity to address additional areas of subcommittee interest in the report. Anna Rick from the DOJ shared an update about a Proposed Decision by the Commission on State Mandates about LEA reimbursements related to stop data reporting. She also stated that CRES and the Research Center had begun to develop a survey to identify the resources and activities that LEAs are engaging to advance the goals of RIPA. She explained that the DOJ proposes to include Wave 1 and Wave 2 agencies in the full survey and Wave 3 agencies in the portion that is not related to data analysis. Ms. Elgart asked that the subcommittee consider making the survey results part of the policies section of the Board report. Ms. Rick read the draft questions related to the adoption of model policies based on the Board's recommendations. She stated that the intention is to provide information about LEA actions based on the work that the Board has produced.

Subcommittee Co-Chair Guerrero asked if a question about accountability and supervisory review could be added to the survey. Ms. Elgart stated that it might be best to address each agency's policies related to supervisory review in the review and discussion about agencies' policies because the survey is asking how the agencies are using the Board reports. She stated that in the Board's meetings during 2019 there were questions about the impact that the Board's recommendations and data analysis have within agencies. She stated that it would be possible to make supervisory review an aspect of the survey but that this could also be addressed with the agencies in following up on the policies review.

Ms. Beninati stated that it would be important to ask agencies how they are using the stop data in a way that looks at accountability, for instance, at the officer level, how sergeants are looking at data. She stated that this was separate from the big picture question about how departments are analyzing their data. Ms. Beninati stated that DOJ is developing training that will also address accountability. Sub-committee Co-Chair Guerrero stated that the process-based questions about how agencies have changed policing to incorporate the stop data are valuable. She stated that in addition to learning how the processes are changing, it is necessary to ask, either in the policy review or in the survey, "Did you hold somebody accountable and what were the outcomes of your accountability process?"

Member Bobrow asked when the Board could expect the agencies' responses. Ms. Elgart stated that the DOJ goal was to send the survey out in several weeks, allowing 30 days for responses with additional time for follow-up, and to share the information at the September Board meeting. Ms. Beninati stated that the survey responses could be a central discussion at the next subcommittee meeting or the Board meeting.

6. **Public Comment**
Karen Glover stated that it was not clear that LEAs are mandated to do data analysis, but they are encouraged to do the analysis. She noted that in the review of Wave 2 agencies' policies, five of the six agencies do not have a component on data analysis. She stated that until there is a connection with agencies doing data analysis, accountability would be difficult to achieve. She stated that the Lexipol policy does not address supervisory review. She added that research shows that in policing, direct line supervisors have one of the most influential roles in accountability. She stated that remediation, what occurs to address accountability, is not discussed in the policies. She added that research, which included interviews with San Diego Police Department officers, is showing a lack of officer buy-in concerning data collection. Dr. Glover asked if the Board has established a baseline number of complaints an agency has received during the initial data collection

period, and racial and identity profiling practices for comparison with the agencies' complaints and polices in five or six years.

Richard Hylton stated that LEAs' performance fails to meet up with LEAs' policies. He stated that the use of force data shows that the San Diego Police Department uses police dogs ten times more often with black people than with white people, and the discussion should focus on performance.

Julie Alley from the Santa Monica Coalition for Police Reform commented that AB 392 mandates new standards for the use of deadly force and asked how the subcommittee was addressing the new mandate in model policies and follow-up with LEAs about accountability procedures.

7. **Discussion of Next Steps**

Subcommittee Co-Chair Guerrero stated that DOJ would follow up with agencies about supervisory review and data analysis policies and add a question about accountability and supervisory review to the LEA survey. She stated that the subcommittee would consider content for the report, including law enforcement pandemic response.

8. **Adjourn**

Subcommittee Co-Chair Guerrero adjourned the meeting at 2:25 p.m.

Wave 2 Agency Bias-Free Policing Policies Review

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

Oakland Police Department (Oakland Police): The Oakland Police Department has an eight page, stand-alone policy titled "Prohibitions Regarding Racial Profiling and Other Bias-Based Policing," effective November 15, 2004. In addition to this stand-alone policy, there is a section in the Rules and Regulations for All Members and Employees that touches on conduct towards others.[1] Both policies can be found on Oakland Police's website. The stand-alone policy defines racial profiling and includes a statement on the limited circumstances in which characteristics of individuals may be considered. In addition to the definitions, the policy provides examples of racial profiling and establishes that consent searches should not be based on actual or perceived race, ethnicity, national origin, gender, age, religion, sexual orientation, or disability. At the outset of the policy, there is a purpose statement establishing that the policy reaffirms the Oakland Police's commitment to providing service and enforcing laws in a fair and equitable manner and to establish a relationship with the community based on trust and respect. To assist with this community relationship building, the policy includes a section on communication with the community when conducting stops. The policy also includes a component on racial and identity training. Oakland Police's Report Writing Manual section R-01 "Field Interviews & Stop Data Report," primarily details how officer should record RIPA stop data but it also expresses how this data is used by the agency "as a critical component of risk management" whose goal "is to reduce the risk of negative disparate impact on the community by enhancing precision policing, understanding racial disparities" among other things.

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

---

[1] Section 314.04 "Conduct Towards Others – Harassment and Discrimination" that became effective September 30, 2010.

Sacramento Police Department (Sacramento Police): The Sacramento Police has a stand-alone bias-based policing policy dated June 5, 2017. The policy is available on the agency's website. The policy explicitly prohibits the detention, interdiction, or disparate treatment of any person based on their actual or perceived characteristics by their officers and the policy states that complaints of such behavior will be thoroughly investigated. The policy defines bias-based policing and racial profiling. It includes recommended components on the limited circumstances in which characteristics of individuals may be considered, communication with the community, and training. Sacramento Police's bias-based policing policy does not provide guidance regarding the collection or use of demographic data associated with stops, detentions or seizures conducted by its officers. General Order 210.09 governs the agency's RIPA compliance. The bias-based policing policy requires officers to report knowledge or information they may have about conduct that would violate this policy. The policy also provides for supervisory review, which requires supervisors to monitor and examine all police activities of those in their command to ensure they follow the general order and do not engage in bias-based policing or racial profiling. Moreover, the policy accounts for an Administrative Review of citizen complaints and concerns relating to its bias-free policy to ensure officers are conducting stops and citizen contact in accordance with the policy. Although this review is designated as annual, the Professional Standards Unit provides complaint data "on demand" to the Captain to review and act on, but there is no indication how often this may occur. In a similar vein, Sacramento Police updated its "Internal Investigation Manual – RM 220.01" to more accurately track complaints alleging "profiling" as a standalone allegation. Sacramento Police has also recently implemented an administrative "Use of Force Review Board" which meets monthly to review use of forces that do not involve firearm discharge or death. This review will include whether the officer adhered to the bias-based policing policy in addition to use of force laws and agency policies.

Fresno Police Department (Fresno Police): The Fresno Police has a stand-alone[2] policy that was effective June 1, 2020. The policy defines racial or bias-based policing and includes a component on the limited circumstances in which characteristics of individuals may be considered. There is a component on encounters with the community, which requires officers engaging in non-consensual encounters to be prepared to articulate a sufficient reasonable suspicion to justify the contact. It also includes a component on officer training and encourages members to familiarize themselves with racial and cultural differences if they have not yet received training. The policy discusses the collection of stop data through Cal DOJ's Stop Data Collection System pursuant to AB 953. The policy makes clear that is it the responsibility of all members of Fresno Police to prevent, report, and respond appropriately to discriminatory or biased practices. The policy addresses supervisory review which details an annual review conducted by the Audit & Inspections Unit. According to the policy, that unit reviews the Internal Affairs database for complaints alleging bias and reviews meeting minutes detailing complaints received at the Chief's Advisory Board committee meetings. The results of the annual review are then published in their Annual Bias-Based Policing Report, which details recommendations regarding training issues, policies and procedures, and changes in federal or state mandates. The annual reports previously included analysis of traffic stop data but Fresno

---

[2] Fresno PD's policy is provided by a private corporation through a paid subscription service offered to law enforcement agencies around the country.

Police currently plans to no longer include this in their reports because it will submits stop data to Cal DOJ. Fresno Police's website includes links to Cal DOJ's OpenJustice website, where their stop data will be publicly available, and the AB 953 webpage where RIPA Board reports, which include stop data analysis, can be accessed. The bias-based policing policy is referenced in two other policies regarding interactions with transgender individuals and personnel complaints.

Orange County Sheriff's Department (Orange County Sheriff): The Orange County Sheriff has a stand-alone[3] policy on "Bias Free Policing" and a separate policy on "Racial and Identity Profiling Act (RIPA)." The Bias Free Policing policy defines racial profiling or bias based policing and includes a component on the limited circumstances in which characteristics of individuals may be considered. There is no component on encounters with the community. The policy includes a component on officer training and encourages members to familiarize themselves with racial and cultural differences if they have not yet received training. The policy makes clear that is it the responsibility of all members of Orange County Sheriff to prevent, report, and respond appropriately to clear discriminatory or biased practices. The RIPA policy delineates the data fields that must be reported. Neither policy includes a component on data analysis or addresses supervisory review. The Bias-Free Policing policy has a section titled "supervisor responsibility" in which the S.A.F.E. Division Captain should review the Orange County Sheriff's efforts to prevent racial/biased based profiling and submit any concerns to the Sheriff but it is not direct supervisor review. Separately, the Internal Affairs Unit Manager and the Captain or an authorized designee are required to ensure all data regarding civilian complaints and stops are collected and reported. Orange County Sheriff reported that the Technology Division was primarily overseeing the collection of RIPA data, but Orange County Sheriff formed a working group to determine how to analyze and review the data being sent to the Department after they realized they needed to ensure the proper information was being recorded.

Long Beach Police Department (Long Beach Police): The Long Beach Police issued a special order on bias-free policing on September 2, 2020. The special order is in effect until it is included in the agency's Department Manual. Additional relevant content is provided in the Department's Policy Manual sections "3.2 General Responsibilities – Employees" and "3.4 Conduct Toward the Public." These policies are available on the Long Beach Police's website; the new special order is not yet available online. The new special order includes definitions of racial profiling, biased policing, and specified characteristics. It also includes a component on the limited circumstances in which characteristics of individuals may be considered. Section 3.4 includes a section on encounters with the community in which officers are required to provide their names and department IDs or those of other officers upon request. Additionally, the special order requires to officers inform members of the community with the reason for the contact either at the beginning or the end of an encounter to avoid misunderstandings. Under the new order, supervisors are required to ensure compliance and initiate investigations when violations are alleged. Moreover, supervisors must ensure employees are not retaliated against for reporting suspected instances of biased policing. The policies and special order do not discuss

---

[3] Orange County Sheriff's policy is provided by a private corporation through a paid subscription service offered to law enforcement agencies around the country.

annual training on bias/racial profiling, stop data analysis, and accountability. The agency issued a special order on stop data collection in December 2018. That special order requires all stop data to be reviewed to ensure there is no identifiable information included and that the Administration Bureau complete a quarterly audit. Long Beach Police has stated that they are developing a stop data dashboard to provide commanding officers with the ability to analyze the type of stops, reasons for stops, searches conducted, and actions taken in the field by their officers.

San Jose Police Department (San Jose Police): The San Jose Police has a stand-alone policy that was last revised on February 15, 2011. In addition to this policy, there are two other policies that touch on bias-free policing, namely the "C 1305 Equality of Enforcement" and "C 1308 Courtesy" sections. All three of these policies are available online. The stand-alone bias-based policing policy includes a definition of bias-based policing and explains that biased actions can occur throughout the stop and not only upon initiation of the stop. The stand-alone policy does not contain an explanation of the limited circumstances in which characteristics of individuals may be considered. Policies C 1305 and C 1308 explain in detail how an officer should conduct themselves during encounters with the community. None of the three policies address bias/racial profiling training. The San Jose Police also has a separate policy on "L 5109 Documenting Detentions Pursuant to the Racial and Identity Profiling Act of 2015 (AB 953)." None of its policies discuss data analysis, accountability, or supervisory review. San Jose Police informed DOJ that it does have a procedure for data analysis that is not detailed in its Bias-Based Policy. It contracts with Police Strategies LLC to analyze its AB 953 compliance and to conduct a racial disparity assessment for their annual force analysis report. It also hired the University of Texas at El Paso and San Antonio to statistically analyze the stop data. Additionally, San Jose Police has separate policies and procedures for accountability and supervisory review. All personnel are expected and bound to follow the prohibition against discriminatory policing and a commitment to equality in enforcement in anything they do. San Jose Police supervisors can hold their officers accountable through civilian complaints alleging bias based policing – whether or not they are founded. If a civilian complaint's allegations of bias based policing are determined to be unfounded then, as a follow up, a Supervisory Referral Complaint is made. When a Supervisory Referral Complaint is made, a supervisor or captain must discuss the interaction and officer's behavior and what, if any, impact it could have on the department's operations.

Sacramento County Sheriff's Department (Sacramento County Sheriff): The Sacramento County Sheriff does not have a stand-alone bias-free policing policy. Applicable content is included in the General Order: Detentions, Arrests, Search Seizure, and Immigration Enforcement and General Order: AB 953 RIPA Compliance. Both of these policies are not available online at the agency's website. The Detentions, Arrests, Search Seizure, and Immigration Enforcement General Order includes the definition of racial or identity profiling provided in Cal. Penal Code section 13519.4(e) and a component on the limited circumstances in which characteristics of individuals may be used. Sacramento County Sheriff puts the responsibility on every member of its agency to prevent, report, and respond appropriately to dispel discriminatory or biased practices. This General Order discusses encounters with the community, specifically discussing encounters with non-English speaking persons, persons with wheelchairs and other devices, and persons who are deaf or hard of hearing. The AB 953

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

4 | 3

General Order details the stop data required to be collected and discusses supervisory review. Supervisors are required to review and approve or reject each officer's AB 953 stop data reports. This review is limited to ensuring there is no unique identifying information sent to Cal DOJ. Neither general order includes information about racial and identity profiling training or data analysis. While neither policy details data analysis, Sacramento County Sheriff reported to DOJ that it conducts data analysis on AB 953 stop data and uses the analysis for training and improvement in serving its community. Sacramento County Sheriff stated that it provides Principled Policing and Bias Based Policing training to its officers on an ongoing basis; this training is not referenced in their policies. Furthermore, Sacramento County Sheriff informed DOJ that as of January 2020, the Principled Policing course has been incorporated into the agency's academy curriculum.

Wave 1 Agency Bias-Free Policing Policies Follow-Up

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

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

San Diego Police Department (San Diego PD): San Diego PD updated its Non-Bias Based policing policy in February 2020 to include many of the key components recommended by the board. The policy touches on training and the expectations the agency has for its officers. For example, while the previous policy stated officers should make every effort to prevent or report instances of discrimination, the new policy specifies how to do so. Additionally, the policy is clear that those who engage in, ignore, or condone discrimination will be subject to discipline. The policy also now includes supervisory review to ensure compliance with RIPA. San Diego PD reported to DOJ that they have implemented various oversight measures to ensure officers are correctly submitting RIPA data. For example, officers are required to include information on every RIPA stop data submitted in their daily journals. Officer actions that generate reports and RIPA stop data collection, including arrests and detentions, require officers to include language that RIPA entries were submitted before their reports are approved by their supervisors. San Diego PD informed DOJ that it released a training bulletin regarding the auditing of RIPA data by supervisors and command staff in January 2020. The training bulletin details that on a monthly basis, sergeants must audit RIPA entries for two members of their squad on a rotating basis. If discrepancies are found, the sergeant must discuss this with the officer and a next level supervisor must be briefed to determine if this is an ongoing issue that requires corrective action. Moreover, the training bulletin requires any reporting discrepancies identified in the monthly reviews and how those were addressed must be noted and documented through quarterly management reports.

San Bernardino County Sheriff's Department (San Bernardino Sheriff): Since the Board's review last year, San Bernardino Sheriff has amended their bias-free policing policies to reflect some key best practices. These updates include a new policy with definitions related to bias such as racial and identity profiling, bias-based policing, implicit bias, bias by proxy, reasonable suspicion, detention, and probable cause. The Bias-Free Policing policy now includes a

component on the limited circumstances in which characteristics of an individual may be considered. Additionally, San Bernardino Sheriff's RIPA Data Collection and Analysis policy provides that it will regularly analyze data to assist identifying practices that may have a disparate impact on a group relative to the general population. None of the amended policies address supervisory review. However, San Bernardino Sheriff informed DOJ that it has a procedure whereby watch commanders review RIPA stop data to ensure submission compliance. Officers are required to notate a number after each call to indicate the number of stop data forms completed. Daily audits include a review of how many stop data forms an officer submitted during their shift. Additionally, each station must conduct random audits which compare the type of calls with the number of forms completed. At the end of a watch commander's shift, they will run a random unit history and tally up the number of forms to ensure the same number were submitted. If those numbers do not match, the sergeant must address the deficiencies with the officer involved. San Bernardino Sheriff's Technical Services Division created a dashboard for watch commanders to review the demographic make-up of those stopped. Moreover, all RIPA stop data is posted to San Bernardino Sheriff's intranet site for review and comparison.

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

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

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

Los Angeles Police Department (Los Angeles Police): The Los Angeles Police updated its policy prohibiting biased based policing to include additional protected characteristics and makes clear that it is includes both actual or perceived membership in one of these identity groups. These characteristics include immigration status, employment status, English fluency, and people experiencing homelessness. The policy does not reference training and the agency reports that is does not intend to include specific training aspects in the policy due to their ever changing nature but it is committed to training its officers on these topics. For example, all new recruits are required to attend an 8-hour training course with the Museum of Tolerance. Additionally, concepts from trainings on implicit bias and procedural justice, provided to the officers in 2017, have since been integrated into multiple training courses, including leadership briefs and roll call trainings. Los Angeles Police also report that it conducted a 4-hour training to Gang Enforcement Details personnel on procedural justice, the impacts on communities, and responses to implicit bias in March 2019. The agency also provided the Board with a copy of its updated use of force policy which includes a section on fair and unbiased policing.

While the policy prohibiting biased based policing does not reference data analysis, the agency shared that it has various data analyses projects underway. These projects include its own RIPA report on its data, an analysis from the California Policy Lab, another study by Northwestern University's Mathematical Methods in the Social Sciences program, and a report by the Office of the Inspector General.

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

Wave 2 Agency	Stand-Alone Bias-Free Policing Policy?	Clearly Written?	Easily Accessible?[4]	Uses Concrete Definitions of Bias-Free Policing and/or Racial & Identity Profiling	Component on Limited Circumstances in which Characteristics of Individual May Be Considered?	Component on Encounters with Community?	Component on Racial and Identity Profiling Training?	Component on Data Analysis?	Component on Requiring Accountability?	Supervisory Review?
Oakland Police	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sacramento Police	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fresno Police	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓
Orange County Sheriff	✓	✓	✓	✓	✓	✗	✓	✗	✓	✗
Long Beach Police	✓	✓	✓	✓	✓	✓	✗	✗	✗	✓
San Jose Police	✓	✓	✓	✓	✗	✗	✗	✗	✗	✗
Sacramento County Sheriff	✗	✓	✗	✓	✓	✓	✗	✗	✓	✓

---

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

The items contained in this proposal are for consideration by the RIPA Board and intended to serve only as a starting point for discussion of items to include in the upcoming report.   8 | 3

AB 953 Survey: Executive Summary

During 2020, the Department conducted a survey of Wave 1, 2, and 3 agencies to learn about the impact of the Board's recommendations and data analysis within law enforcement agencies, and to identify the actions agencies are taking to advance the goals of RIPA. Wave 1 and Wave 2 agencies were included in the full survey, and Wave 3 agencies were included in the portions that did not pertain to data analysis, as they had yet to begin collecting data at the time of the survey.

As of September 25th, 2020, 13 of the 15 Wave 1 and 2 agencies (87%) had completed the survey. Reponses indicate:

- The majority of Wave 1 and Wave 2 agencies (12; 92%) have either adopted the Board's recommendations (4; 31%), adopted the Board's recommendations to some degree *and* are still revising their policies to reflect best practices (4; 31%), *or* are still revising their policies to reflect best practices (4; 31%).
- Ninety-two (12; 92%) of responding agencies have incorporated the Board's recommendations into their training.
- Agencies are providing *access* to (5; 56%) and *sharing* (5; 56%) stop data with their staff or other external groups (e.g., the public).
- Thirty-eight percent (5; 38%) of Wave 1 and 2 agencies use stop data to hold staff accountable for proper submission and entry of such data.
- Seventy-seven percent (10; 77%) of responding agencies indicated that they have adopted some portion or all of the model bias-free policing language provided in the RIPA Board 2020 Annual Report.
- The majority of Wave 1 and 2 agencies (9; 69%) indicated that they analyzed stop data.
- Several agencies indicated the need for *additional funding or resources* to assist with conducting stop data analyses (7; 58%). Agencies also indicated that the *integration of data collection systems* (5; 42%) and the *absence of other contextual variables* were barriers to conducting analyses (4; 33%).

Introduction

The Department conducted an analysis of survey responses collected from law enforcement agencies who are currently collecting stop data under the Racial and Identity Profiling Act (RIPA). The purpose of the survey was to better understand the actions taken by these law enforcement agencies to advance the goals of RIPA.

Method

The survey was distributed to all 15 Wave 1 and Wave 2 RIPA stop data collection agencies. The survey consisted of twenty-six questions pertaining to LEA's experiences, actions, and policy changes that may have arisen as a result of the RIPA Board's 2020 report. Appendix X provides a full list of questions asked in the survey.

Frequencies and percentages were calculated for each question requiring a 'Yes' or 'No' response. Qualitative content analyses were conducted to identify and summarize themes and patterns manifested in the responses to open-ended questions. For all such questions, this process included categorizing each LEA's response using phrases, sentences, and in some cases, paragraphs as units for analysis. Researchers did not code any ambiguous portions of text from which coding could only be completed by engaging in interpretive judgements or speculation. Theme and sub-theme information for each agency is provided in Appendix X.

Results

Thirteen (13) out of 15 Wave 1 and Wave 2 law enforcement agencies participated in the survey.[1]

Below we provide a summary of all Yes/No questions asked in the LEA survey (Table X). The majority of agencies have incorporated the Board's recommendations in their training (92%). However, most agencies have not used the analyses provided in the Board's report to identify trends and patterns in their own stop data (62%) or change their policies/practices as a result of the Board's findings (69%). Most agencies review stop data with staff (77%); however, only a few use stop data to hold their staff accountable (38%). Most agencies have a civilian review or community advisory board (69%) but only 38 percent of these discuss the Board's recommendations (Figure X). All of the agencies indicated that they have a bias-free policing policy and the majority indicated that they have adopted some or all of the model bias-free policing policy discussed in the Board's report (77%). Lastly, 69% of agencies indicated that they analyze stop data. For a breakdown of each agencies' responses to the Yes/No questions, see Appendix X Table X.

---

[1] The Oakland Police Department and Sacramento County Sheriff's Department did not participate in the survey.

Table X. Breakdown for Yes/No Survey Questions (N = 13)

Survey Question	Yes	No
Incorporated Recommendations in Training	12 (92%)	1 (8%)
Used Analyses in Report to Identify Trends and Patterns	5 (38%)	8 (62%)
Changed Policies/Practices as a Result of Board's Analysis or Findings	4 (31%)	9 (69%)
Reviews Stop Data with Staff	10 (77%)	3 (23%)
Uses Stop Data to Hold Staff Accountable for Submissions	5 (38%)	8 (62%)
Agency has Civilian Review or Community Advisory Board	9 (69%)	4 (31%)
Civilian Review or Community Advisory Board Discussed Recommendations[2]	5 (38%)	4 (31%)
Agency has Bias-Free Policing Policy	13 (100%)	0 (0%)
Adopted Model Bias-Free Policing Policy Discussed in Report	10 (77%)	3 (23%)
Actions Taken in Response to Recommendations Regarding Civilian Complaint Procedures	5 (38%)	8 (62%)
Agency Analyzes Stop Data	9 (69%)	4 (31%)

Civilian Review/Community Advisory Board
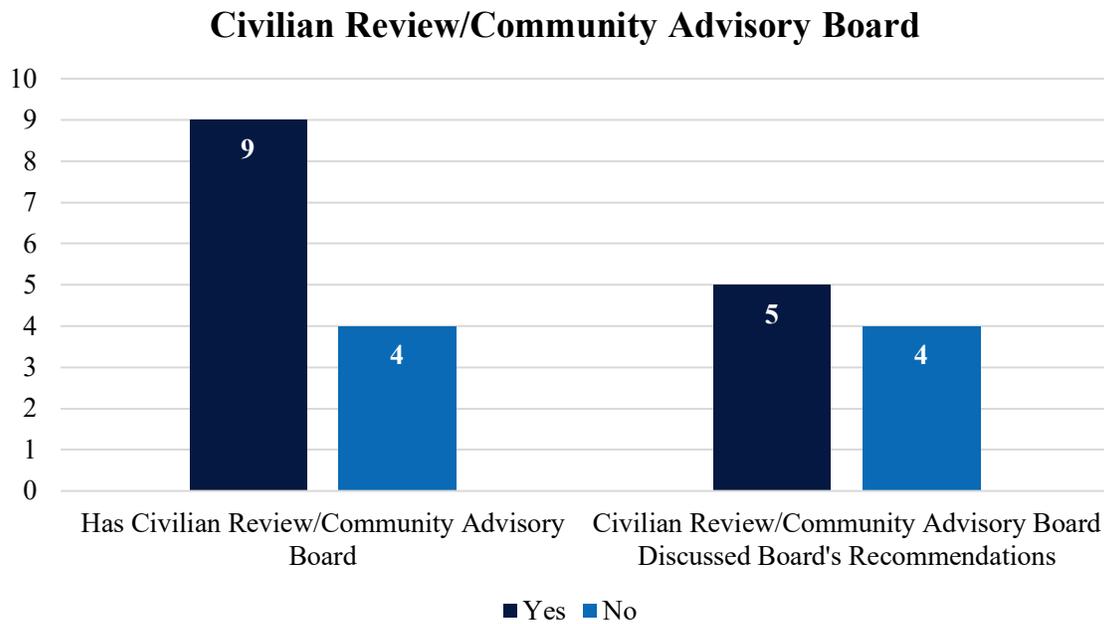
Figure 1

---

[2] Calculation excludes LEA's who indicated that they did not have a civilian review or community advisory board

Using the Contents of the RIPA Report

The following questions asked if and how law enforcement agencies are incorporating the Board's recommendations and findings into their practices and policies. The majority of LEAs have either adopted the Board's recommendations (4; 31%), adopted the Board's recommendations to some degree *and* are still revising their policies to reflect best practices (4; 31%), *or* are still revising their policies to reflect best practices (4; 31%). Almost all of the responding agencies (12; 92%) have incorporated the Board's recommendations in their training, however, only four (31%) indicated *how* they were incorporated. Lastly, only five LEAs (38%) indicated that they used the analyses included in the Board's 2020 Annual Report to identify trends in their stop data.

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

Due to the similarities in responses, the questions "please describe how your agency has changed policies or practices as a result of the RIPA Board's stop data analyses or findings" and "please describe the actions your agency has taken in response to the best practices recommendations regarding civilian complaint procedures and forms provided in the RIPA Board Report" were combined with the responses to this question.

All 13 LEAs provided comments on the aforementioned questions. Three major themes were identified in the LEAs' responses.

Adoption. The first theme identified was *adoption*. These comments indicated that the LEA had adopted the recommendations in the RIPA report in some way. Eight of the 13 responding agencies (62%) provided responses for this theme.

- **Adoption 1.1.1** Updated pre-existing bias-free policing policy to incorporate recommendations (4; 31% of responding agencies).
- **Adoption 1.1.2** Data collection/analysis reporting recommendations (published RIPA reports, RIPA statistical dashboard, partnership with academic institutions, internal data queries) (5; 38% of responding agencies).
- **Adoption 1.1.3** Community Engagement/Trust building (includes hiring procedure changes) (1; 8% of responding agencies).
- **Adoption 1.1.4** Updated civilian complaint procedures to reflect best practices (3; 23% of responding agencies).

> *"Amended and adopted recommended policies and procedures"*
> *- San Bernardino County SD*

> *"The department updated its non-bias policing policy...and tried to include the best practice recommendations from RIPA Report" - San Diego PD*

Under Review. The second theme identified was *under review*. These statements indicated that they were currently revising or reviewing their policies to reflect best practices. Eight of the

13 responding agencies (62%) provided responses in line with this theme and were categorized into two sub-themes.

- **Under Review 1.2.1** Currently reviewing and revising procedures/content of civilian complaint process to reflect best practices (e.g. content: classification types, forms) (5; 38% of responding agencies).
- **Under Review 1.2.2** Currently reviewing and revising policies to reflect best practices (3; 23% of responding agencies).

> *"The CHP is currently revising departmental policy to include language and guidance developed by the RIPA Board"*
> *- CHP*

> *"We have reviewed and discussed the recommendations internally and are looking for ways to address them"*
> *- Riverside County SD*

Recommendations pre-existing. The third theme identified was *recommendations pre-existing*. These statements indicated that the recommendations were already established in their policies and procedures. Four of the 13 responding agencies (31%) provided responses in line with the theme of recommendations pre-existing.

- **Recommendations Pre-Existing 1.3.1** Recommendations already established in policies/procedures (4; 31% of responding agencies).

> *"We believe we have met all the best practices recommendations in one way or another"*
> *- LAPD*

> *"Our agency already has a bias-based policing policy..."*
> *- Sacramento PD*

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

Twelve of the 13 responding LEAs (92%) indicated that they have incorporated RIPA Board findings or recommendations into their training. Three major themes were identified in the LEA's responses.

Incorporated. The first theme was *incorporated*. These statements indicated **how** they have incorporated best practices into their training. Four of the 12 responding agencies (31%) provided responses in accordance with this theme and were categorized into three sub-themes.

- **Incorporated 2.1.1** Information used as a source for developing/updating training (2; 17% of responding agencies).
- **Incorporated 2.1.2** Information incorporated into department training materials to educate personnel (1; 8% of responding agencies).

- **Incorporated 2.1.3** Officers required to know or are reminded of policies consistent with recommendations (2; 17% of responding agencies).

> *"We teach the requirements of AB 953 data collection and remind everyone of existing policies consistent with the RIPA Board's recommendations" – San Jose PD*

> *"We have implemented a training video and bulletin to educate department members"*
> *- Orange County SD*

Under Review **2.2.1.** The second theme was *under review*. These statements indicated that they are currently updating or developing training materials in line with best practices. Two of the 12 responding agencies (17%) provided responses for this theme.

> *"The CHP is currently updating departmental training curriculum in compliance*
> *-*

> *"...in the process of developing implicit bias and bias by proxy training for its civilian personnel based on Board Recommendations"*
> *- San Diego PD*

Pre-Existing Training **2.3.1.** The last theme was *pre-existing training*. These statements discussed training but did not indicate how the recommendations were incorporated. Seven of the 12 responding agencies (58%) provided responses in line with the theme of pre-existing training. Five of these 7 agencies also mentioned incorporation of recommendations into other trainings or are currently reviewing their trainings to make new adoptions of recommendations.

> *"Deputies receive ongoing training"*
> *- Riverside County SD*

> *"Adopted both in policy and roll call training bulletins"*
> *- Fresno PD*

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

Five out of the 13 LEAs (38%) indicated that they used the analyses included in the Board's 2020 annual report to identify trends in their stop data. Themes and sub-themes were not identified due to the low response count. Three agencies used the report to develop additional analyses aimed at identifying patterns in their stop data. The other 2 agencies indicated that they used the analyses but did not describe how they used them.

Stop Data and Staff

These questions asked if and how law enforcement agencies are reviewing stop data with their staff and incorporating the data into their accountability procedures. The majority of LEAs discussing providing *access* to (5; 56%) and *sharing* (5; 56%) stop data with their staff and other external groups. Out of those who indicated providing *access*, the majority of LEAs indicated that management-level officers have access to stop data information (5; 56%). Regarding agencies who indicated they *shared* stop data, most shared this information with department staff during meetings, briefings, through e-mail, or other forms of communication (3; 23%).

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

Ten out of the 13 LEAs (78%) indicated that they review stop data with their staff with 9 providing additional information for how they review data with staff. Four major themes were identified in the LEA's responses.

Reviews **3.1.1.** The first theme identified was *reviews*. Statements falling under this theme indicated that management-level officers conduct reviews of the stop data. Four of the 9 responding agencies (44%) provided responses in accordance with this theme.

> *"Agency stop data is reviewed by supervisors and managers"*
> - CHP

> *"Daily reviews are conducted by watch commanders to ensure compliance and deficiencies are corrected immediately"*
> - San Bernardino County SD

Discussed. The second theme was *discussed*. These statements indicated that stop data was discussed with either department staff or the public. Three of the 9 responding agencies (33%) provided responses for this theme and were categorized into two sub-themes.

- **Discussed 3.2.1** Stop data information discussed with department staff (e.g., meetings, briefings, electronic communication) (3; 33% of responding agencies).
- **Discussed 3.2.2** Information discussed with the public (1; 11% of responding agencies).

> *"Data discussed with supervisors and officers, as well as the community following media stories related to RIPA stop data"* - San Diego PD

> *"Agency stop data discussed during meetings and briefings"*
> - CHP

Shares. The third theme was *shares*. These statements indicated that stop data information was shared with to either internal staff or external groups. Five of the 9 responding agencies (56%) provided responses in line with this theme and were categorized into three sub-themes.

- **Shares 3.3.1** Stop data information shared with department staff (e.g., meetings, briefings, electronic communication) (4; 44% of responding agencies).

- **Shares 3.3.2** Information shared with the public or other external groups (2; 22% of responding agencies).

> *"The information was formulated into a document that was shared during meetings, briefings, and via e-mail"*
> *- San Diego County SD*

> *"Managers share weekly stop data reports with supervisors"*
> *- Los Angeles County SD*

Access. The last theme identified was *access*. These statements indicated that the department provided access to stop data information to internal staff or external groups. Five of the 9 responding agencies (56%) provided responses for this theme and were categorized into three sub-themes.

- **Access 3.4.1** Management level officers have access to the stop data information (2; 22% of responding agencies).
- **Access 3.4.2** Stop data reports made available to department staff (3; 33% of responding agencies).
- **Access 3.4.3** Agency-generated reports made available to public (1; 11% of responding agencies).

> *"The Board's report is available to all members of the department"*
> *- Los Angeles PD*

> *"All managers currently have the ability to view the information on a daily basis"*
> *- San Diego County SD*

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

Five out of the 13 responding LEAs (38%) indicated that they used stop data to hold their staff accountable. Two major themes were identified in the LEAs' responses,

Data Review Procedures. The first theme was *data review procedures*. These statements indicated that management-level officers review data or internal audit procedures were intended to ensure officer compliance. Four of the five responding agencies (80%) provided responses in line with this and were categorized into two sub-themes.

- **Data Review Procedures 4.1.1** Management level officers review stop data to ensure compliance (1; 20% of responding agencies).
- **Data Review Procedures 4.1.2** Internal audit procedures implemented to ensure stop data collection compliance (3; 60% of responding agencies).

> *"Agency stop data is reviewed by supervisors and managers and staff are held accountable for any violations of policy and procedures"*
> *- CHP*

> *"Developed internal inspection procedures to make sure stop data is accurate, collected, and submitted"*
> *- San Diego PD*

***Policies* 4.2.1.** The second theme was *policies*. These statements indicated that department policies were put in place to ensure compliance. One (1) of the 5 responding agencies (20%) provided responses for this theme.

> *"Entry of stop data is mandated per*
> *department policy, failure to do so*
> *could be grounds for discipline"*
> *- San Francisco PD*

DRAFT

Bias-Free Policing

These questions aimed to discover if and how law enforcement agencies are holding staff accountable for compliance with their bias-free policing policy. The majority of agencies discussed specific measures for ensuring compliance with their bias-free policing policy (11; 85%) or procedures for determining non-compliance (8; 62%). More specifically, most agencies stated that departmental policies are intended to hold staff accountable (9; 69%). If a violation is brought to an agencies' attention, (e.g., by a civilian complaint, peer, or supervisor), then an investigation is initiated (8; 62%).

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

All 13 agencies indicated that their staff are held accountable for compliance with their bias-free policing policy. Three major themes were identified in the LEAs' responses.

Compliance Assurance. The first theme was *compliance assurance.* These statements indicated that policies and procedures ensured compliance. Eleven of the 13 responding agencies (85%) provided responses related to this theme and were categorized into three sub-themes.

- **Compliance Assurance 5.1.1** Have policies intended to hold staff accountable (9; 69% of responding agencies).
- **Compliance Assurance 5.1.2** Conducts audits of civilian complaint reports to ensure compliance (4; 31% of responding agencies).
- **Compliance Assurance 5.1.3** Provide training and supervision to meet policy expectations (1; 8% of responding agencies).

> *"Departmental policy prohibits racial or identity profiling and discrimination of any kind"*
> - CHP

> *"SDPD holds personnel accountable by establishing clear expectations in policy and procedures…"*
> - San Diego PD

Non-Compliance Determination Procedures. The second theme was *non-compliance determination procedures.* These statements discussed the process for how non-compliance was determined. Eight of the 13 responding agencies (62%) provided responses in line with this theme.

- **Non-Compliance Determination Procedures 5.2.1** Violation reported and an investigation is initiated to determine if a violation occurred (8; 62% of responding agencies).

> *"If there is a policy violation, a personnel/administrative investigation is initiated"*
> - Orange County SD

> *"Any violations reported are taken seriously and investigated as necessary"*
> - Los Angeles PD

10

Non-Compliance Response. The third theme was *non-compliance response.* These statements discussed how non-compliance would be addressed. Five of the 13 responding agencies (38%) provided responses related to this theme and were categorized into two sub-themes.

- **Non-Compliance Response 5.3.1** Additional training or education (2; 15% of responding agencies).
- **Non-Compliance Response 5.3.2** Unspecified corrective action/discipline (5; 38% of responding agencies).

> *"All employees are held accountable through training and progressive discipline, when necessary"*
> *- CHP*

> *"Failure to comply with any policy results in disciplinary action"*
> *- Long Beach PD*

Stop Data Collection and Analysis

These questions asked if and how law enforcement agencies are analyzing their stop data. Nine out of the 13 agencies (69%) analyzed stop data. The majority of these agencies indicated that they analyzed all categories included in the stop data but did not provide further information regarding these specific categories (6; 67%). Of the agencies who provided information for benchmark comparisons, the majority of them used area comparisons (5; 63%) such as population estimates or crime statistics. Seven of the agencies that indicated they shared their analysis findings shared them internally with agency staff (89%) and 6 agencies (75%) indicated they share the findings with external groups, such as the public. Lastly, data collection system integration (12; 42%), funding and resources (7; 58%), and the variables included (4; 33%) were barriers indicated by the agencies for conducting stop data analyses.

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

All 9 LEAs who indicated that they analyzed stop data provided information for categories analyzed. Two major themes were identified in the LEAs' responses.

All Categories (Unspecified). The first theme identified was *all categories (unspecified).* Six of the 9 responding agencies (67%) provided responses in line with this theme.

- **All Categories (Unspecified) 6.1.1** All categories captured in the stop data are included in analyses (6; 67% of responding agencies).

> *"We use all the categories depending on what we are trying to look at and analyze"*
> *- Los Angeles PD*

> *"All of the above"*
> *- San Francisco PD*

Specific Incident Categories. The second theme identified was *specific incident categories.* Four of the 9 responding agencies (44%) provided responses related to this theme and were categorized into four sub-themes.

- **Specific Incident Categories 6.2.1** Reason for contact/stop (4; 44% of responding agencies).
- **Specific Incident Categories 6.2.2** Actions taken (2; 22% of responding agencies).
- **Specific Incident Categories 6.2.3** Search information (2; 22% of responding agencies).
- **Specific Incident Categories 6.2.4** Result of incident (4; 44% of responding agencies).

> *"SDPD has done preliminary analyses related to stops, searches, arrests, citations, and field interviews" - San Diego PD*

> *"LASD regularly audits stops and back seat detentions…along with how the call was cleared"*
> *- Los Angeles County SD*

In addition to their statements falling under the "specific incident categories" theme, the Orange County Sheriff's Department also indicated that they analyze perceptions of age, limited English proficiency, LGBT, gender, race, and disability.

"What, if any, benchmark comparisons are used?"

Eight of the 9 LEAs (89%) who indicated that they analyzed stop data provided benchmark comparisons information. Two major themes were identified in the LEAs' responses.

Area Comparisons. The first theme identified was *area comparisons.* These benchmarks are location-specific measures. Five of the 8 responding agencies (63%) provided responses in line with this theme and were categorized into four sub-themes.

- **Area Comparisons 7.1.1** Population estimates (4; 50% of responding agencies).
- **Area Comparisons 7.1.2** Crime statistics (1; 13% of responding agencies).
- **Area Comparisons 7.1.3** Trends over time (1; 13% of responding agencies).
- **Area Comparisons 7.1.4** Geographic districts (1; 13% of responding agencies).

> *"The county census information is used to analyze the benchmark for regions"*
> - San Diego County SD

> *"Trends over time and in some cases, geographic district"*
> - San Francisco PD

Comparison Group from other Agency Data. The second theme identified was *comparison group from other agency data.* These benchmarks are collected internally and are incident-level measures (e.g., suspect descriptions provided by victims of crimes). Three of the 8 responding agencies (38%) provided responses for this theme and were categorized into two sub-themes.

- **Comparison Group from other Agency Data 7.2.1** Incident data (2; 25% of responding agencies).
- **Comparison Group from other Agency Data 7.2.2** Data collected from internal audits (1; 13% of responding agencies).

> *"Comparisons between audit data throughout the years are always made within the body of the report"*
> - Los Angeles County SD

> *"Currently collecting similar data for all public contacts, to include non-discretionary contacts (e.g., traffic crashes, disabled motorists, etc.)"*
> - CHP

Other. One agency, Long Beach Police Department, did not fall under either of these two themes and indicated that they are currently working on identifying benchmark comparisons.

"With whom are the findings shared?"

Eight of the 9 LEAs (89%) who indicated that they analyzed stop data also provided information about with whom the findings are shared. Two major themes were identified in the LEAs' responses.

Internal to Agency. The first theme identified was *internal to agency.* These comments indicated that findings were shared with internal agency staff. Seven (7) of the 8 responding agencies (89%) provided responses in line with this theme and were categorized into three sub-themes.

- **Internal to Agency 8.1.1** Executive staff (2; 25% of responding agencies).
- **Internal to Agency 8.1.2** Command staff (3; 38% of responding agencies).
- **Internal to Agency 8.1.3** General/unspecified department staff (5; 63% of responding agencies).

> *"Our command staff will get the results of the analysis"*
> - Los Angeles PD

> *"All sworn and non-sworn members are provided information related to RIPA's data"*
> - San Diego County SD

External to Agency. The second theme identified was *external to agency.* These comments indicated that findings were shared with individuals external to the agency. Six of the 8 responding agencies (75%) provided responses in accordance with this theme and were categorized into two sub-themes.

- **External to Agency 8.2.1** To the public (6; 75% of responding agencies).
- **External to Agency 8.2.2** Office of Inspector General (1; 13% of responding agencies).

> *"Findings are made public through quarterly statistical reporting"*
> - San Francisco PD

> *"Internal audits are posted for the public online and shared with the Office of Inspector General…"*
> - Los Angeles County SD

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

Seven of the 9 LEAs (78%) who specified that they analyzed stop data also indicated that they are currently or are thinking about using external resources to analyze their stop data. Themes and sub-themes were not identified due lack of uniformity in responses. Four agencies (57%; Los Angeles PD, CHP, San Francisco PD, and Long Beach PD) indicated that they are inquiring about or are already working with an academic institution. Two (2) agencies (29%; San Diego PD and San Diego County SD) indicated that they are working with the Center for

Policing Equity. Lastly, the Los Angeles PD and Los Angeles SD indicated that they are working with the Office of the Inspector General.

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

Due to the similarities in responses, the questions "what, if any, additional resources are needed to assist your agency in analyzing stop data?" and "please provide any other comments you believe would be useful in understanding the resources and activities that your agency is engaging to advance the goals of RIPA or if there are other areas that could be included in the RIPA reports that your agency would find beneficial" were combined with the responses to this question.

Twelve of the 13 responding agencies (92%) provided comments on one or all of the aforementioned questions that, as a whole, are associated with barriers to analyzing stop data and additional resources needed to conduct stop data analysis. Three major themes were identified but no sub-theme information was identified due to the lack of uniformity across the responses.

Data Collection Systems. The first theme identified was that there were barriers with the data collection system itself. These comments indicated that the integration of data collection systems made it difficult to analyze data or that it was difficult to export data to analyze it. Five (5) of the 12 responding agencies (42%) provided responses in line with this theme. [3]

> *"We are in the process of implementing a new CAD/RMS system, which will allow us to analyze the data" - Riverside County SD*

> *"Expanding the department's existing technological capabilities would assist in analyzing this data" - Long Beach PD*

Funding and/or Resources. The second theme identified was that there were barriers with funding and/or resources. These comments indicated that additional funding for staff and other resources (e.g., training, model analysis examples, guidelines for "Veil of Darkness" formula), were necessary to conduct stop data analyses. Seven of the 12 responding agencies (58%) provided responses in line for this theme.

> *"Additional resources that are needed for our agency to analyze stop data is additional staffing and funding" - Sacramento PD*

> *"Due to the volume of data to be analyzed, the CHP anticipates moderate costs associated with the analysis" - CHP*

Variables. The third theme identified was that there were barriers with the absence of specific variables in the stop data. These comments indicated that additional variables are needed in the dataset to conduct a more complete analysis (e.g., experiencing homelessness, cooperativeness of suspect, timing variables, department-specific variables, etc.). Four of the 12 responding agencies (33%) provided responses related to this theme.

---

[3] CAD is the abbreviation for computer-aided dispatch and RMS stands for records management systems. CAD systems collect initial incident information and then provide this information to one or more RMS.

> *"It would be helpful to have more information such as census tract data, crime data, and suspect data for the areas as well as cooperativeness of the individual…"* - LAPD

> *"It would be helpful to add another category related to whether the person stopped/detained was …[experiencing] homeless[ness]"* - San Diego PD

DRAFT

<mark>APPENDIX X</mark>
AB 953 Stop Data & Resources - Wave 1 and 2 Survey Questions

Contact Information

First and Last Name
Title
Agency Name
Work Telephone Number:
Email

Using the Contents of the RIPA Report

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

2) Has your agency incorporated the findings or recommendations included in the RIPA Board's annual reports in its training (e.g., roll-call training, academy courses, or other forms of training)?
    2a) Please describe how your agency has incorporated the findings or recommendations included in the RIPA Board's annual reports in its training (e.g., roll-call training, academy courses, or other forms of training).

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

4) Has your agency changed policies or practices as a result of the RIPA Board's stop data analysis or findings?
    4a) Please describe how your agency has changed policies or practices as a result of the RIPA Board's stop data analyses or findings.

Stop Data & Staff

5) Does your agency review the stop data with your staff?
    5a) Please describe how your agency reviews the stop data with your staff.

6) Does your agency use stop data to hold your staff accountable?
    6a) Please describe how your agency uses stop data to hold your staff accountable.

Discussing RIPA Report

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

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

Bias-Free Policing

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

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

Civilian Complaint

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

    11a) Please describe the actions your agency has taken in response to the best practices recommendations regarding civilian complaint procedures and forms provided in the RIPA Board Report.

Your Agency's Stop Data Collection and Analysis

12) Does your agency analyze stop data?

    12a) What categories does the analysis include (e.g., reason for stop, actions taken during stop, result of stop)?

    12b) What, if any, benchmark comparisons are used?

    12c) What, if any, external resources is your agency engaging for this analysis (e.g., academics, police commissions, civilian review bodies, or local advisory boards)?

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

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

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

Other Comments

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

APPENDIX X
Agency Tables

Table X. **What are the main actions your agency has taken to adopt the recommendations in the RIPA Board's annual reports?**

Law Enforcement Agency	Theme		
	Adoption	*Under Review*	*Recommendations Pre-Existing*
Los Angeles PD			1.3.1
CHP	1.1.2	1.2.2	
Fresno PD	1.1.1		
San Diego PD	1.1.1; 1.1.2	1.2.1	
Sacramento PD		1.2.1	1.3.1
San Bernardino County SD	1.1.1; 1.1.2; 1.1.3; 1.1.4		
San Jose PD	1.1.2		1.3.1
San Francisco PD	1.1.1	1.2.1	
Orange County SD	1.1.4	1.2.1	
Riverside County SD		1.2.2	
Los Angeles County SD		1.2.1	1.3.1
San Diego County SD	1.1.2; 1.1.4		
Long Beach PD		1.2.2	

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

Law Enforcement Agency	Theme		
	Incorporated	*Under Review*	*Pre-existing Training*
CHP		2.2.1	
Fresno PD			2.3.1
Los Angeles County SD			2.3.1
Los Angeles PD			2.3.1
Orange County SD	2.1.2		
Riverside County SD			2.3.1
Sacramento PD	2.1.3		2.3.1
San Diego County SD			2.3.1
San Diego PD		2.2.1	2.3.1
San Francisco PD	2.1.1		
San Jose PD	2.1.1; 2.1.3		

Note. The Long Beach PD and San Bernardino County SD did not provide a response to this question or their response was ambiguous, and subsequently, not analyzed

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

Law Enforcement Agency	Theme			
	Reviews	*Discusses*	*Shares*	*Access*
CHP	3.1.1	3.2.1		
Long Beach PD	3.1.1			
Los Angeles PD			3.3.2	3.4.2
Riverside County SD			3.3.1	3.4.1
San Bernardino County SD	3.1.1			
San Diego County SD			3.3.1	3.4.1; 3.4.2; 3.4.3
San Diego PD	3.1.1	3.2.1; 3.2.2		
San Francisco PD			3.3.1; 3.3.2	
San Jose PD			3.3.1	3.4.1

Note. The Fresno PD, Sacramento PD, Orange County SD, and the Los Angeles County SD did not provide a response to this question or their response was ambiguous, and subsequently, not analyzed

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

Law Enforcement Agency	Theme	
	Data Review Procedures	*Policies*
CHP	4.1.1	
Riverside County SD	4.1.2	
San Bernardino County SD	4.1.2	
San Diego PD	4.1.2	
San Francisco PD		4.2.1

Note. The Los Angeles PD, Fresno PD, Sacramento PD, San Jose PD, Orange County SD, Los Angeles County SD, San Diego County SD, and Long Beach PD did not provide a response to this question or their response was ambiguous, and subsequently, not analyzed

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

Law Enforcement Agency	Theme		
	Compliance Assurance	*Non-Compliance Determination Procedures*	*Non-Compliance Response*
CHP	5.1.1		5.3.1; 5.3.2
Fresno PD		5.2.1	
Long Beach PD	5.1.1		5.3.2
Los Angeles County SD	5.1.1; 5.1.2	5.2.1	
Los Angeles PD		5.2.1	
Orange County SD	5.1.1	5.2.1	
Riverside County SD	5.1.1	5.2.1	
Sacramento PD	5.1.2		
San Bernardino County SD	5.1.2		5.3.1; 5.3.2
San Diego County SD	5.1.1	5.2.1	
San Diego PD	5.1.1; 5.1.2; 5.1.3	5.2.1	5.3.2
San Francisco Police Department	5.1.1		5.3.2
San Jose PD	5.1.1	5.2.1	

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

Law Enforcement Agency	Theme	
	All Categories (Unspecified)	*Specific Incident Categories*
Los Angeles PD	6.1.1	
CHP	6.1.1	
San Diego PD		6.2.1; 6.2.3; 6.2.4
San Bernardino County SD		6.2.1; 6.2.2; 6.2.4
San Francisco PD	6.1.1	
Orange County SD		6.2.1; 6.2.2; 6.2.3; 6.2.4
Los Angeles County SD	6.1.1	6.2.1; 6.2.4
San Diego County SD	6.1.1	
Long Beach PD	6.1.1	

Note. The Fresno PD, Sacramento PD, San Jose PD, and Riverside County SD did not provide a response to this question or their response was ambiguous, and subsequently, not analyzed

Table X. **What, if any, benchmark comparisons are used?**

Law Enforcement Agency	Theme	
	Area Comparisons	*Comparison Group from Other Agency-Related Data*
Los Angeles PD	7.1.1; 7.1.2	7.2.1
CHP		7.2.1
San Diego PD	7.1.1	
San Bernardino County SD	7.1.1	
San Francisco PD	7.1.3; 7.1.4	
Los Angeles County SD		7.2.2
San Diego County SD	7.1.1	
Long Beach PD	Response did not fall under theme	

Note. The Fresno PD, Sacramento PD, San Jose PD, Orange County SD, and Riverside County SD did not provide a response to this question or their response was ambiguous, and subsequently, not analyzed

Table X. **With whom are the findings shared?**

Law Enforcement Agency	Theme	
	Internal to Department	*External to Department*
Long Beach PD	8.1.3	
Los Angeles County SD		8.2.1; 8.2.2
Los Angeles PD	8.1.2	8.2.1
Orange County SD	8.1.1; 8.1.2; 8.1.3	
San Bernardino County SD	8.1.1; 8.1.2	8.2.1
San Diego County SD	8.1.3	8.2.1
San Diego PD	8.1.3	8.2.1
San Francisco PD	8.1.3	8.2.1

Note. The CHP, Fresno PD, Sacramento PD, San Jose PD, and Riverside County SD did not provide a response to this question or their response was ambiguous, and subsequently, not analyzed

Table X. What, if any, barriers to analyzing stop data has your agency encounters?; What, if any, additional resources are needed to assist your agency in analyzing stop data?; Please provide any other comments you believe would be useful in understanding the resources and activities that your agency is engaging to advance the goals of RIPA or if there are other areas that could be included in the RIPA reports that your agency would find beneficial.

Law Enforcement Agency	Theme		
	Data Collection System	*Funding/Resources*	*Variables*
CHP		X	X
Fresno PD	X	X	
Long Beach PD	X		
Los Angeles County SD	X		
Los Angeles PD			X
Riverside County SD	X		
Sacramento PD		X	
San Bernardino County SD		X	
San Diego County SD		X	
San Diego PD		X	X
San Francisco PD	X	X	
San Jose PD			X

Note. The Orange County SD did not provide a response to this question or their response was ambiguous, and subsequently, not analyzed