

CALIFORNIA RACIAL AND IDENTITY PROFILING BOARD

STOP DATA SUBCOMMITTEE: MEETING MINUTES

Thursday, May 31, 2018, 2:00 PM.

Teleconference Locations: California Department of Justice Offices

Los Angeles

300 S. Spring Street
1st Floor Reception
Los Angeles, CA 90013

Oakland

1515 Clay Street
20th Floor, Ste. 2000
Oakland, CA 94612

Sacramento

4949 Broadway
Sacramento, CA 95820

Other Teleconference Locations:

Alliance San Diego

4443 30th Street, 1st Floor
San Diego, CA 92112

Morgan Hill PD

16200 Vineyard Blvd.
Morgan Hill, CA
95037

Subcommittee Members Present: Oscar Bobrow, Doug Oden, Chief David Swing

Subcommittee Members Absent: Reverend Ben McBride, Alex Johnson

California Department of Justice Staff Present: Shannon K. Hovis, Civil Rights Enforcement Section (CRES); Kelsey Geiser, CRES; Daniel Tapia-Jimenez, Bureau of Criminal Identification and Investigation Services (CJIS); Kevin Walker, CJIS.

1. Call to Order

The third meeting of the Stop Data Subcommittee was called to order at 2:05 p.m. by Shannon Hovis from the California Department of Justice (DOJ). The meeting was held by teleconference with a quorum of members present.

2. Update from Department of Justice

Ms. Hovis gave a brief overview of the RIPA Board's progress this year thus far. Former Subcommittee Co-Chair Medrano stepped off of the RIPA Board in March, leaving Subcommittee Co-Chair Oden as the sole Co-Chair of this committee. Ms. Hovis reminded the subcommittee members that members may only Co-Chair one subcommittee at a time and that Members McBride and Bobrow already serve as co-chairs of other subcommittees.

3. Selection of Subcommittee Co-Chair

MOTION: Member Bobrow made a motion to select Member Swing as Subcommittee Co-Chair. Member Oden seconded the motion.

APPROVAL: Member Swing was selected as subcommittee co-chair with all members in attendance voting “yes,” no “no” votes, and no abstentions. Members McBride and Johnson were not present for the vote.

4. Discussion of Proposed Report Approach

Ms. Hovis reminded the subcommittee that, during the last Board meeting, the Board voted to have an analysis of AB 71 data included in this year’s report and suggested that this analysis be included as a part of this subcommittee’s purview. Ms. Hovis said that this subcommittee will include analysis of the stop data once it is collected and there will be an overlap between the “actions taken by officer” data collected under AB 953 and some of the use of force data collected as a part of AB 71. Ms. Hovis emphasized the importance of including the use of force data particularly given that the community members who have attended our meetings have voiced serious concerns with the way bias and profiling in law enforcement present themselves in law enforcement-community interactions that result in uses of force.

Co-Chair Oden agreed that when there is an incident of alleged racial profiling that involves use of force, the incident escalates beyond a simple traffic stop.

Member Bobrow agreed and mentioned that the Board voted in response to the overwhelming public response and concern regarding issues involving use of force.

Co-Chair Swing agreed and commented that the AB 71 data will need to be presented in as much context as possible.

Ms. Hovis commented that, in addition to the AB 71 data analysis, this subcommittee will prioritize the creation of a framework for how the Board will analyze stop data once that data is received by the DOJ. Ms. Hovis commented that another option for this subcommittee this year is to compile the relevant governing law and best practices around stops, searches, and seizures with hope that this will continue to reinforce the stop data regulations.

Co-Chair Oden agreed that this background information would be helpful but questioned how that information would be utilized in the analysis of the stop itself as each stop has a different definition.

Ms. Hovis commented that as far as order of operations, the DOJ research team will focus on analyzing the existing AB 71 data analysis and then turn to the framework and plan for analyzing the stop data that will come in next year.

Member Oden asked if this subcommittee will be able to draw conclusions about the data or if it is limited to mainly reporting the data.

Ms. Hovis commented that, given the difficulty with identifying an officer’s perception from this data, the Board will likely be best positioned to identify disparities that may be observed between the outcomes for different racial and identity groups. Ms. Hovis emphasized the importance to identifying if there are disparities, what is accounting for those disparities, and what solutions can be adopted to address and curb those disparities.

Member Bobrow commented that the conclusions will be evident from the data we receive and

suggested the Board present the data it receives and then discuss the data in context with conclusions that can be made where patterns are observed. Member Bobrow commented that the Board's primary responsibility is to make the information that is gathered publicly available.

Co-Chair Swing asked what is being used to provide context to the data because providing data without the context can potentially be extremely dangerous and lead to increased tensions between law enforcement and the community.

Mr. Walker commented that CJIS plans to provide context to the data from third party outside information and is exploring potential options for doing so such as census data and other demographic information.

Co-Chair Oden asked if context is referring to the facts and circumstances surrounding the stop to explain it.

Mr. Walker clarified that context refers to good comparison data that would allow us to look at the stop data in comparison to distributions of the groups outside of the stop data.

Ms. Hovis suggested that the attendees refer to Appendix B from the 2018 report for a sense of methodologies that have been used to analyze stop data in the past and can help inform how we may analyze the data moving forward.

5. Discussion of AB 71 Data Analysis

Mr. Tapia-Jimenez laid out the two proposed methodologies that the Research Center at CJIS plans to use to analyze the AB 71 data, of which the 2016 data is only available at this time. The 2017 data is expected to be publically released soon.

The first methodology reflects straightforward descriptive statistics and would provide summary tables and short conclusions or interpretations from the data. This would include, for example, the proportion of cases that involved members of different racial and other identity groups, and the numbers of use of force cases that involved injuries, by type, arrests or citations, officers initiating force vs. civilians initiating force, etc. This approach would be simple cross tabulations of categories and incidents.

The second methodology is to look at each incident as a chain of events from first contact to the outcome. This approach can be displayed graphically to chart the path of any given incident to display the likelihood of moving from one stage to another. The idea is that if you can connect the different events and determine if there is a high or low probability of that event occurring, it will give you a basis for comparing data between ethnic groups and help you determine if the outcomes are due to random chance or if there is something systematic occurring.

Mr. Walker commented that it is possible to run this type of transition probability modeling across various identity types and groups from the existing data set including by the race and ethnicity, gender, and civilian mental status variables.

Co-Chair Swing asked if the subcommittee will be folding the AB 71 data analysis into the AB 953 data analysis.

Mr. Walker commented that for this year, the AB 71 data will be examined independently.

Co-Chair Swing asked how to control for the other contacts where force is not used that did not result in death or serious bodily injury or situations in which force was used but it was not reported.

Mr. Walker suggested that those limitations be included at the forefront of this section and emphasized that this dataset cannot be generalized to encompass all law enforcement interactions, but rather only those that fit these narrow criteria of resulting in death or serious bodily injury. This will allow the reader to understand what this data can and cannot explain prior to reviewing the data itself. Moving forward, once the AB 953 data comes, we will have more contextual information about stops that resulted in different types of force used.

Co-Chair Swing voiced concern over how easily the community can make conclusions about the data without appropriate context.

Ms. Hovis commented that, over time, we will be able to see how instances of use of force at any particular agency have changed over time. This type of analysis can be used to inform the potential implementation showcase being pursued by the evidence-based research subcommittee, if there are certain agencies that significantly reduced their instances of uses of force resulting in serious bodily injury or death (or discharge of a firearm by an officer).

Co-Chair Swing suggested also tracking how percentage of arrests compares to use of force.

Mr. Walker noted that arrest information is included in the AB 953 data.

6. Public Comment

Melanie O'Toole from ACLU of Southern California suggested that the subcommittee recommend next steps or best practices for departments to take if they identify evidence of possible bias. Ms. O'Toole also suggested including additional local level department analyses or a framework for these types of analyses. Ms. O'Toole emphasized the importance of including context for the data in a broad sense and suggested looking at deployments and the basis for the initial stop specifically.

Katie Matthews with Disability Rights California suggested analyzing differences in stops and arrests between zip codes in larger cities to show the dynamics of how police within a department are looking at different parts of the same city. Ms. Matthews emphasized the importance of looking not only at differences in terms of race and ethnicity but also among persons with disabilities.

Sara Webster suggested that the stop data should include information about the type of vehicle

that is stopped including cars, motorcycles, boats, and pedestrians.

Co-Chair Oden commented that this is something that the Board may wish to take a look at.

Ms. Hovis clarified that the final regulations do not include this information, but the data will indicate whether the individual was stopped for a traffic violation and what the vehicle violation was.

7. Approval of Next Steps

Co-Chair Swing restated the importance of emphasizing the limitations of the AB 71 dataset and the danger of generalizing any conclusions that come from the analysis.

Ms. Hovis commented that the subcommittee will reconvene after the June 19th RIPA Board meeting.

MOTION: Member Bobrow made a motion to adopt the AB 71 data analysis framework proposed by CJIS. Co-Chair Oden seconded the motion.

APPROVAL: The motion passed with all subcommittee members in attendance voting “yes,” no “no” votes, and no abstentions. Members McBride and Johnson were not present for the vote.

8. Adjournment

The meeting was adjourned at approximately 3:18 p.m.