

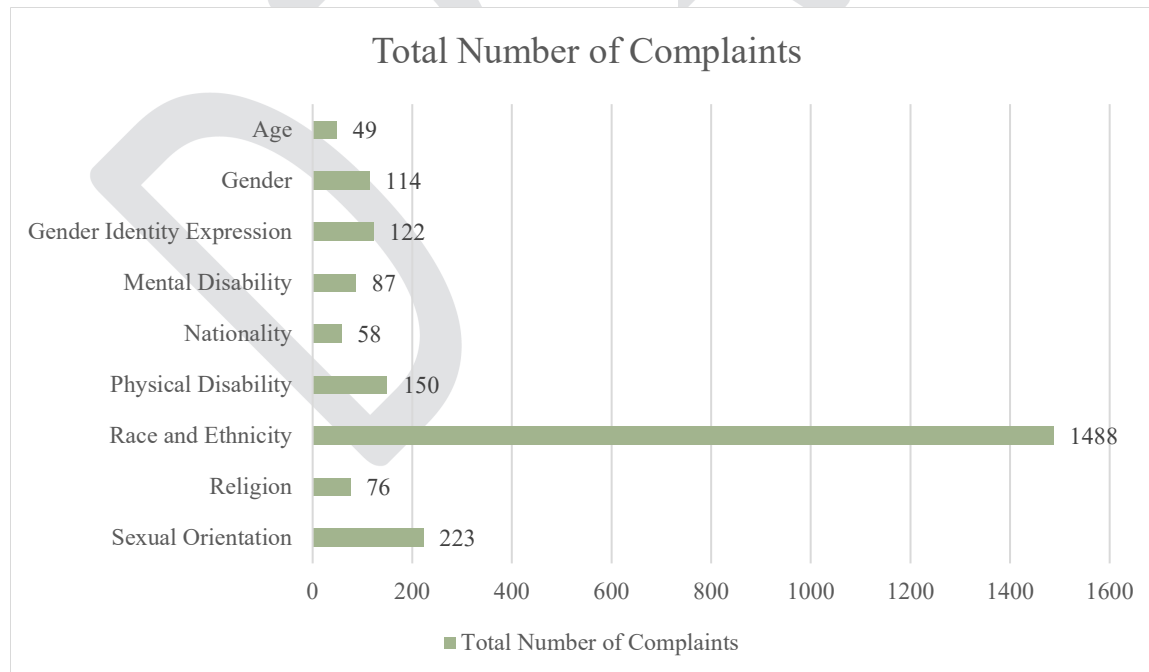
Overview of Civilian Complaint Data

In 2020, 692 agencies employing peace officers in California collected and submitted civilian complaint data. The agencies reported 16,547 complaints across three categories: non-criminal, misdemeanor, and felony. The majority of complaints (15,826, or 95.6%) alleged non-criminal conduct; complaints alleging behavior constituting a misdemeanor offense accounted for 2.4 percent (404) of complaints, and allegations of behavior constituting a felony represented 1.9 percent (317) of complaints.

Law enforcement agencies are also required to report the number of complaints that contain an allegation of racial or identity profiling.¹ Specifically, agencies submit data to the Department detailing profiling complaints that fall into nine categories: age, gender, gender identity/expression, mental disability, nationality, physical disability, race, religion, sexual orientation.

Agencies reported 2,033 complaints alleging an element, or elements, of racial or identity profiling, constituting 12.3 percent of total complaints reported in 2020. The total number of racial and identity profiling allegations (2,367) reported to the Department exceeds the total number of profiling complaints (2,033). This difference between allegation and complaint totals is due to civilians, in some cases, alleging they experienced multiple types of profiling, such as profiling based on nationality and age. Accordingly, Figure X, below, displays the number of reported allegations in each of the nine identity groups.

Figure X. Total allegation of Racial and Identity Profiling Reported in 2020



¹ Cal. Pen. Code, § 13012, subd. (a)(5)(A).

DRAFT REPORT – PENDING EDITING AND REVIEW

This draft has been provided merely for the Racial and Identity Profiling Advisory Board’s consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.

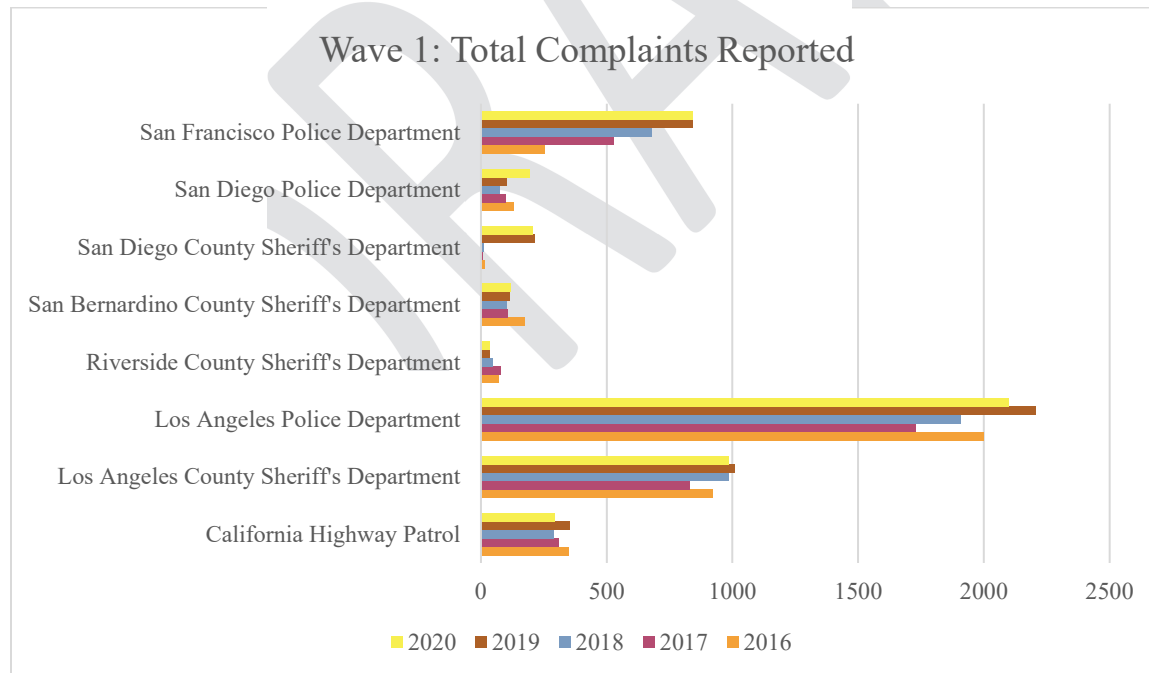
Cross-Year Comparisons

The following sections cover the total number of complaints and total number of racial and identity profiling complaints submitted by year since 2016 for agencies that collected RIPA stop data in 2020.

Wave 1 Agency Complaints Reported (2016-2020)

In 2020, the eight largest law enforcement agencies in the state (hereafter referred to as Wave 1 agencies) reported 4,768 civilian complaints; this constituted a 2.1 percent decrease relative to the total number of civilian complaints reported in the prior year (4,872). Of the past five reporting years (2016-2020), agencies received the second highest number of complaints in 2020.

Half of Wave 1 agencies reported a decrease in total complaints in 2020, relative to the number of complaints in 2019. The agency that experienced the largest decrease was California Highway Patrol (16.4%, 353 to 295). Two agencies, the San Diego Police Department and the San Bernardino Sheriff's Department, reported an increase in complaints; the San Diego Police Department experienced the largest increase (90.2%, 102 to 194) in complaints from 2019 to 2020. Two Wave 1 agencies – the Riverside County Sheriff Department and San Francisco Police Department – reported having the same total number of complaints in 2020 as they reported in 2019.



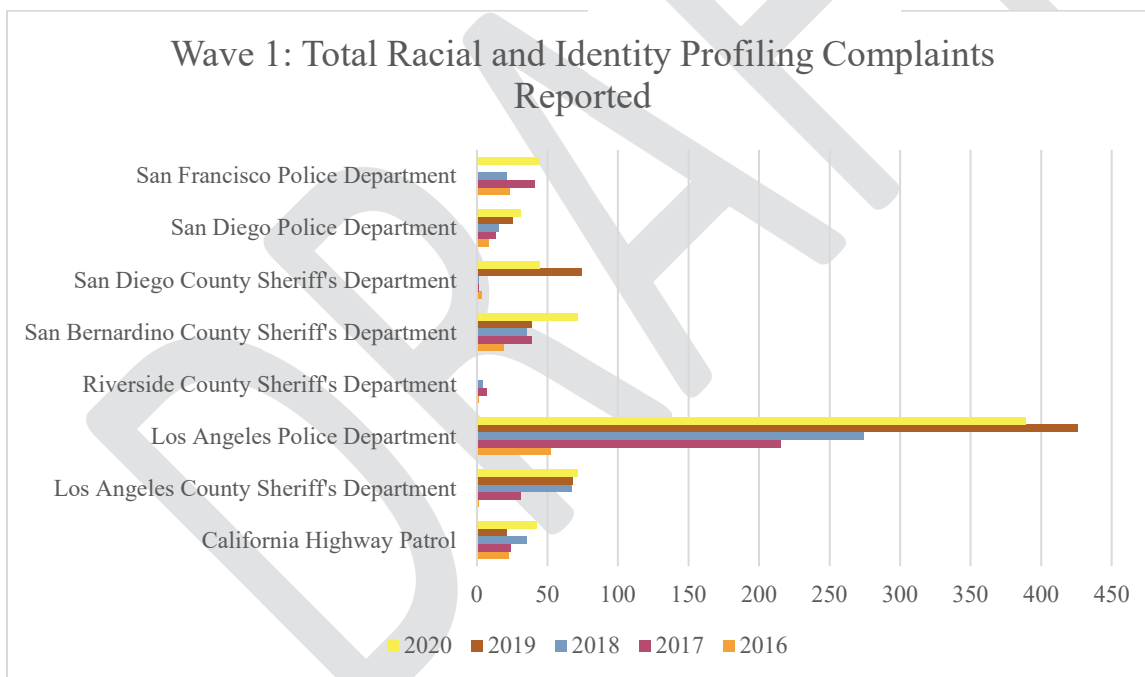
Wave 1 Total Racial and Identity Profiling Complaints

DRAFT REPORT – PENDING EDITING AND REVIEW

This draft has been provided merely for the Racial and Identity Profiling Advisory Board's consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.

Figure X displays the total number of racial and identity profiling complaints Wave 1 agencies reported by year from 2016 to 2020. The total number of racial and identity profiling complaints was 692 in 2020, which is a six percent increase from 2019. The total number of profiling complaints that Wave 1 agencies report has increased each year over the past five years; as such, 2020 was the year that Wave 1 agencies reported the highest number of racial and identity profiling complaints since agencies first started collecting this information in 2016.

Half of the Wave 1 agencies experienced an increase in the number of racial and identity profiling civilian complaints between 2019 and 2020, while two experienced a decrease and two reported the same number across both years. The San Francisco Police Department reported the largest relative increase in racial and identity profiling complaints, with 44 complaints in 2020 after reporting zero racial and identity profiling complaints in 2019. Conversely, the San Diego Sheriff's Department had the largest relative decrease (40.5%, 74 to 44) in the number of racial and identity profiling complaints reported from 2019 to 2020. The Riverside Sheriff Department did not report having any racial and identity profiling complaints in both 2019 and 2020.



Wave 2 Agency Complaints Reported (2016-2020)

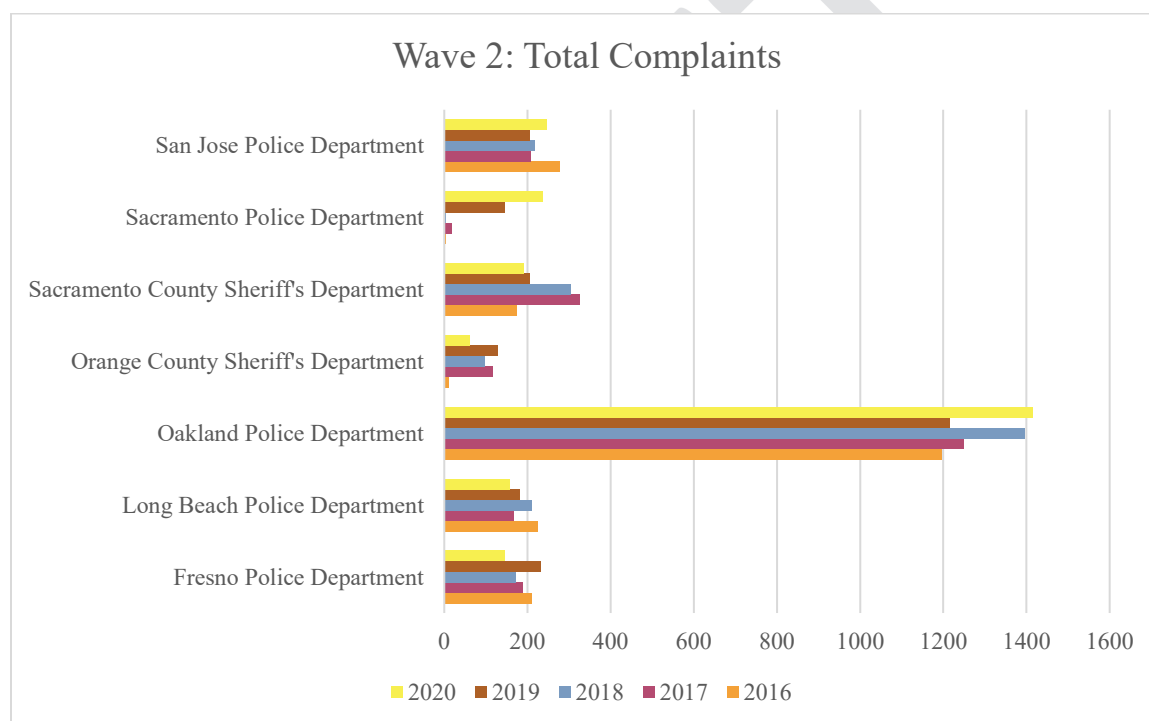
Agencies that began collecting RIPA data in 2019 (hereafter referred to as Wave 2 agencies) reported 2,454 complaints in 2020, which constitutes the highest number of complaints these agencies have reported in the previous five years. This was a 6.1 percent increase from 2019 (2,313).

The majority of Wave 2 agencies (4 out of 7) experienced a decrease in the total number of civilian complaints reported between 2019 and 2020. The agency that experienced the largest

DRAFT REPORT – PENDING EDITING AND REVIEW

This draft has been provided merely for the Racial and Identity Profiling Advisory Board's consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.

decrease was the Orange County Sheriff’s Department (129 to 61, 52.7%). While the majority of Wave 2 agencies experienced a decrease in complaints from 2019 to 2020, the Sacramento Police Department experienced a substantial increase (146 to 238, 63%). This increase was smaller than the increase in complaints the agency reported between 2018 and 2019 (4 to 146, 3,550%); however, the cross-year increase between 2018 and 2019 was largely attributed to the policy change in August 2019, which ended the Sacramento Police Department’s practice of categorizing certain complaints as “inquiries” to be resolved informally at the precinct/watch level. This policy change was the result of a Department of Justice review of Sacramento Police Department’s practices and its recommendation that all personnel complaints be tracked uniformly and classified by type of alleged misconduct.



Wave 2 Racial and Identity Profiling Complaints

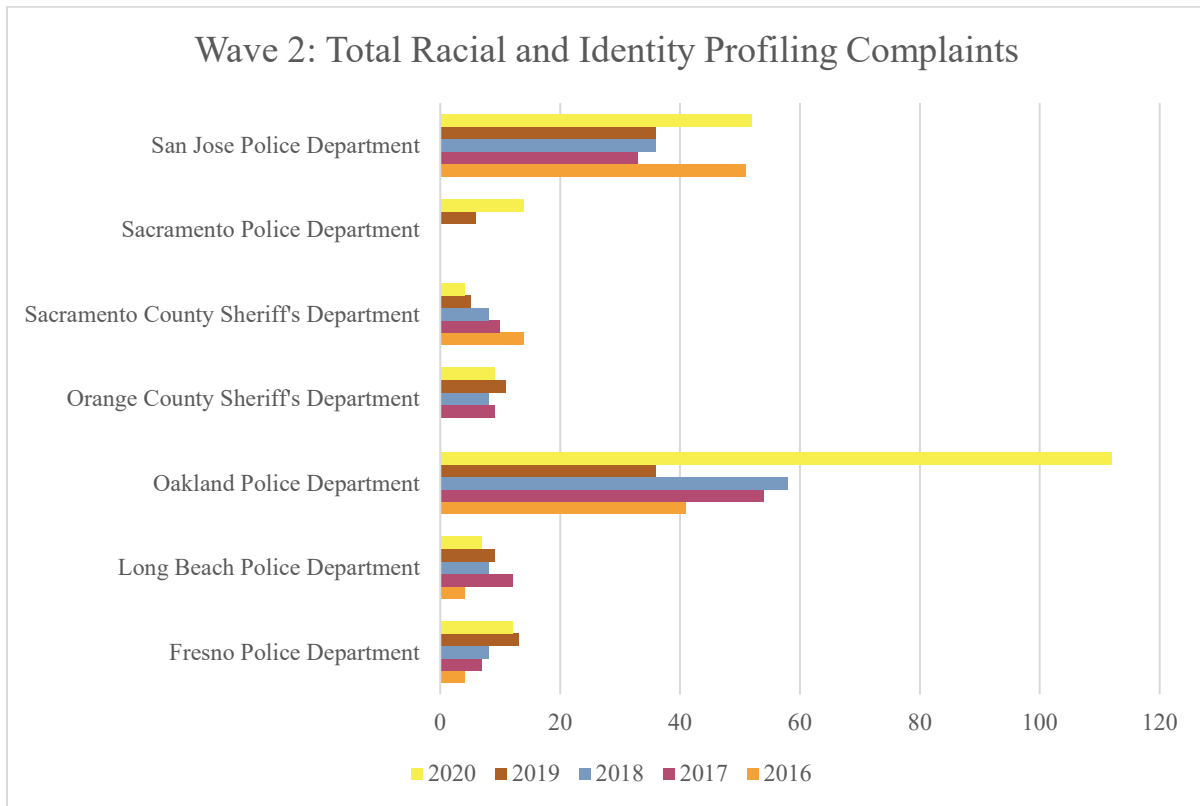
Wave 2 agencies reported an 81 percent increase in civilian complaints from 2019 to 2020 (116 to 210). As was the case with Wave 1 agencies, Wave 2 agencies reported increases in the number of profiling complaints each year over the past five years, meaning that 2020 was the year that Wave 2 agencies reported the highest number of racial and identity profiling complaints since agencies first began transmitting this information to the Department of Justice.

The majority of Wave 2 agencies (4 out of 7) experienced an increase in the number of racial and identity profiling complaints between 2019 and 2020. The Oakland Police Department experienced the largest relative increase (36 to 112, 211.1%) with more than triple the number of

DRAFT REPORT – PENDING EDITING AND REVIEW

This draft has been provided merely for the Racial and Identity Profiling Advisory Board’s consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.

profiling complaints in 2020 than in the previous year. The Long Beach Police Department experienced the largest relative decrease between 2019 and 2020 (9 to 7, 22.2%).²



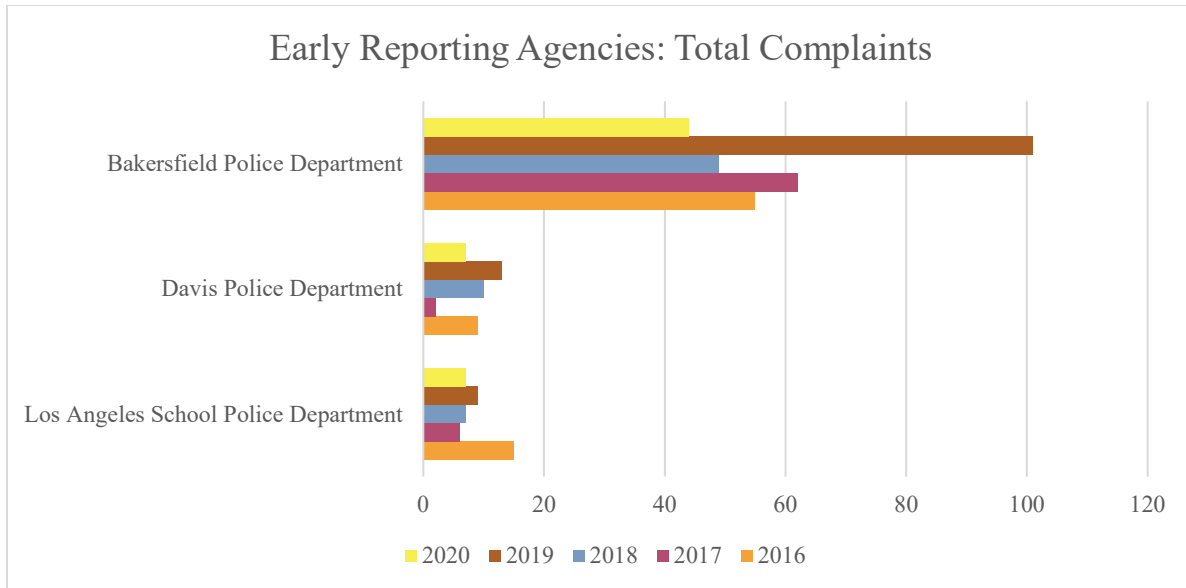
Early Reporting Agencies Total Complaints

In 2019, three agencies began reporting RIPA data earlier than they were required to under statute: Bakersfield Police Department, Los Angeles School Police Department and Davis Police Department. These three agencies are referred to as early reporting agencies, since they began collecting prior to their statutorily mandated year. In 2020, a total of 58 complaints were reported by the three early reporting agencies, which constituted a substantial decrease from the year prior (123). This large reduction is primarily explained by the difference in the number of total complaints reported by the Bakersfield Police Department, which reported 101 complaints in 2019 and 44 complaints in 2020, a 56.4 percent decrease. The Los Angeles School Police Department also saw a decrease in complaints between 2019 and 2020 (9 to 7, 22.2%). The Davis Police Department reported seven complaints in 2020, which constituted a 46.2 percent decrease in total complaints from 2019 (13).

² The Orange County Sheriff's Department also reported a decrease of two complaints (9 from 11) between 2020 and 2019.

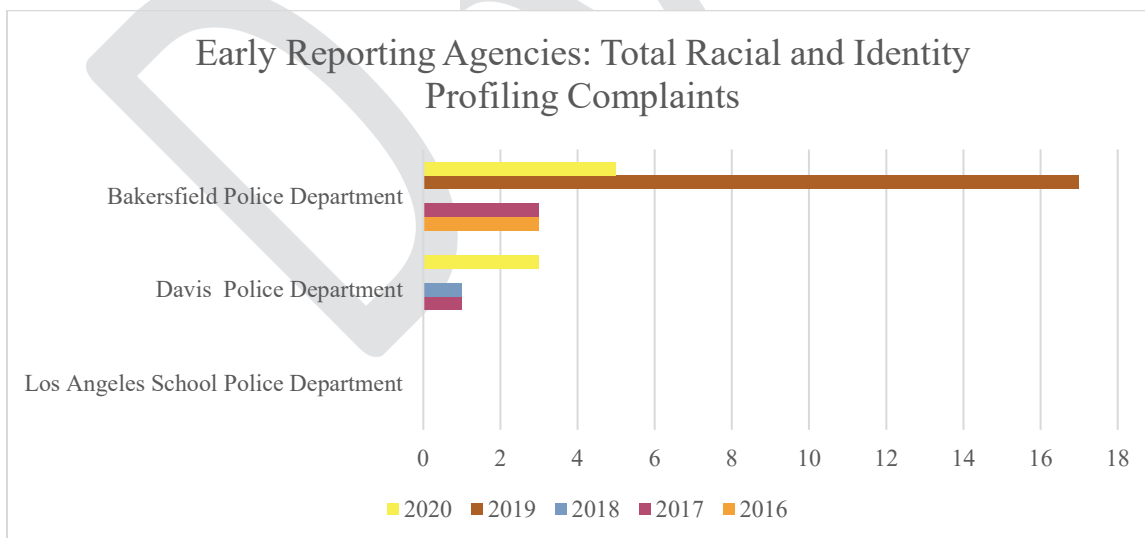
DRAFT REPORT – PENDING EDITING AND REVIEW

This draft has been provided merely for the Racial and Identity Profiling Advisory Board's consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.



Early Reporting Agencies Racial and Identity Profiling Complaints

Early reporting agencies saw a 70.6 percent decrease in profiling complaints from 2019 (17) to 2020 (5). The Bakersfield Police Department reported five racial and identity profiling complaints in 2020, which was 70.6 percent fewer profiling complaints than the agency reported in 2019. The Davis Police Department reported three racial and identity profiling complaints in 2020. In the past five years, it had reported one in 2017 (200% increase) and one in 2018 (200% increase), but did not report any racial and identity profiling complaints in 2016 or 2019. The Los Angeles School Police Department has not reported any racial and identity profiling complaints in the five years since agencies were required to collect this information.



DRAFT REPORT – PENDING EDITING AND REVIEW

This draft has been provided merely for the Racial and Identity Profiling Advisory Board’s consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.

Analysis of Racial and Identity Civilian Complaint Data Submitted by RIPA Agencies

Of the 692 agencies employing peace officers in California that reported civilian complaint data in 2020, 444 agencies are subject to RIPA's stop data reporting requirements (hereafter RIPA agencies). These 444 RIPA agencies include municipal and district police departments, county sheriff's departments, the California Highway Patrol, and the law enforcement agencies of the University of California, California State Universities, California Community Colleges, as well as K-12 school district police departments.³ The sections that follow examine only the data submitted by the 444 RIPA agencies that are either currently, are or will soon begin, collecting RIPA stop data.

RIPA agencies reported 10,648 civilian complaints in 2020. Most complaints alleged noncriminal conduct (10,043, or 94.3%), followed by complaints for conduct that constitutes a misdemeanor offense (378, or 3.5%); approximately two percent of complaints (227) alleged felony conduct.

Of the 10,648 complaints reported by RIPA reporting agencies, 1,259 (11.8%) complaints alleged an element, or elements, of racial or identity profiling. The total number of profiling allegations (1,458) reported to the Department exceeds the total number of profiling complaints (1,259) because some complainants may allege profiling based on multiple identity group characteristics. For example, a civilian may file a complaint alleging they experienced profiling based on both their age and mental disability. This example would count as a single complaint with two types of alleged identity profiling. Of the nine identity categories, complaints alleging race and ethnicity profiling were the most common type of profiling allegations and constituted 75 percent of complaints alleging profiling.⁴ Conversely, gender and identity expression was the least common profiling category at 1.9 percent. Figure X displays the 1,259 allegations of racial or identity profiling reported by stop-data reporting agencies in 2020 broken down by the nine identity types.

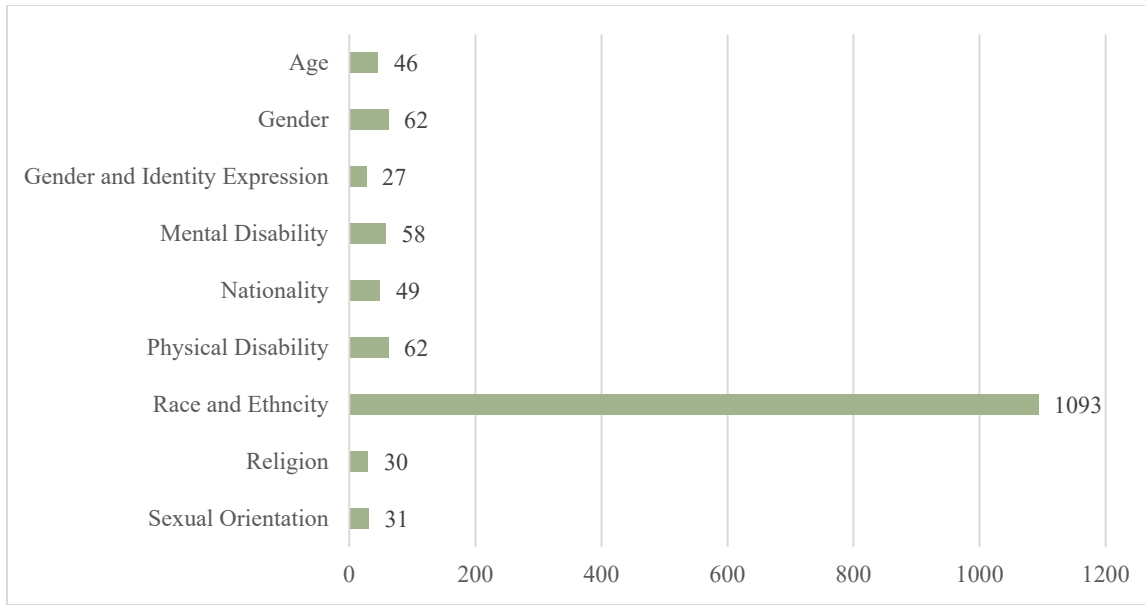
Figure X. Total Racial and Identity Profiling Complaints Reported by RIPA agencies

³ For more information on the law enforcement agencies that are required to report under RIPA, see Cal. Code Regs., tit. 11, § 999.225 <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-final-text-110717.pdf>? (as of May 26, 2020).

⁴ The nine categories include: age, gender, gender identity/expression, mental disability, nationality, physical disability, race, religion, sexual orientation.

DRAFT REPORT – PENDING EDITING AND REVIEW

This draft has been provided merely for the Racial and Identity Profiling Advisory Board's consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.



Dispositions of Civilian Complaints for RIPA Agencies

Of the 10,648 complaints reported, 9,878 (92.8%) reached a disposition in the 2020 calendar year. Of the 9,878 complaints that reached a disposition, 933 (9.4%) were sustained, 3,313 (33.5%) were exonerated, 996 (10.1%) were not sustained, and

DISPOSITION KEY TERMS

Sustained: investigation disclosed sufficient evidence to prove truth of allegation in complaint by preponderance of evidence.

Exonerated: investigation clearly established that employee’s actions that formed basis of allegations in complaint were not a violation of law or agency policy.

Not sustained: investigation failed to disclose sufficient evidence to clearly prove or disprove complaint’s allegation.

Unfounded: investigation clearly established that allegation is not true.

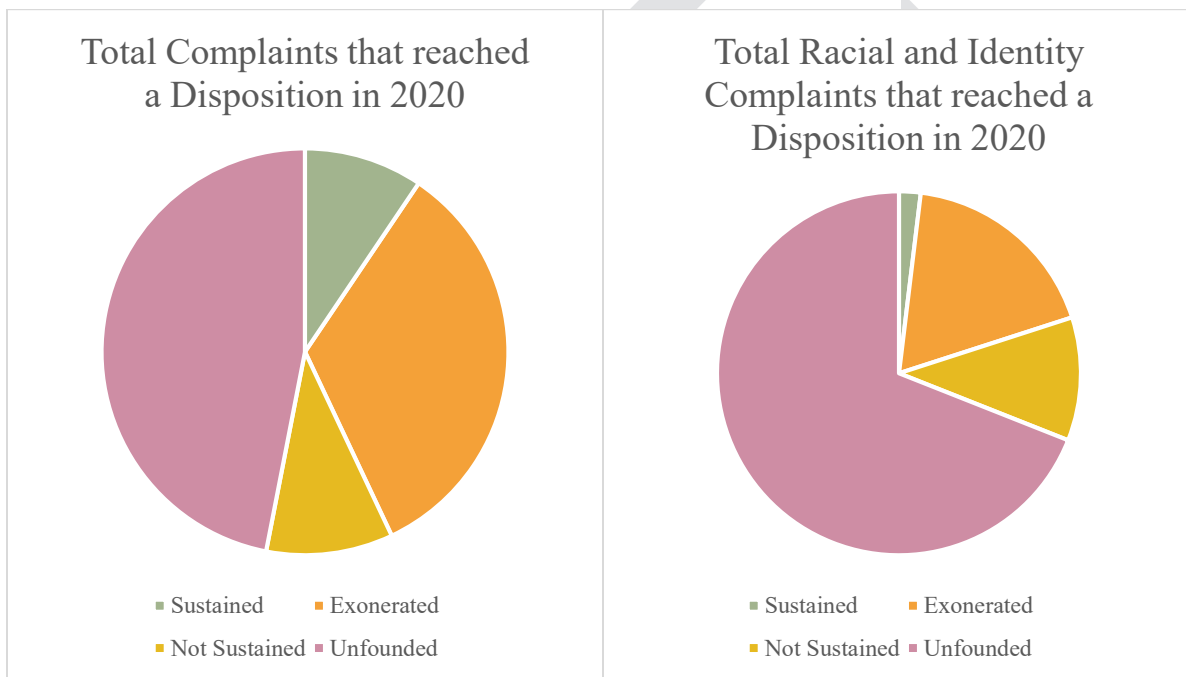
Pending: number of complaints reported in the current year that are currently awaiting disposition.

DRAFT REPORT – PENDING EDITING AND REVIEW

This draft has been provided merely for the Racial and Identity Profiling Advisory Board’s consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.

4,636 (46.9%) were unfounded.⁵ Ninety RIPA agencies (19.5%) reported that they did not receive any complaints in the 2020 calendar year.⁶ The remaining 354 (79.7%) RIPA agencies reported they received one or more civilian complaints; of the RIPA agencies that reported having at least one complaint in 2020, 147 (33.1 %) reported one or more civilian complaints alleging racial or identity profiling. These 147 agencies reported a total of 1,259 complaints alleging racial or identity profiling, 729 of which reached disposition in 2020. Of these 729 racial and identity profiling complaints which reached disposition, 14 (1.9%) were sustained, 132 (18.1%) were exonerated, 80 (11%) were not sustained, and 503 (69%) were determined to be unfounded. Figure X displays the distribution of disposition types within the 2020 data for (1) all complaints that reached disposition and (2) complaints of racial and identity profiling that reached disposition.⁷

Figure X. Disposition Distribution of 2020 Complaints



Agency-Level Data Snapshot: 2020 Civilian Complaints for Wave 1, 2, and Early Reporting Agencies

Table 1 displays civilian complaint totals broken down for agencies that collected stop data in 2020. The table provides the following information: the total number of complaints reported; the

⁵ It is important to note that not every complaint reaches a disposition during the same year it is initially reported. Accordingly, it is possible that some complaints that appeared in the 2020 disposition categories were first reported in 2019 or earlier.

⁶ In 2019, 84 agencies reported zero complaints.

⁷ For an agency-level breakdown of how many profiling complaints reached each disposition type in 2019, see Appendix Table X.

DRAFT REPORT – PENDING EDITING AND REVIEW

This draft has been provided merely for the Racial and Identity Profiling Advisory Board’s consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.

number of complaints reported alleging racial or identity profiling; and the number of sworn personnel each agency reported employing in 2020.⁸

Table 1. Total Sworn Personnel and Civilian Complaints for Wave 1, 2, and Early Reporting Agencies

Wave	Agency	Total Complaints Reported	Total Racial and Identity Complaints Reported	Total Sworn Personnel
1	California Highway Patrol	295	42	7,001
1	Los Angeles County Sheriff's Department	985	71	9,933
1	Los Angeles Police Department	2,097	389	9,863
1	Riverside County Sheriff's Department	33	0	1,779
1	San Bernardino County Sheriff's Department	118	71	1,985
1	San Diego County Sheriff's Department	204	44	2,582
1	San Diego Police Department	194	31	1,846
1	San Francisco Police Department	842	44	2,239
2	Fresno Police Department	146	12	788
2	Long Beach Police Department	157	7	809
2	Oakland Police Department	1414	112	740

⁸ Sworn personnel totals presented are calculated from the information contained within the Law Enforcement Personnel file available at <https://openjustice.doj.ca.gov/data>. The Department of Justice collects the Law Enforcement Personnel data through a one-day survey taken on October 31st of each year.

DRAFT REPORT – PENDING EDITING AND REVIEW

This draft has been provided merely for the Racial and Identity Profiling Advisory Board's consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.

2	Orange County Sheriff's Department	61	9	1,879
2	Sacramento County Sheriff's Department	191	4	1,333
2	Sacramento Police Department	238	14	684
2	San Jose Police Department	247	44	1,170
3	Bakersfield Police Department	44	5	403
4	Davis Police Department	7	3	56
4	Los Angeles Schools Police Department	7	0	-

DRAFT REPORT – PENDING EDITING AND REVIEW

This draft has been provided merely for the Racial and Identity Profiling Advisory Board's consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.