

**CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD**

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**STOP DATA ANALYSIS SUBCOMMITTEE MEETING MINUTES**

**February 23, 2021, 2:30 p.m. - 4:24 p.m.**

**Subcommittee Members Present:** Co-Chair Steven Raphael, Co-Chair David Swing, Edgar Hampton, Lily Khadjavi

**Subcommittee Members Absent:** LaWanda Hawkins, Brendon Woods

**1. Introductions**

Co-Chair Swing called the meeting to order at 2:30 pm. He welcomed and introduced new Board member Officer Edgar Hampton, who serves as the representative of the Peace Officers' Association of California and is police officer with the Anaheim Police Department.

**2. Approval of November 12, 2020 Subcommittee Meeting Minutes**

Member Khadjavi made a motion to approve the minutes. Co-Chair Raphael seconded the motion. All members voted "Yes", there were no "no" votes and no abstentions.

**3. Discussion of Report-Specific Research Topics**

Data Analyst Tiana Osborne from the Department of Justice Research Center presented the Open Justice "How Do Stops Unfold," "RIPA K-12 Public School Stop Data," and "RIPA Search Discovery Rates and Stop Outcomes" dashboards. She stated that the "How Do Stops Unfold" dashboard, released in 2020, was updated to include 2019 stop data. She explained that users could filter the data by agency and identity group categories. Data Analyst Osborne stated that the Research Center revised the placement of the labels in the graphics to make them easier to read. She stated that additional graphics were included regarding Actions Taken during Stops.

Ms. Osborne explained that the "RIPA Search Discovery Rates and Stop Outcomes" dashboard includes data about the stops of people who officers searched. She stated that the dashboard complements the information in the Board's Report regarding search and discovery rates. She demonstrated the dashboard graphics showing the basis for search by identity group and the discovery rates for the different bases for search. Ms. Osborne stated that users could filter the Result of Stop data by stops in which officers found contraband or evidence and stops in which it was not found.

Ms. Osborne demonstrated the dashboard "On-Campus Stops of K-12 Public School Students." She stated that the dashboard includes information about the demographics of the students stopped, the reason for stop, actions taken during stop rates, and the results of stops. She explained that the Research Center expects to expand the available information when more agencies that make a greater number of the stops on school campuses begin reporting. She indicated that the Research Center provided an option for users to download the data visualizations in PDF or image formats. Ms. Osborne encouraged users to submit comments and

feedback about the dashboards to the [ab953@doj.ca.gov](mailto:ab953@doj.ca.gov) mailbox and thanked members of the public for the feedback they provided.

Research Data Specialist Kevin Walker from the Research Center reiterated that the dashboards display the same RIPA stop data that is included in the Board Reports. Co-Chair Raphael asked if there were restrictions for a minimum number of stops in the categories included in the dashboard to protect confidentiality when there are a small number of stops for identity groups or agencies. Mr. Walker stated that the dashboards display frequencies for the categories and those with low numbers are not filtered out. He added that the dashboards have a “tooltips” feature that allows users to hover over data elements to display a pop-out box with additional information. Ms. Osborne stated that the full data set is also available online for download and there was not a need to filter out any portion of the data from the dashboards. She stated that because of the low number of stops included in the Student Dashboard it would not allow users to filter the data by agency. Member Khadjavi and Co-Chair Swing stated that they liked how the dashboards were evolving.

Co-Chair Swing asked if the DOJ planned to add call for service information to the data available on the dashboards regarding the reason for stop. Mr. Walker stated that officers report whether a call for service was received concerning the person stopped as an additional data value, which is separate from the reason the officer made the stop. He stated that it might be interesting to include an analysis by identity groups of stops made in response to calls for service. Co-Chair Swing stated that he would appreciate the inclusion of this information. Member Hampton asked if geographic information about areas where collisions frequently occur could be included in the dashboards. He explained that in the Anaheim Police Department’s jurisdiction there are high enforcement locations because of frequent traffic collisions. Research Specialist Walker stated that information about collision patterns is not included in RIPA reporting and the location information reported for stops may not be as precise as would be required to compare collision patterns with stop patterns; to do so would require gathering third-party information. Member Hampton said that he understood the complications that this would present.

Deputy Attorney General (DAG) Allison Elgart suggested that the subcommittee members discuss the report-specific research topics that they would like to pursue. She stated that it would be important to keep in mind that report-specific topics would not be repeated for each annual report and the subcommittee would decide which topics to research. She stated that the Civil Rights Enforcement Section staff would present some potential topics based on research that the subcommittee began in 2020 and trends in the data. DAG Elgart asked that the subcommittee keep in mind balancing the report-specific research topics with the analyses that are mandated to be included each year.

DAG Kendal Micklethwaite presented a summary of the work that the Board began during 2020 regarding supervision searches and consent searches. She stated that in the 2019 stop data, officers provided “consent given” as the sole basis for the searches they performed in 1.6% of stops. She stated that in stop data reports, officers indicate whether they asked for consent to search a person and whether they asked for consent to search property. DAG Micklethwaite stated that officers also indicate if consent was given. She stated that the figures and data in

the meeting materials were from the 2021 Board Report. She presented the figure showing the rate at which officers asked detained people for consent to search by perceived race and ethnicity. DAG Micklethwaite also presented a figure showing the discovery rates for consent searches by perceived race and ethnicity. She stated that the subcommittee may want to study the effectiveness of consent searches and whether consensual “consent searches” are in fact consensual. She stated that in the 2021 Report the discovery rate for consent searches was disaggregated by perceived race and ethnicity and the subcommittee may consider including analyses of discovery rates for consent searches disaggregated by perceived age and gender.

DAG Micklethwaite stated that the Board analyzed known supervision stops and searches in its 2021 Report and found that “known supervision” (parole, probation, PRCS, or mandatory supervision) was the primary reason for the stop in 0.7% of the stops and there were disparities across perceived racial and ethnic groups for people who were stopped primarily for known supervision. She stated that disparities were also found across perceived racial and ethnic groups for searches in which known supervision was the only basis for search and the search discovery rates for this type of search were very low. She stated that the subcommittee may want to consider additional criteria for evaluating the use of these types of searches, beyond discovery rates, and may want to consider disaggregating the data for other perceived identity categories, such as gender and disability, in addition to race and ethnicity.

DAG Micklethwaite stated that the subcommittee could consider methods of analyzing the data reported in the narrative field for consent and supervision searches, and appropriate benchmarks to use in the analysis of probation and parole stops and searches. She stated that the subcommittee might also want to consider analyzing the length of detentions based on the reason for stop, including stops made for equipment violations.

Co-Chair Raphael recommended that the subcommittee consider how to analyze stops for which officers indicated that they asked for consent to search and the bases for searches that officers reported. He stated that he reviewed the national Annual Parole and Probation Surveys and these might be a resource for understanding who is in community corrections in California and possibly generate a benchmark.

Member Khadjavi stated that she appreciated the groundwork of analyzing these aspects of the RIPA data, which she hoped would lead to concrete policy recommendations. She stated that consent given was the sole basis for 1.6% of searches and, while this sounds like a very small percentage, it represents over 60,000 searches in one year. She asked how the Stop Data subcommittee’s work with these analyses might interact with the work of the Policies and Accountability subcommittee. DAG Elgart stated that the Board might want to consider structuring the Report to include focus sections, in addition to the Stop Data section, and possibly develop policy recommendations in these areas. She encouraged the Board to provide input on the structure of the sections and the full Report. She stated that it would be more complicated for the Board to develop a mechanism to publish interim reports, and still meet the mandate for the annual report. DAG Elgart stated that since the stop data is not available for analysis until the spring or summer, the Board might wish to concentrate on developing these focus topics during the first part of the year and concentrate on the data analysis during the second part of the year.

Member Khadjavi recommended that the Board analyze the differences in the demographics of people stopped for equipment violations in comparison with people stopped for moving violations. She stated her support for further analysis of searches for which consent given was the only basis for the search. She stated that Los Angeles Police Department data collected under a consent decree showed significant differences in the searches of pedestrians and the searches of drivers. Member Khadjavi stated that looking at these areas of the RIPA data might show some patterns that would guide the Board in making policy recommendations.

Member Hampton asked how many of the LEAs reporting RIPA data use body-worn cameras. He stated that the metadata from the body-worn cameras might be a good source for the duration of stop information. Mr. Walker stated that officers currently report the approximate duration of stop and it would be possible to analyze this data. Co-Chair Raphael stated that in 2020, the Los Angeles Inspector General used body-worn camera footage to compare with RIPA data and audits of body-worn camera footage may be a topic that the Board would want to consider. Concerning consent searches and community corrections searches, he recommended assessing the level of officers' discretion and existing policies regarding these searches and considering what aspects of these practices could be addressed using RIPA data.

Co-Chair Swing stated that, in addition to information about the rate at which officers asked for consent to search a person or property, the Board should assess the rate at which the searches occurred. He stated that, in his experience, unless there is another reason to search, officers do not conduct searches when consent to search is not given. He recommended that the Board analyze if searches occurred when the stopped person did not consent to a search. Regarding the mandatory supervision stops and searches, he recommended comparing the rates at which officers of a specific law enforcement agency stopped people by perceived race and ethnicity with data about the people on probation or parole in the jurisdiction.

Associate Governmental Program Analyst (AGPA) Anna Rick from the DOJ stated that the data analyzed in the 2021 Board Report showed disparities across gender, particularly for people whom law enforcement officers perceived to be transgender, and she presented information for the subcommittee to consider any next steps that the Board may wish to undertake. She presented findings from the 2015 U.S. Transgender Survey conducted by the National Center for Transgender Equality. She stated that survey respondents reported their experiences in interactions with law enforcement officers in the previous year, including experiences of being treated with respect and experiences of specific forms of mistreatment. Ms. Rick stated that 40% of respondents reported interacting with law enforcement in the prior year and more than one in ten respondents who interacted with law enforcement officers who thought or knew they were transgender reported that an officer assumed that they were sex workers. She stated that 57% of the 27,715 respondents reported that they would be somewhat or very uncomfortable asking for help from the police if they needed it. She stated that in addition to the survey information about the experiences of transgender people in the U.S., the subcommittee member could consider the perceived gender data analyses from the 2021 Report to identify any additional analyses they would like to pursue.

AGPA Rick stated that in the analysis of Reason for Stop by Perceived Gender, transgender women and girls had the lowest proportion of their stops reported for traffic violations and the highest proportion reported for reasonable suspicion, while transgender men and boys had the second-lowest proportion of their stops reported for traffic violations and the second-highest proportion reported for reasonable suspicion. She stated that individuals perceived to be transgender women and girls had the highest rate of calls for service reported, while individuals perceived to be cis-gender female had the lowest rate. She added that stopped individuals perceived to be transgender women and girls had the highest rates of being searched, detained on the curb or in a patrol car, and handcuffed, and individuals perceived to be gender-nonconforming had the highest rate of being removed from a vehicle by order, while individuals perceived to be cis-gender females had the lowest rates for each of these actions. AGPA Rick presented a list of the analyses by perceived gender that were included in the 2021 Board Report for the subcommittee to consider analyses that they may wish to pursue for the 2022 Report. She noted that the Policies and Accountability subcommittee would be discussing model policy language and best practices related to the gender disparities. She stated that as next steps the subcommittee might identify specific analyses that they would like to see, direct DOJ staff to conduct further research, request a presentation by research institutes or advocacy organizations or direct DOJ staff to work with a subject matter expert.

Co-Chair Raphael stated that he wonders if there are significant inter-jurisdictional differences in the outcomes across gender. He recommended further analysis of the stops where reasonable suspicion was the primary reason for stop, including when there was a call for service. He stated that the subcommittee members would need to consider the recommendations that they would like to make and share these at the April Board meeting.

Member Hampton stated that POST is providing training to officers regarding interaction with transgender and non-binary people and that training could address problems of misgendering people. He stated that while he has served as a police officer for over twenty years, 2019 and 2020 were the first years in which he had training about the expectations for officers when they contact a person who is transgender or non-binary.

Member Khadjavi expressed appreciation for the presentation and materials, including the large survey of the transgender community and the supplemental material from the Williams Institute. She stated that it is valuable for the Board to consider these voices from the LGBTQ+ community in addition to the data about officer perceptions reported in RIPA. She recommended that the Board analyze categories like reasonable suspicion and traffic violations and the types of searches conducted across perceived gender. Member Khadjavi stated that policy improvements could have a profound effect on a small fraction of policing actions, with an amplified positive effect for the people that are impacted. She stated that the subcommittee saw in the Survey data that the transgender community was not having a positive experience with law enforcement. She recommended that Board continue to analyze subsets of the data, including the reason for stops, and try to analyze pedestrian and traffic stops, which may show disparities. Member Khadjavi stated that Los Angeles Police Department data analyzed under a consent decree showed very different outcomes for pedestrian and traffic stops. She stated

that analyzing these subcategories could provide important information for the Board to make policy recommendations.

Co-Chair Swing requested discussion about additional analyses that the Board would like to pursue for the 2022 Report. Co-Chair Raphael recommended that the Board further study some topics included in the 2021 Report to identify policy and training recommendations regarding mental health and law enforcement interaction with LGBTQ people.

Member Khadjavi stated that due to the pandemic, the data for stops occurring in 2020 may be quite different from other years and the Board may want to consider analyzing 2019 data for the subset analyses. She stated that as data is reported for future years, it may be useful to analyze trends over time, and reductions in stops during 2020 may be an effect of the pandemic rather than changes in policies. She stated that the RIPA data collection provides very important information and the Los Angeles Inspector General audit of body-worn camera footage and stop data reports found that these did not align as much as would be expected, in light of which, the Board may want to consider additional ways to address the accuracy of the data collection. Member Hampton stated that data from body-worn cameras could be used to audit stop data reports. Member Khadjavi stated that as a data integrity check the Board might request body-worn camera data to analyze with a small subset of the stop reports or the reports from a particular agency.

Co-Chair Swing agreed with Member Khadjavi's comments about the impact that the pandemic may have had on 2020 stop data. He stated that the 2021 Board Report included data in the Appendix about calls for service, which showed greater disparities in stops that were related to calls for service. He recommended that the Board consider including an analysis of trends in calls for service across the reporting years since this was not included in the Board's previous reports.

Co-Chair Raphael asked the subcommittee members if they thought there was any analysis related to COVID that the Board should pursue. Co-Chair Swing stated that he anticipated that the 2020 data would show a dramatic reduction in the number of stops in comparison to earlier years. Member Hampton stated that preliminary data for the Anaheim Police Department showed approximately twenty-five percent less law enforcement activity and he anticipated that there would be similar trends for other agencies.

#### **4. Public Comment**

Jean Lyon stated that when officers arrest a person they would report if the arrest was based on a warrant and that due to COVID, this has changed. She stated that officers now refer the person to the District Attorney for charging and officers would record "no action taken" in the stop data report because the data collection does not provide an option to indicate that the officer took a report and referred it to the District Attorney's office, where charges might be filed, a warrant might be issued, and the person might be arrested. She stated that, in addition to showing a reduction in stops and searches, the data may also show a reduction in arrests during the pandemic because the arrests are not occurring at the time of the stops.

Michelle Wittig from the Santa Monica Coalition for Police Reform referenced a recent LA Times article that referred to RIPA stop data. She stated that investigative stops were found to be ineffective and the Los Angeles Police Department is resuming the use of investigative stops. She stated that she believes California law forbids this type of stop and requested clarification about whether these stops are permitted.

Co-Chair Swing stated that he did not know if it would be within the purview of the committee to comment on whether the Los Angeles Police Department was conducting stops in accordance with California law.

Anand [last name not provided] stated that during the pandemic there was less commuting and the demographics of people stopped during this period may be similar to resident demographics.

Co-Chair Swing stated that the Board might want to consider an analysis to address the changes in employment and tourism during the pandemic.

## **5. Discussion of Next Steps**

Co-Chair Raphael stated that the subcommittee requested analysis addressing mental health, bias by proxy/disparities in stops for which there was a call for service, use of other data sources of to compare to RIPA stop data for quality control.

Member Khadjavi stated that the Board began to study consent-based searches in 2020 and the subcommittee requests a continuation of these analyses. She stated that the subcommittee requests an analysis to compare the stops of pedestrians with stops of drivers and this analysis might guide the Board's policy recommendations. She stated that the subcommittee also requests that the focus on the LGBTQ+ community continue.

DAG Elgart stated that DOJ staff would be able to work more in-depth in some of the areas that the subcommittee identified, would present a more detailed Report Outline at the April Board meeting, and would present the research in detail at the next subcommittee meeting in May or June. Mr. Walker stated that the Research Center would contact subcommittee members in advance of the next subcommittee meeting regarding and clarifying questions about the data analysis requests. He asked subcommittee members to consider, in light of the impact of the pandemic, if they would like to provide direction about the specific circumstances in which the Board would like to continue to analyze 2019 data and in which types of analyses the Board would like to include 2020 data. He asked that in making the considerations subcommittee members keep in mind that some agencies that reported stop data in 2020 did not report data in 2019.

Co-Chair Raphael stated that it will be important to document what happened during 2020 and he reiterated the comment received from a member of the public, encouraging the Board to be mindful about how the circumstances of the pandemic may have led to changes in law enforcement practices.

Mr. Walker stated that the Research Center had some ideas about how to approach the analyses that the subcommittee discussed and would prepare draft analyses for the subcommittee to review in the summer.

Co-Chair Swing stated that in considering how to prioritize and dedicate staffing to the analyses that the subcommittee requested, it is important to consider the areas that are important to our communities, transparency with communities, and using the Board Report as an opportunity to build trust and identify needs. He stated that to do this it is important to provide data that is benchmarked and accurate and for this reason, it would be necessary to provide additional information about calls for service. Concerning the analyses of the stops and searches of people under supervision, he stated that it would be important to include information about the disparities in the broader criminal justice system and include a benchmark about the population of people under supervision in the jurisdictions of the reporting agencies. Co-Chair Swing stated that it would be important for the Board to use the RIPA data to inform law enforcement's response to people experiencing a mental health crisis. DAG Elgart stated that the Calls for Service subcommittee would be working on the topic of crisis intervention responses and interactions with law enforcement and that the subcommittee would meet on March 9, 2021.

Member Hampton stated that the Anaheim Police Department participated in RIPA data reporting in 2020 and he was very interested in learning more about how the Board uses stop data.

Mr. Walker responded to questions received in the chat about the Dashboards. He stated that the Dashboards include data from Wave 1 and 2 agencies, the largest fifteen agencies in the state, for 2019. He added that the 2018 section of the Dashboard only includes data from Wave 1 agencies, the largest eight agencies in the state. Research Data Specialist Walker stated that in the Student Dashboard there are drop-down menus that users can use to view the data by identity group. He stated that he was not familiar with the requirement described by the member of the public, requiring schools to report all calls to police and school-related arrests. He stated that the Dashboards include RIPA stop data and data reported under separate would not be reflected in the Dashboards.

Co-Chair Swing stated that he and Co-Chair Raphael would report at the April Board meeting regarding the topics that the subcommittee would pursue during the year and request feedback from other members of the Board. DAG Elgart stated that DOJ staff would continue research on the topics identified and identify the analyses that would be possible.

## **7. Adjourn**

Co-Chair Raphael thanked the members of the public, subcommittee members, and DOJ staff. He adjourned the meeting at 4:24 pm.