

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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STOP DATA ANALYSIS SUBCOMMITTEE MEETING MINUTES

November 10, 2021, 11:00 a.m. - 12:26 p.m.

Subcommittee Members Present: Co-Chair Steven Raphael, Co-Chair David Swing, Andrea Guerrero, Edgar Hampton, LaWanda Hawkins, Lily Khadjavi, Brendon Woods

Subcommittee Members Absent: none

1. Introductions

Co-Chair Swing called the meeting to order at 11:00 a.m. Each subcommittee member introduced themselves.

2. Approval of July 30, 2021 Subcommittee Meeting Minutes

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

3. Updates by the Department of Justice

Research Associate Kevin Walker from the Department of Justice Research Center presented an update regarding the Stop Data Analysis section and data included in the policies sections of the Draft Board Report. He stated that, based on feedback from the subcommittee, information about the distribution of stops during 2019 and 2020 across reporting agencies was added to the Data Analysis section; this would allow readers to compare the reduction in stops by agency. He stated that the overall reduction in stops between these years was approximately 27 percent. Mr. Walker stated that the Research Center incorporated additional contextual information about the American Community Survey into the section and updated some of the figure titles. He stated that a comparison of the California Highway Patrol’s (CHP) stop data with the unweighted California residential population data was added to the section. He stated that the Department repeated the analyses regarding perceived gender and sexual orientation, excluding data from CHP, due to two errors that the Department discovered in CHP’s data. Mr. Walker stated that there was an error in the code that CHP transmitted to the Department that introduced errors in the records of stops of individuals perceived as gender non-conforming. He stated that the Department worked with CHP in the late summer to have CHP resubmit these records. He stated that when analyzing the newly submitted records, the Department identified an error in the records of stops of individuals perceived as transgender. Mr. Walker stated that in conversations with the CHP, the Department learned that the software program that the CHP uses introduced the error; the CHP uses this software to convert their stop data from the file format in which it is stored by the CHP to the file format in which CHP transmits the data to the Department. He stated that due to the timing when the Department identified this error, the Department could not request corrected data and repeat the analyses in time for the Report publication. He stated that the Department, therefore, excluded the CHP’s data from the gender analyses.

Mr. Walker stated that the data analyses in the From Data to Policies Addressing the Profiling of Transgender People section begins with an analysis of the reasons for stops, which shows that most of the stops of people perceived as cisgender were for traffic violations and most of the stops of people perceived as transgender were for reasonable suspicion. He stated that the section includes an analysis of the proportion of reasonable suspicion stops for sex work-related offense codes across gender. He

stated that the section also includes an analysis of use of force rates across gender. Mr. Walker stated that the section includes an analysis of the stop outcomes across gender, e.g., no action taken, warning or citation given, or arrest; stops of individuals perceived as transgender led to enforcement less frequently than stops of individuals perceived as cisgender. Lastly, he stated that the section includes an analysis of search and discovery rates across gender showing that people perceived as transgender had much higher search rates than people perceived as cisgender, while discovery rates were fairly consistent across groups.

Mr. Walker stated that the Data-Driven Approaches to Disability Justice section of the Draft Report included an analysis of search and discovery rates showing that people perceived to have mental health or other disabilities had much higher search rates than people perceived not to have a disability, while discovery rates were lower for people perceived to have mental health or other disabilities. He stated that use of force rates were also much higher for people perceived to have a mental health or other disability in comparison with the use of force rates for people perceived not to have a disability. He stated that there were very large differences in the reason for stops across groups of people perceived to have mental health disabilities, other disabilities, and no disability. Mr. Walker stated that the majority of people perceived not to have a disability were stopped for traffic violations, whereas over 50 percent of people perceived to have other disabilities were stopped for reasonable suspicion, and over 85 percent of people perceived to have mental health disabilities were stopped for reasonable suspicion. He stated that the section includes an analysis of categories of reasonable suspicion across perceived disability groups showing that officers most frequently indicated that they observed people perceived not to have a disability committing a crime, while officers most often indicated “other” as the reasonable suspicion subtype in the stops of people perceived to have a mental health disability. He stated that officers are trained to select the “other” reasonable suspicion subtype when the reasonable suspicion arose during a stop that was initiated for community caretaking reasons.

Co-Chair Swing asked if stop data reports include information about whether a mental health hold was a stop outcome. He also asked if the stop data reports include information about whether calls for service were received in relation to the stops for which officers indicated that reasonable suspicion was the reason for the stops. Mr. Walker stated that those fields exist within the data and it would be possible to analyze the proportion of reasonable suspicion stops for which there was a related call for service. He stated that under the Result of Stop field, officers can report a psychiatric hold (pursuant to Welfare and Institutions Code sections 5150 and/or 5585.20). Co-Chair Swing stated that a search incident to transportation related to a psychiatric hold is akin to a search incident to arrest and he appreciated that the stop data could be analyzed at that level.

Member Woods asked for additional information about reasonable suspicion stops that occur during community caretaking interactions. Mr. Walker stated that with the proposed revisions to the regulations, the Department is working to address the concerns about how stops that occur during community caretaking interactions are reported to allow officers to indicate in a more straightforward way that the stop occurred during an interaction that was initiated for community caretaking.

Co-Chair Raphael stated that the higher proportion of reasonable suspicion stops for people perceived to have a disability with the stop subtype Matched Suspect Description might suggest that calls for service were received in relation to these stops, which raises important policy questions about having alternatives for people to call if someone is visibly distressed. He stated that in the future, the Board might want to analyze the reasonable suspicion stop subtypes in relation to calls for service. Mr. Walker stated that he believed that the section also discussed alternatives to responding to calls for service for

persons experiencing a mental health crisis. He stated that it would be possible to analyze the data to see if the proportions of stops with a Matched Suspect Description subtype across perceived disability categories matched the proportion of calls for service across these categories, a finding that would support recommendations for alternative responses for calls for service related to mental health crises.

Mr. Walker stated that the section included an analysis of stops that occurred during community caretaking interactions across perceived disability types, which showed that less than half a percentage point of individuals perceived not to have a disability were stopped during community caretaking interactions, whereas over a quarter of individuals perceived to have a mental health disability were stopped during community caretaking interactions.

Member Guerrero stated that it would be great to include a definition of community caretaking and quality of life offenses where these terms are discussed in the Report.

Mr. Walker stated that the Draft Report included continued analysis of consent searches that the Board began in the previous Annual Report. He stated that overall, officers asked approximately three percent of the individuals they stopped for consent to search their person or property and the rate of officers asking for consent varied across the perceived racial/ethnic groups of individuals stopped; Multiracial and Black individuals were asked for consent to perform a search at the highest rates. He stated that approximately 95 percent of the individuals whom officers asked for consent to perform a search did consent to a search. Mr. Walker stated that the section includes an analysis of three categories of searches; Consent Only Searches are searches for which officers indicated that consent given was the only basis for performing the search, Consent Plus Searches are searches for which officers indicated that consent given was one of the multiple bases for performing a search, and Other Discretionary Searches includes all other searches except searches pursuant to a warrant, searches for vehicle inventory purposes, and searches incident to arrest. He stated that across these three categories, Black, Multiracial, and Hispanic individuals had much higher search rates than other groups and relative to White individuals. He stated that in the analysis of discovery rates for these search types, notwithstanding a few exceptions, there was a general trend of lower discovery rates for individuals of color in comparison with White individuals, with the largest differences in lower discovery rates in consent-only searches of Black, Hispanic, and Multiracial individuals. Mr. Walker stated that the section included an analysis of the types of stops in which officers conducted consent-only searches. He stated that, overall, officers conducted most consent-only searches during stops for traffic violations, but this varied across racial/ethnic groups and officers conducted about two-thirds of the consent-only searches of Black individuals during stops for traffic violations – more than two times the proportion of consent-only searches of White individuals conducted during stops that for traffic violations. He stated that the Board also analyzed whether stops in which consent-only searches occurred led to enforcement; stops in which officers conducted consent only-searches led to enforcement action least often for Black individuals in comparison with other racial/ethnic groups.

Mr. Walker stated that the Draft Report included continued analysis of supervision searches that the Board began in the previous Annual Report. He stated that the analysis showed that Black and Multiracial individuals experienced searches based on supervision only, based on supervision plus other bases, and other discretionary searches at higher rates relative to White individuals. He stated that in searches where the only basis that officers reported for the search was that the person was on supervision with a search condition, the search discovery rates for all racial/ethnic groups of color were lower than for White individuals with the largest differences for Black and Latinx/e/Hispanic individuals. He stated that while other discretionary searches occurred most frequently during stops based on

reasonable suspicion, searches based only on a condition of supervision occurred most often during stops for traffic violations.

Member Woods asked for examples of types of other discretionary searches. Mr. Walker stated that for this analysis of the data values that officers may use to report the bases for a search, the “consent given,” “officer safety/safety of others,” “suspected weapons,” “visible contraband,” “odor of contraband,” “canine detection,” “evidence of a crime,” and “exigent circumstances/emergency” were grouped under the category of other discretionary searches.

Mr. Walker stated that the primary reasons for the stops in which searches occurred for which a condition of supervision was the only basis varied across racial/ethnic groups. He stated that 60 percent of the supervision-only searches of Black individuals occurred during stops for which a traffic violation was the primary reason for the stop. He stated that Black individuals had the lowest proportion of supervision-only searches occurring during stops for which the officers’ knowledge that the person was on supervision was the primary reason for the stop. Mr. Walker stated that the Board also analyzed whether stops in which supervision-only searches occurred led to enforcement; stops in which officers conducted supervision-only searches led to enforcement action least frequently for Black individuals in comparison with other racial/ethnic groups.

Mr. Walker stated that the Draft Report also included an introduction to work that the Board planned to continue regarding traffic and pretext stops. He stated that the Board had begun to look at a comparison of the proportion of traffic violation stops for non-moving and equipment violations and the proportion for moving violations. He stated that approximately a quarter of the traffic violation stops were for non-moving and equipment violations. Mr. Walker stated that there are studies that examine stops based on non-moving and equipment violations as pretextual stops and this was discussed in the policies section of the Draft Report, including discussion of specific offense codes. He stated that across racial/ethnic groups, Black individuals had the largest proportion of stops based on non-moving/equipment violations. He stated that the State and Local Policies subcommittee expressed interest in further analyzing specific offense codes as they relate to potential pretextual stops in future years.

Mr. Walker summarized some of the feedback that the State and Local Policies subcommittee provided during their meeting: a request for clarification about the CHP data transmission error and how bicycle stops were identified. He stated that at the Board’s request, the Department analyzed the distribution of stops that had a related call for service and stops that did not have a related call for service across racial/ethnic groups, in relation to the racial/ethnic distributions in the American Community Survey (ACS) data. He stated that officers reported calls for service in a higher proportion of the stops of Black individuals and that Black individuals had the largest disparity of overrepresentation in the stop data, while Multiracial individuals were the most underrepresented group in the stop data.

4. Discussion about Draft 2022 Board Report

Co-Chair Raphael asked for clarification regarding the weighting of the residential population in the analysis of calls for service. Mr. Walker stated that the ACS data was weighted based on the frequency of stops made with related calls for service and stops made without related calls for service.

Co-Chair Raphael asked if the Department had analyzed the enforcement outcomes for moving violation stops compared with non-moving and equipment violation stops. Mr. Walker stated that the

Department planned to include an analysis of citation rates for these types of stops for the 2023 Board Report.

Co-Chair Raphael stated that it would be beneficial to look at the enforcement outcomes across perceived disability categories. Mr. Walker stated that it would be possible to include additional stop outcomes in this analysis, such as no action taken, citation, arrest, and 5150 hold.

Co-Chair Raphael commented that he found the analysis in the policies sections to be thorough and he felt that the Board made progress. He expressed appreciation for the work of the Board and staff. Member Guerrero agreed and stated that because of the volume of the Draft Report content, it would be important to use easily readable headings and clear call-out sections when formatting the Report. Mr. Walker stated that the Department Design Team planned to address feedback regarding the color scheme used in some of the graphics for the Final Report.

Member Hawkins asked if the CHP data was analyzed by service regions across the state, separately from other agencies' stop data. Mr. Walker stated that most of the analyses did not focus on regions or specific agencies, although there were some instances where the CHP data was filtered out. He stated that in the future, if the Board wished to analyze the data by region or by agency, this would be possible and the Public Policy Institute of California had analyzed CHP's stop data by region.

Member Woods appreciated the work to analyze the data and stated that he is saddened by the disparate treatment of transgender and African-American/Black people. He stated that the quotes regarding transgender people's experiences were powerful and that he continues to reflect on how we are addressing these issues systemically and through the policy recommendations. He agreed that the Report content was very strong and would provide a great foundation for the Board to work on additional recommendations and actions that can be taken.

5. Public Comment

Richard Hylton stated that he did not understand the use of the Multi-racial category in the analyses by perceived race/ethnicity because this category was not defined in the Data Dictionary. He stated that a report found that hate crimes against Black people increased at the greatest rate. He stated that in Los Angeles, officers reported completing field interview cards as a result of stops ten times as often than in the stops of other groups. Mr. Hylton stated that one million field interviews were not reported. He commended the Board and Department staff for the use of data integrity standards. He stated that five years ago, he recommended that the Department compare RIPA stop data with data from other sources.

6. Discussion of Next Steps

Co-Chair Raphael stated that the subcommittee could do some planning ahead of the analysis to compare stops for moving violations with stops for non-moving violations. He stated that these analyses may be very informative for things that can be done to reduce disparities in stop rates. Co-Chair Swing highlighted that the subcommittee was supportive of Member Hawkins' recommendation to analyze CHP stop data across regions. Member Khadjavi stated that as a large number of smaller law enforcement agencies begin reporting stop data, the subcommittee should consider how to analyze what is happening in smaller agencies and not let this information be outweighed in the larger data set. She stated that the Policies subcommittee had expressed interest in analyzing CHP data across gender since that data was excluded from the analysis due to the data transmission error. She stated that a recent L.A. Times article described an analysis of stops of bicyclists by the Los Angeles Sheriff's

Department and showed pronounced racial and ethnic disparities in the stops and searches of bike riders. Member Khadjavi stated that the analysis looked at stops based on riding on sidewalk violations. She stated that the laws about riding on sidewalks vary by city, as does the availability of bike lanes. She stated that the approach of looking at a specific violation code was significant in this analysis. Member Khadjavi stated that the Policies subcommittee was interested in analyzing bicycle stops and may be interested in analyzing specific vehicle violation codes; if, for instance, registration issues were a large source of stop disparities, the Board may recommend that these issues be handled in a different way than traffic stops. She stated that she believed the proposed amendment to the regulations, which would add a data element for officers to report stop types, including vehicle, bicycle, or pedestrian, would be helpful for future analysis.

Mr. Walker stated that the proposed regulations, if approved, would go into effect on January 1, 2023, which would mean that the data collected under the revised regulations would be reported to the Department by April 2024 to be analyzed and included in the Board's 2025 Report. He stated that in the interim, the Board and Department would need to continue to find other ways to identify bicycle stops or stops of people who are in vehicles. He invited Board members to share with the Department specific offense codes that they are concerned about and would like to analyze. Co-Chair Swing recommended that the code sections that are raised for consideration be discussed within the Stop Data Analysis subcommittee to allow for input regarding additional related codes.

Member Hampton asked if the Board had analyzed traffic stop data in relation to geographic locations with frequent collisions. He stated that the Anaheim Police Department deploys officers to specific intersections based on the volume of collisions occurring in the location. Mr. Walker stated that the RIPA stop data doesn't include information about collision history for a location and in the officer assignment type data value, traffic enforcement is grouped with patrol and field operations.

Member Hawkins stated that it's important to analyze stop data for smaller geographical regions, even within the service area of individual law enforcement agencies, to identify problems such as Black people being repeatedly stopped in particular areas. Mr. Walker stated that moving forward the Board will need to consider how and if, in addition to analyzing the statewide stop data as required by statute, it would like to analyze stop data for particular neighborhoods or smaller geographic areas within neighborhoods. He stated that public access to the stop data through the OpenJustice website and via Public Records Act requests is important so that the Board is not the only entity analyzing the data. He stated that groups in specific cities and neighborhoods may wish to analyze the stop data and make recommendations to local municipalities and agencies; as the Board discussed, this is something that some groups have done.

Deputy Attorney General Elgart stated that the full Board would meet on December 1, 2021 at 10:00 am. She and Co-Chair Swing thanked the subcommittee members and the public for their participation. Co-Chair Swing adjourned the meeting at 12:26 pm.

7. Adjourn