

STATE AND LOCAL POLICIES

I. INTRODUCTION

This year marks the tenth anniversary of the Racial and Identity Profiling Act (RIPA). Despite a decade of analysis and recommendations by the RIPA Board, data reported by law enforcement continues to reflect disparities in their treatment of different communities. As in prior years, this year's data show that these continuing disparities are the result of racial and identity profiling, and that profiling continues to be a significant problem in our state.

This year, the Board examines the relationship of racial and identity profiling by law enforcement to public safety, and how reducing or eliminating profiling contributes to public safety. Recognizing that “profiling” and “safety” are broad terms with a range of connotations, the Board aims to contextualize these terms by defining public safety holistically. For purposes of this Report, the Board defines public safety as the collective experience of being safeguarded or protected from threats to one's life or wellbeing.

The Board begins this examination of the relationship between profiling and public safety by providing an overview of factors that contribute to feelings of safety and the impact of racial profiling on those feelings of safety (Section II). Next, the Board analyzes the impact of oversaturation policing – a common police practice with roots in racial and identity profiling – on communities of color, and how alternative enforcement technologies in oversaturation policing, such as facial recognition, predictive policing, and automatic license plate reader data, can reinforce systemic inequalities in those communities and affect their sense of public safety (Section III). The Board also discusses the growing number of studies acknowledging the impacts of pretextual stops on public safety, providing a data-driven analysis of successful policy changes at state and local levels in California and in other states (Section IV). Finally, this chapter concludes with several policy recommendations from the Board to address racial and identity profiling by law enforcement (Section V).

Public safety is broadly defined as the collective experience of being safeguarded or protected from threats to one's life or wellbeing.

—RIPA Board

II. RACIAL AND IDENTITY PROFILING IS A PUBLIC SAFETY ISSUE

Public safety is the collective experience of being safeguarded or protected from threats to one's life or wellbeing. This definition is intentionally broad, since the concepts of safety, protection, and wellbeing can mean different things to different groups. For example, research shows that for Black, Brown, LGB+, and other marginalized communities, public safety includes the freedom to exist without fear of violence – both privately and publicly sanctioned – or structural neglect.¹ Indeed, for many in these communities, safety may be defined not by the presence of

¹ Lofstrom et al., Racial Disparities in Law Enforcement Stops (“Law Enforcement Stops”) (Oct. 2021) Public Policy Inst. of Cal. (PPIC) p. 27 <<https://tinyurl.com/yk6zdxxz>> [as of XX, 2025]; Seguino et al., Reducing pretext stops can lower racial disparities in Vermont Policing (Feb. 2022) Vt. Digger <<https://tinyurl.com/2439dvuy>> [as of XX, 2025] (Frequent involuntary interactions with police are harmful for communities, especially when stops are seen as intrusive or unfair, and can cause post-traumatic stress as well as lead to fears of being arrested).

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law enforcement, but by its absence.² In other words, when communities experience increased police presence, residents may feel surveilled rather than protected,³ undermining the traditional understanding of public safety. These differences in how public safety is defined demonstrate a pressing need for systemic change, as well as a holistic reconceptualization of public safety.⁴

Viewing public safety more broadly, it becomes apparent that racial and identity profiling may decrease feelings of public safety. In particular, racial and identity profiling can have profound public health and economic consequences on the individuals subjected to profiling and the community as a whole, reduce public trust in law enforcement, and decrease civic engagement, ultimately eroding feelings of public safety. These impacts are discussed in more detail below.

A. Public Health Impacts of Racial and Identity Profiling

Research shows that police encounters can lead to a variety of public health impacts. Persistent and aggressive policing tactics, such as frequent police stops or police-perpetrated violence, have been linked to symptoms of depression, anxiety and post-traumatic stress disorder (PTSD), psychological distress and suicide attempts.⁵ Studies across diverse cities have also found that “[d]isproportionate exposure to physically invasive law enforcement surveillance tactics, including frisking, can undermine the health of residents.”⁶ Even being subjected to repeated law enforcement stops, without more, can result in public health consequences. For example, men who experience a high number of lifetime law enforcement stops are three times more likely to experience PTSD symptoms compared with men who did not experience persistent law

² Hudson, *Building a World without Police*, 69 UCLA L. REV. 1665, 1670 (Sept. 2023)

<<https://tinyurl.com/4kphsef9>> [as of XX, 2025] (noting that the “oversurveillance of Black and poor communities creates unsafe conditions” and “limit[s] our experience of safety from day to day”).

³ Soss, et al., *Police Are Our Government: Politics, Political Science, and the Policing of Race–Class Subjugated Communities* (2017) Annu. Rev. Polit. Sci. p. 579 <<https://tinyurl.com/mt4rbdzr>> [as of XX, 2025] (“Police encounters in public spaces function as daily rituals indicating who is suspicious, who can be trusted with freedoms, and who deserves the benefits afforded to citizens in full standing”).

⁴ Catalyst California, *Racial Bias in Policing: An In-Depth Analysis of Stopping Practices by the Long Beach Police Department*, (2023) <<https://tinyurl.com/35ydx29z>> [as of XX, 2025] (noting that one goal of systemic change “is to meaningfully engage the community in finding alternatives to traditional policing approaches” and by investing in communities).

⁵ Hirschtick, et al., *Persistent and Aggressive Interactions with the Police: Potential mental health implications* (2019) Epidemiology and Psychiatric Sciences, p. 2 <<https://tinyurl.com/559sxnz5>> [as of XX, 2025].

⁶ Sewell, *The Illness Associations of Police Violence: Differential relationships by ethnoracial composition* (2017) Sociological Forum, p. 2. <<https://tinyurl.com/yx9yew9r>> [as of XX, 2025]; Hirschtick, et al., *Persistent and Aggressive Interactions with the Police: Potential mental health implications* (2019) Epidemiology and Psychiatric Sciences, p. 2 <<https://tinyurl.com/559sxnz5>> [as of XX, 2025]; see also Muentner, et al. *Patterns of Vicarious Police Contact and Youths’ Stress and Attitudes About the Police* (2024) Child and Adolescent Social Work J. p. 2; Johnson, L., et al. (2022). *The group-based law enforcement mistrust scale: psychometric properties of an adapted scale and implications for public health and harm reduction research*. Harm Reduction J. p. 2. <<https://tinyurl.com/pb9a4x74>> [as of XX, 2025]. <<https://tinyurl.com/pb9a4x74>> [as of XX, 2025]. <<https://tinyurl.com/pb9a4x74>> [as of XX, 2025]. <<https://tinyurl.com/pb9a4x74>> [as of XX, 2025].

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enforcement exposure.⁷ And, as discussed more fully in the 2025 RIPA Report, the health of adolescents and young adults are particularly affected by police contact.⁸

Communities characterized by concentrated poverty and racial segregation experience a disproportionate burden of routine “aggressive policing strategies, including drug- and gang-suppression efforts, and higher levels of police discrimination and misconduct,”⁹ meaning they are subjected to an increased risk of public health consequences from policing. For example, the American Public Health Association has noted that physical and psychological violence by law enforcement “results in deaths, injuries, trauma, and stress that disproportionately affect marginalized populations.”¹⁰ The impact of these challenging interactions has “led to a long history of trauma and poor relationships regarding policing and public safety in many communities of color in the United States, most directly affecting Black and Latinx communities.”¹¹ Growing evidence suggests that “[r]acial and place-based disparities in policing not only affect communities’ perceptions of public safety, but also play a significant role in their overall health and well-being.”¹²

Understanding who is stopped most frequently by law enforcement provides important context for examining how racialized and bias policing practices impact everyday life and public health outcomes across California. As discussed in this year’s Stop Data Section, in 2024 law enforcement officers perceived most individuals stopped to be Hispanic/Latine(x). Individuals perceived to be Black were stopped 127.87 percent more often than expected, and individuals perceived to be Pacific Islander 57.53 percent more often than expected, given the population of the state. Additionally, law enforcement officers reported the highest rates of searches and *Terry* stops,¹³ handcuffing, and detainment curbside or in a patrol car in stops for individuals perceived to be Native American and Black.¹⁴ The patterns of police interactions in California highlight the complex relationship between policing, public health, and public safety. Disparities in the frequency and nature of law enforcement contacts can lead to disparities in the health and

⁷ Hirschtick, et al., *Persistent and Aggressive Interactions with the Police: Potential mental health implications* (2019) *Epidemiology and Psychiatric Sciences*, p. 2 <<https://tinyurl.com/559sxnz5>> [as of XX, 2025].

⁸ See Racial and Identity Profiling Advisory Board, Annual Report (2025) p. 69 <<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2025.pdf>> [as of XX, 2025] (noting research demonstrating that negative law enforcement encounters can undermine children and teens’ sense of safety and stability, and contribute to the development of stress, anxiety, post-traumatic stress disorder, and depression).

⁹ American Psychological Association, *APA RESOLUTION on Psychology’s Role in Addressing the Impact of, and Change Required With, Police Use of Excessive Force Against People of Color and Other Marginalized Communities in the United States* (Aug. 2022) p. 3 <<https://tinyurl.com/57wuu94k>> [as of XX, 2025].

¹⁰ Am. Public Health Ass. (Nov. 2018). *Addressing Law Enforcement Violence as Public Health Issue*. <<https://www.apha.org/policy-and-advocacy/public-health-policy-briefs/policy-database/2019/01/29/law-enforcement-violence>> [as of XX, 2025].

¹¹ American Psychological Association, *APA RESOLUTION on Psychology’s Role in Addressing the Impact of, and Change Required With, Police Use of Excessive Force Against People of Color and Other Marginalized Communities in the United States* (Aug. 2022) p. 2 <<https://tinyurl.com/57wuu94k>> [as of XX, 2025].

¹² Goldberg, *Public Safety as a Matter of Public Health* (XXXX) *Neighborhood Data for Social Change* <<https://tinyurl.com/nhavyxw>> [as of XX, 2025].

¹³ A *Terry* stop occurs when an officer conducts a pat down search of an individual’s clothing to determine whether the individual is armed. See *Terry v. Ohio* (1968) 392 U.S. 1.

¹⁴ For more information regarding this data, please see the Stop Data chapter of this year’s report.

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wellbeing of communities of color, which in turn may impact those communities' feelings of public safety.

B. Consequences of Racial and Identity Profiling on Public Trust, Communication, Seeking Assistance, and Investigation Support

In addition to health consequences, racial and identity profiling can result in mistrust of law enforcement and reduced civic engagement, which in turn can decrease public safety. Research shows that racial and identity profiling fuels mistrust in law enforcement,¹⁵ which is shaped by a history of discriminatory policing, use of excessive force, and lack of accountability.¹⁶ For example, in a national study, researchers found that mistrust of law enforcement was higher among Black respondents than among other racial groups.¹⁷ More than half of respondents indicated mistrust for the following items:

- “People of your racial group are treated the same as people of other groups by law enforcement officers.”
- “Law enforcement officers sometimes hide information from people who belong to your racial group.”
- “People of your racial group should be suspicious of the criminal justice system.”
- “People of your racial group receive the same protection from law enforcement officers as people from other groups.”
- Law enforcement officers have the best interests of people of your racial group in mind.”¹⁸

Feelings of mistrust may come not only from direct encounters with law enforcement, but also from the exposures someone may experience from living in a neighborhood where police stops are common. For example, for youth of color residing in urban areas, elevated risks of vicarious

¹⁵ Johnson, L., et al. (2022). *The group-based law enforcement mistrust scale: psychometric properties of an adapted scale and implications for public health and harm reduction research*. Harm Reduction J. pp. 1, 10. <https://pmc.ncbi.nlm.nih.gov/articles/PMC9166459/pdf/12954_2022_Article_635.pdf> [as of April 24, 2025]; Muentner, et al. (2024). *Patterns of Vicarious Police Contact and Youths' Stress and Attitudes About the Police*. Child and Adolescent Social Work J. p. 2; Carr et al., *We Never Call the Cops and Here is Why: A Qualitative Examination of Legal Cynicism in Three Philadelphia Neighborhoods* (2007) 45 Criminology 2, 334-380 <<https://tinyurl.com/3fw5hp64>> [as of XX, 2025]; Tyler et al., *Trust in the Law: Encouraging Public Cooperation with the Police and Courts* (2002) NY: Russell Sage Foundation.

¹⁶ Hegney, *The “Stop Snitching” Phenomenon: Violence, Justice, & Policy Implications*, Voices: On Difference, Grad. Social Work Dept, West Chester Univ. (Tennille edit, 2015) p. 7 <<https://tinyurl.com/4y39244m>> [as of XX, 2025] (noting that police mistrust is an “enduring issue in impoverished, black neighborhoods” and that “community members are averse to relying on a system that is understood as apathetic to or antagonistic towards the needs of the black community”).

¹⁷ Johnson et al., *The group-based law enforcement mistrust scale: psychometric properties of an adapted scale and implications for public health and harm reduction research* (2022) Harm Reduction J., p. 1 <<https://tinyurl.com/yc8zay9z>> [as of XX, 2025].

¹⁸ Johnson et al., *The group-based law enforcement mistrust scale: psychometric properties of an adapted scale and implications for public health and harm reduction research* (2022) Harm Reduction J., pp. 6-7 <<https://tinyurl.com/yc8zay9z>> [as of XX, 2025].

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police contact can intensify feelings of fear, anger, and cynicism toward law enforcement.¹⁹ Knowing more individuals who were stopped by law enforcement is associated with increased avoidance and stress and has been linked to decreased perceptions of police legitimacy.²⁰

Racial and identity profiling by law enforcement, and the resulting feelings of mistrust, can lead to decreased civic engagement, including cooperation with law enforcement.^{21 22 23 24} For example, research suggests that police violence against marginalized racial groups “may lead to lower civic engagement and cooperation with law enforcement in those communities, exacerbating issues of public safety and community well-being.”²⁵ This occurs when individuals lose trust that law enforcement “will not dominate them, humiliate them, or physically assault them.”²⁶ Even routine encounters with law enforcement may “constitute significant learning experiences with respect to government and one’s relationship with it.”²⁷ For example, being stopped by law enforcement in a public space may “suggest public discounting of worth.”²⁸ When legal authorities exercise their power in the form of a stop based on racial or identity profiling, this signals that the stopped “person is not worthy of equality of treatment before the law, a form of democratic exclusion.”²⁹ The resulting feelings of mistrust and demoralization can impair communication with law enforcement and lead to reluctance to seek help or cooperate in

¹⁹ Muentner, et al. (2024). *Patterns of Vicarious Police Contact and Youths’ Stress and Attitudes About the Police*. Child and Adolescent Social Work J. p. 1.; Geller, A. et al. (2017) *Police Contact and Mental Health*. Columbia Pub. Law Research Paper No. 14-571, <<https://tinyurl.com/3ktwsy52>> [as of XX, 2025].<<https://tinyurl.com/3ktwsy52>> [as of XX, 2025].<<https://tinyurl.com/3ktwsy52>> [as of XX, 2025].<<https://tinyurl.com/3ktwsy52>> [as of XX, 2025].

²⁰ Muentner, et al. (2024). *Patterns of Vicarious Police Contact and Youths’ Stress and Attitudes About the Police*. Child and Adolescent Social Work J. p. 1.

²¹ Weaver et al., *Withdrawing and Drawing In: Political discourse in policed communities*. (2020) J. of Race, Ethnicity, and Politics 5, p. 606 <<https://tinyurl.com/3nfwmtsj>> [as of XX, 2025].

²² Ben-Menachem and Torrats-Espinosa, *Police Violence Reduces Trust in the Police among Black Residents* (2024), 19 Public Library of Science ONE 9, p. 1 <<https://doi.org/10.1371/journal.pone.0308487>> [as of XX, 2025].

²³ Sullivan and O’Keefe. (2017). *Evidence that curtailing proactive policing can reduce major crime*. Nature Human Behavior. <10.1038/s41562-017-0211-5> [as of XX, 2025].

²⁴ Weaver et al., *Withdrawing and Drawing In: Political discourse in policed communities*. (2020) J. of Race, Ethnicity, and Politics 5, pp. 606-607 <<https://tinyurl.com/3nfwmtsj>> [as of XX, 2025]; Gau and Brunson, *Procedural Justice and Order Maintenance Policing: A Study of Inner-City Young Men’s Perceptions of Police Legitimacy* (2009) 27 Justice Quarterly 2, 255–279 <<https://tinyurl.com/2fy9m47r>> [as of XX, 2025].

²⁵ Ben-Menachem and Torrats-Espinosa, *Police Violence Reduces Trust in the Police among Black Residents* (2024), 19 Public Library of Science ONE 9, p. 1 <<https://doi.org/10.1371/journal.pone.0308487>> [as of XX, 2025].

²⁶ Weaver et al., *Withdrawing and Drawing In: Political discourse in policed communities*. (2020) J. of Race, Ethnicity, and Politics 5, p. 606 <<https://tinyurl.com/3nfwmtsj>> [as of XX, 2025].

²⁷ Ben-Menachem and Torrats-Espinosa, *Police Violence Reduces Trust in the Police among Black Residents* (2024), 19 Public Library of Science ONE 9, p. 1 <<https://doi.org/10.1371/journal.pone.0308487>> [as of XX, 2025].

²⁸ Fagan, et al. (2016). *Street Stops and Police Legitimacy in New York* in Ross and Delpuech (eds.), *Comparing the Democratic Governance of Police Intelligence: New Models of Participation and Expertise in the United States and Europe.*, Columbia Public Law Research Paper No. 14-514, Yale Law & Economics Research Paper No. 547, p. 8 <SSRN: <https://ssrn.com/abstract=2795175>> [as of Sept. 9, 2025].

²⁹ Geller et al., *Police Contact and Mental Health* (2017) Columbia Pub. Law Research Paper No. 14-571, p. 8 <<https://tinyurl.com/3ktwsy52>> [as of XX, 2025].

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investigations.³⁰ Therefore, and as discussed more fully below, law enforcement practices that can result in racial and identity profiling, including “oversaturation policing” and pretextual stops, may undermine public safety, rather than improve it.

III. OVERSATURATION POLICING DISPROPORTIONATELY HARMS MARGINALIZED COMMUNITIES AND UNDERMINES PUBLIC SAFETY

As the Board focuses on the ways reducing racial and identity profiling can enhance public safety, it examines how institutional practices that are informed by bias concentrate law enforcement presence in marginalized communities — a practice known as “oversaturation policing.”³¹ Oversaturation policing specifically affects “race-class subjugated communities,” or communities that are “positioned at the intersection of race and class systems” and experience “civic ostracism, social and political oppression, economic marginalization, and state-led governance.”³² When law enforcement concentrates its resources in race-class subjugated communities, officers will naturally “find” relatively higher rates of criminal activity in those areas, simply because those officers are spending more time in that community when compared to other communities.³³ This creates a feedback loop, reinforcing the narrative that more law enforcement resources are necessary in these communities, leading to an even greater concentration of law enforcement resources.³⁴

The Board’s examination also discusses how the deployment of alternative enforcement technologies within communities affected by oversaturation policing further increases the concentration of law enforcement in these communities. As shown below, eliminating these policing practices reducing racial and identity profiling, can help prevent trauma, can improve law enforcement interactions with the public, and can help create safer and healthier communities.

³⁰ Papachristos, D., et al. (2016). Police Violence and Citizen Crime Reporting in the Black Community. *American Sociological Review*, 81(5), 857-876. < <https://tinyurl.com/345a28uc> > [as of XX, 2025] (Noting that “numerous studies document stark racial disparities in police maltreatment, finding that black boys and men are disproportionately subject to excessive and sometimes deadly police force, even after accounting for situational factors of the encounter (e.g., resisting arrest) and officer characteristics (e.g., age, training)); Gau, J. M., & Brunson, R. K. (2009). Procedural Justice and Order Maintenance Policing: A Study of Inner-City Young Men’s Perceptions of Police Legitimacy. *Justice Quarterly*, 27(2), 255–279. <<https://tinyurl.com/2fy9m47r>> [as of XX, 2025].

³¹ Yarborough, *Intrinsic Issues in Policing*, in *Redefining School Safety and Policing* (2023) <<https://tinyurl.com/5yf66muk>> [as of XX, 2025].

³² Soss and Weaver, *Police Are Our Government: Politics, Political Science, and the Policing of Race-Class Subjugated Communities* (2017) *Annu. Rev. Polit. Sci.* 20:565–91, 567 <<https://tinyurl.com/2z9aw6ax>> [as of XX, 2025].

³³ Soss and Weaver. (2017). *Police Are Our Government: Politics, political science, and the policing of race-class subjugated communities*. *Annu. Rev. Polit. Sci.* p. 580 <<https://tinyurl.com/yd2xx3wr>> [as of XX, 2025]; Geller, A. et al. (2017) *Police Contact and Mental Health*. Columbia Pub. Law Research Paper No. 14-571, p. 4, 11. <<https://tinyurl.com/3ktwsy52>> [as of XX, 2025].

³⁴ Soss and Weaver. (2017). *Police Are Our Government: Politics, political science, and the policing of race-class subjugated communities*. *Annu. Rev. Polit. Sci.* p. 580 <<https://tinyurl.com/yd2xx3wr>> [as of XX, 2025]; Geller, A. et al. (2017) *Police Contact and Mental Health*. Columbia Pub. Law Research Paper No. 14-571, p. 4, 11. <<https://tinyurl.com/3ktwsy52>> [as of XX, 2025].

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When law enforcement is disproportionately concentrated in particular communities, individuals in those communities may experience that law enforcement is “everywhere when surveilling people’s everyday activity.”³⁵ For example, in a 2019 study of more than 800 recorded and transcribed conversations across neighborhoods in five cities (Baltimore, Chicago, Los Angeles, Milwaukee, and Newark), individuals from race-class subjugated communities described how oversaturation tactics translated to a sense that law enforcement is “extremely attentive to small infractions,” “hound[ing] people for minor quibbles,” and “overly aggressive” for “minor infractions and seemingly innocuous inquiries.”³⁶

What these community members perceive is “order maintenance policing.”³⁷ Law enforcement policies built around order maintenance policing encourage officers to crack down against minor, even seemingly innocuous infractions, a practice also commonly referred to as “broken windows policing.”³⁸ This approach ensures “a broad warrant for expansions of state authority and controlling interventions into the lives of [race-class subjugated] communities.”³⁹ Studies collecting interviews with young urban residents show that “stop and search practices, coupled with frequent arrests for low-level public-order offenses, are widely viewed as unjust because they are insensitive, harsh or racially selective and potentially based upon prejudice.”⁴⁰ One researcher noted that these tactics may signal “broad-based and automatic suspicion based on status (gender, race, neighborhood), and that the police could therefore be seen as a hostile presence in these neighborhoods.”⁴¹ Furthermore, oversaturation policing can aggravate racial

³⁵ Prowse et al, *The State from Below: Distorted responsiveness in policed communities* (2019) Urban Affairs Review, p. 1 <<https://tinyurl.com/4fuw8mp8>> [as of XX, 2025].

³⁶ Prowse et al, *The State from Below: Distorted responsiveness in policed communities* (2019) Urban Affairs Review, p. 13-14 <<https://tinyurl.com/4fuw8mp8>> [as of XX, 2025].

³⁷ Soss and Weaver, *Police Are Our Government: Politics, Political Science, and the Policing of Race-Class Subjugated Communities* (2017) Annu. Rev. Polit. Sci. 20:565–91, 567 <<https://tinyurl.com/2z9aw6ax>> [as of XX, 2025].; Fagan, et al. (2016). *Street Stops and Police Legitimacy in New York* in Ross and Delpuch (eds.), *Comparing the Democratic Governance of Police Intelligence: New Models of Participation and Expertise in the United States and Europe.*, Columbia Public Law Research Paper No. 14-514, Yale Law & Economics Research Paper No. 547, p. 5 <SSRN: <https://ssrn.com/abstract=2795175>> [as of Sept. 9, 2025]. <<https://tinyurl.com/yd2xx3wr>> [as of XX, 2025]; Fagan, et al. (2016). *Street Stops and Police Legitimacy in New York* in Ross and Delpuch (eds.), *Comparing the Democratic Governance of Police Intelligence: New Models of Participation and Expertise in the United States and Europe.*, Columbia Public Law Research Paper No. 14-514, Yale Law & Economics Research Paper No. 547, p. 5 <SSRN: > [as of Sept. 9, 2025].

³⁸ Soss and Weaver, *Police Are Our Government: Politics, Political Science, and the Policing of Race-Class Subjugated Communities* (2017) Annu. Rev. Polit. Sci. 20:565–91, 569-570 <<https://tinyurl.com/2z9aw6ax>> [as of XX, 2025].

³⁹ Soss and Weaver, *Police Are Our Government: Politics, Political Science, and the Policing of Race-Class Subjugated Communities* (2017) Annu. Rev. Polit. Sci. 20:565–91, 570 <<https://tinyurl.com/2z9aw6ax>> [as of XX, 2025].

⁴⁰ Fagan et al., *Street Stops and Police Legitimacy in New York* (2016) in Ross and Delpuch (eds.), *Comparing the Democratic Governance of Police Intelligence: New Models of Participation and Expertise in the United States and Europe* (2016) Columbia Public Law Research Paper No. 14-514, Yale Law & Economics Research Paper No. 547, p. 6 <<https://tinyurl.com/3bh9ax54>> [as of XX, 2025] (collecting studies).

⁴¹ Fagan et al., *Street Stops and Police Legitimacy in New York* (2016) in Ross and Delpuch (eds.), *Comparing the Democratic Governance of Police Intelligence: New Models of Participation and Expertise in the United States and Europe* (2016) Columbia Public Law Research Paper No. 14-514, Yale Law & Economics Research Paper No. 547, p. 6 <<https://tinyurl.com/3bh9ax54>> [as of XX, 2025].

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disparities in detentions, “compounding the social, psychological and physical health stresses of economic isolation.”⁴²

Racialized targeting for law enforcement stops turns increasing numbers of people among “the targeted groups into convicted criminals or innocent but distrustful subjects of surveillance who feel treated like criminals,” while giving people among the non-targeted groups comparative freedom from such control.⁴³ Individuals in these police-saturated neighborhoods are disproportionately subject to investigatory stops and learn to deal with the constant emotional burden of “carefully manag[ing] their bodies and words to avoid aggravating police contacts,” which in turn shapes their self-identity and conception of social valuation.⁴⁴ For example, researchers assessing how health conditions of young men in New York City — a population facing high levels of exposure to law enforcement — might change following contact with law enforcement observed psychological injuries, specifically that individuals who reported experiencing major or minor force during stops, on average, report more anxiety symptoms.⁴⁵ Additionally, individuals who reported experiencing multiple stops with some degree of intrusion also reported, on average, multiple PTSD symptoms.⁴⁶ Further, “police–citizen encounters routinely feature derogatory remarks and bodily contact, and citizens forced to do humiliating things.”⁴⁷ As discussed above (*supra*, Section II.A), this leads to negative consequences in the form of mental health and social costs. Even without direct contact, oversaturation policing can do damage; police focus on a particular community can create a sense of “who is a citizen deserving of fairness and justice and who constitutes a group of dangerous others deserving of severe punishment, monitoring, and virtual branding.”⁴⁸

Despite all of this, marginalized communities increasingly rely on law enforcement when they encounter actual threats. South Los Angeles, for example, saw a steady increase in 911 emergency calls between 2011 to 2018.⁴⁹ However, calls for service do not always translate into responsiveness nor public trust. Interviewed about their interactions with the police, participants in the 2019 Portals conversations, discussed above (*supra*, Section II.A) “wondered aloud why police seemed to be there at a moment’s notice to check them for insignificant, technically

⁴² Geller, A. et al. (2017) *Police Contact and Mental Health*. Columbia Pub. Law Research Paper No. 14-571, p. 4 <<https://tinyurl.com/3ktwsy52>> [as of XX, 2025].

⁴³ Epp et al., *Pulled Over: How Police Stops Define Race and Citizenship* (2014), at p. 5.

⁴⁴ Soss and Weaver, *Police Are Our Government: Politics, Political Science, and the Policing of Race–Class Subjugated Communities* (2017) *Annu. Rev. Polit. Sci.* 20:565–91, 582 <<https://tinyurl.com/2z9aw6ax>> [as of XX, 2025].

⁴⁵ Geller, A. et al. (2017) *Police Contact and Mental Health*. Columbia Pub. Law Research Paper No. 14-571, p. 27. <<https://tinyurl.com/3ktwsy52>> [as of XX, 2025].

⁴⁶ Geller, A. et al. (2017) *Police Contact and Mental Health*. Columbia Pub. Law Research Paper No. 14-571, p. 27. <<https://tinyurl.com/3ktwsy52>> [as of XX, 2025].

⁴⁷ Weaver and Lerman. (2010) *Political Consequences of the Carceral State*. *Am. Pol. Science Review* <<https://tinyurl.com/55e9epbs>> [as of XX, 2025].

⁴⁸ Soss and Weaver, *Police Are Our Government: Politics, Political Science, and the Policing of Race–Class Subjugated Communities* (2017) *Annu. Rev. Polit. Sci.* 20:565–91, 579 <<https://tinyurl.com/2z9aw6ax>> [as of XX, 2025]; see also Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 *PNAS* 8261, 8267 <<https://pubmed.ncbi.nlm.nih.gov/30962370/>> [as of XX, 2025] (noting that “being stopped by police was associated with increased engagement in delinquent behavior,” and the more frequent the police stops, the more frequent the delinquent behavior).

⁴⁹ Miller, Jenesse, *Study: L.A. communities of color rely on police yet are stopped and arrested at higher rates* (Oct. 7, 2020) <<https://tinyurl.com/5bdrumtf>> [as of XX, 2025].

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unlawful things, but withdrawn and reluctant to protect them when actual threats to their person arose.”⁵⁰ They also “described their communities metaphorically as sometimes being on a tight leash but at other times being in the free fall of abandonment at those key moments in their lives and the lives of those around them when they desperately needed help.” Researchers termed this seemingly contrarian phenomenon as *distorted responsiveness* — that is, the phenomenon of “being treated harshly in conjunction with perceived abandonment.”⁵¹

Oversaturation policing coupled with distorted responsiveness sows distrust and suffocates an individual’s financial, political, and social power. Researchers have concluded that, like redistributive policies such as welfare and social security, criminal justice policies such as oversaturation alter an individual’s access to resources.⁵² However, unlike welfare or social security, or other redistributive policies that provide resources and promote participation, punitive law enforcement encounters “are likely to depress political action by limiting and diminishing resources. For many, a criminal record results in considerable financial penalties and limited job prospects, diminishing the material resources available for participation in politics.”⁵³ Individuals who have punitive interactions with law enforcement become less likely to seek out government of any kind — including through engagement in the political process.⁵⁴

As noted above, oversaturation, at its core, is felt by individuals within those communities as near-total surveillance — the sense that law enforcement is “everywhere when surveilling people’s everyday activity.”⁵⁵ Such practices present a host of concerns that undermine a community’s sense of public safety and increase the likelihood that such tactics will result in racial and identity profiling, to the detriment of those communities. The available research does not demonstrate that oversaturation policing benefits the community by enhancing public safety; instead, the consensus in the research is that these tactics erode trust in law enforcement and harms the individuals who are subject to it. Accordingly, the Board recommends that the Legislature and local policymakers enact legislation to prohibit or limit police agencies from relying on oversaturation to police marginalized communities due to the negative effects of those practices on those communities.

IV. THE DEPLOYMENT OF ALTERNATIVE ENFORCEMENT TECHNOLOGIES IN OVERSATURATION POLICING REINFORCES SYSTEMIC INEQUALITIES IN JUSTICE, SAFETY, AND COMMUNITY WELL-BEING

Law enforcement agencies use a wide range of technologies in their daily work. Increasingly, agencies are turning to alternative enforcement technologies, such as automatic license plate readers, biometric technologies like facial recognition, gunshot detection devices, “predictive

⁵⁰ Weaver et al., *The State from Below: Distorted Responsiveness in Policed Communities*, Urban Affairs Review (2019) p. 14 <<https://tinyurl.com/mv89un2r>> [as of XX, 2025].

⁵¹ Weaver et al., *The State from Below: Distorted Responsiveness in Policed Communities*, Urban Affairs Review (2019) p. 20 <<https://tinyurl.com/mv89un2r>> [as of XX, 2025].

⁵² Weaver and Lerman. (2010) *Political Consequences of the Carceral State*. Am. Pol. Science Review, p. 3 <<https://tinyurl.com/55e9epbs>> [as of XX, 2025].

⁵³ Weaver and Lerman., *Political Consequences of the Carceral State*, Am. Political Science Review (2010) p. 3 <<https://veslaweaver.com/wp-content/uploads/2011/10/weaverlerman2010.pdf>> [as of XX, 2025].

⁵⁴ Weaver and Lerman., *Political Consequences of the Carceral State*, Am. Political Science Review (2010) p. 3 <<https://veslaweaver.com/wp-content/uploads/2011/10/weaverlerman2010.pdf>> [as of XX, 2025].

⁵⁵ Prowse, et al. (2019). *The State from Below: Distorted responsiveness in policed communities*. Urban Affairs Review at p.1. <<https://tinyurl.com/4fuw8mp8>> [as of XX, 2025].

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policing” software, or other technologies in their daily work.⁵⁶ The concentrated layering of multiple types of alternative enforcement technologies has emerged as an element of oversaturation policing, leading to an increased sense of constant surveillance and further erosion of trust. In this section, the Board explores how law enforcement agencies can employ such technologies as an element of oversaturation policing, and discusses how such technologies should be further studied and assessed.

Critical for the Board’s purposes, alternative enforcement technologies have been proposed as a means to reduce racial disparities in stops and the harms that flow from stops by reducing the frequency of officer-effectuated stops.⁵⁷ Many of these technologies, such as social media monitoring, the and the sharing of private security camera footage have become commonplace tools in the criminal legal system.⁵⁸ Proponents of these technologies generally argue that they can expand law enforcement’s capacity to predict, prevent, and respond rapidly and accurately to criminal activity and security threats.

However, some alternative enforcement technologies have been criticized because of concerns about the privacy rights of individuals subject to surveillance and the potential for these technologies to exacerbate existing problems of bias in policing; indeed, some critics of these technologies label them “as a form of tech-washing, where a veneer of objectivity covers mechanisms that perpetuate inequities.”⁵⁹ Critics also raise questions about the cost of the technologies, their ties to the private companies that distribute them, and their efficacy at achieving their stated goals.

⁵⁶ See Joh, *The Undue Influence of Surveillance Technology Companies on Policing* (2017) 92 N.Y. Univ. L.Rev. 19, 33; See generally ACLU, *Community Control Over Police Surveillance: Technology 101* (Sept. 16, 2016) <<https://tinyurl.com/23w8eyud>> [as of XX, 2025] [discussing technologies].

⁵⁷ See Tang and Hiebert, *The Promises and Perils of Predictive Policing* (May 22, 2025) Centre for Int. Governance Innovation <<https://tinyurl.com/yc4muu37>> [as of XX, 2025]; Heaven, *Predictive Policing Algorithms are Racist. They Need to be Dismantled* (July 17, 2020) MIT Technology Review <<https://www.technologyreview.com/2020/07/17/1005396/predictive-policing-algorithms-racist-dismantled-machine-learning-bias-criminal-justice/>> [as of XX, 2025].

⁵⁸ Electronic Frontier Foundation. (2023). Street Level Surveillance: Social Media Monitoring. <<https://tinyurl.com/55xm9rm2>> [as of XX, 2025]. A 2015 survey by the International Association of Chiefs of Police (IACP) found that more than 96 percent of the 553 departments reported using social media in some capacity. Levinson-Waldman, *Private Eyes, They're Watching You: Law Enforcement's Monitoring of Social Media* (2019) 71 Okla. L. Rev. 997, 998 <<https://tinyurl.com/4uc6a2j9>> [as of XX, 2025], citing Int’l Ass’n of Chiefs of Police, 2015 *Social Media Survey Results* (2015) <<https://tinyurl.com/pct3mwrn>> [as of XX, 2025]. Electronic Frontier Foundation and Reynolds School of Journalism, *Atlas of Surveillance: Glossary - Camera Registry* <<https://tinyurl.com/4t7ca9dx>> [as of XX, 2025]. At least 85 local law enforcement agencies across California maintain a camera registry. Electronic Frontier Foundation and Reynolds School of Journalism, *Atlas of Surveillance (filtered for California and Camera Registry)* <<https://tinyurl.com/5eanfacm>> [as of XX, 2025].

⁵⁹ Heaven, *Predictive Policing Algorithms are Racist. They Need to be Dismantled* (July 17, 2020) MIT Technology Review <<https://tinyurl.com/2vmxekwu>> [as of XX, 2025]; see also Hao, *In 2020, let’s stop AI ethics-washing and actually do something* (Dec. 27, 2019) MIT Technology Review <<https://tinyurl.com/4ce5z8>> [as of XX, 2025] [describing the practice of “ethics-washing” in tech as occurring “where genuine action gets replaced by superficial promises,” such as creating AI ethics boards with no actual veto power over questionable projects].

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A. Common Types of Alternative Enforcement Technologies

While scholars, activists, and other stakeholders have written about the potential of a variety of technologies to exacerbate bias or be deployed as part of oversaturation policing, the most concern appears to have been raised about facial recognition, gunshot detection, predictive policing, and automated license plate reader (ALPR) systems.

1. Facial Recognition (FRT)

Facial Recognition Technology (FRT) uses algorithms to identify someone by an image of their face.⁶⁰ Critics have raised concerns about the use of FRT and bias. For example, studies have consistently found that FRT has higher error rates when identifying individuals with darker skin tones.⁶¹ In particular, women with dark skin tones face the worst rates of inaccuracy — in one 2018 study, FRT classified their gender incorrectly at a rate that was up to 34 percent higher than that of lighter-skinned men.⁶² Transgender people experience significant bias in these algorithms as well; computer vision algorithms developed to recognize individuals' genders suffer from bias towards binary gender representation.⁶³

Multiple factors contribute to FRT's racial and gender biases, including poor quality images of people of color, since many cameras are not adjusted to capture dark skin; disproportionate numbers of mugshots of Black people in FRT systems, given that Black people are arrested at disproportionate rates; and implicit biases that determine which images compose the databases on which FRT algorithms are trained.⁶⁴ As a result, FRT reflects systemic biases against people of color, women, and transgender individuals, contributing to their over-policing. Note that no explicit bias is needed to fuel the exacerbation of inequality in this case. Rather, technologies based on artificial intelligence act as mirrors of the biases that already exist in broader society.

Some also object to collaboration between local law enforcement and federal agencies in the use of FRT. For instance, the U.S. Government Accountability Office found in 2021 that the Department of Homeland Security “had access to at least 24 state, local, and commercial FRT

⁶⁰ Electronic Frontier Foundation. (2023). Street Level Surveillance: Face Recognition.

<<https://sfs.eff.org/technologies/face-recognition>> [as of June 19, 2025].

⁶¹ Arnold et al, *Use of Facial Recognition Technologies for Law Enforcement: A Comparative Analysis*, (2025) 26 Or. Rev. Int'l L. 175, at p. 185, citing Wang, *Failing at Face Value: The Effect of Biased Facial Recognition Technology on Racial Discrimination in Criminal Justice* (2022) 4 Sci. & Soc. Res. 29, 31; Yucer et al., *Measuring Hidden Bias Within Face Recognition via Racial Phenotypes* (2022) in IEEE/CVF Winter Conference on Applications of Computer Vision 995; Mittal et al., *Are Face Detection Models Biased?* (2023) in IEEE 17th International Conference on Automatic Face & Gesture Recognition.

⁶² Arnold et al, *Use of Facial Recognition Technologies for Law Enforcement: A Comparative Analysis* (2025) 26 Or. Rev. Int'l L. 175, at p. 185, citing Buolamwini and Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification* (2018) in Conference on Fairness, Accountability & Transparency 77; Najibi, *Racial Discrimination in Face Recognition Technology* (2020) Sci. News 24; Scheuerman et al., *How Computers See Gender: An Evaluation of Gender Classification in Commercial Facial Analysis Services* (2019) 3 Proc. ACM on Hum.-Comput. Interaction 1, 2.

⁶³ Scheuerman et al., *How Computers See Gender: An Evaluation of Gender Classification in Commercial Facial Analysis and Image Labeling Services* (2019) 3 Proc. ACM Hum.-Comput. Interact. 144, p. 26 <<https://tinyurl.com/msaphbnz>> [as of XX, 2025] (noting that “binary gender classification provided by computer vision services performed worse on binary trans images than cis ones, and were unable to correctly classify non-binary genders,” partially due to image labeling and preference for binary gender representation).

⁶⁴ Ball, *Facial Recognition in the Eyes of the Law* (2023) B.C. Intell. Prop. & Tech. F., 1 at p. 10-11.

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systems for domestic law enforcement, for border and transportation security, and for national security and defense purposes.”⁶⁵ Federal law enforcement access to local agencies’ facial recognition systems could expose communities at increased risk of false positive results to heightened surveillance at the national level.

In response to these concerns, some jurisdictions, such as the city of San Francisco, have banned the use of FRT.⁶⁶

2. Gunshot Detection

“Police respond assuming that someone is armed [which] leads to really confrontational types of policing.”

—Anti-gunshot detection technology activist Freddy Martinez, on gunshot detection technology, Berlatsky, *How Chicago Organizers Managed to Rid the City of Shotspotter*, Prism (Dec. 2, 2024) <<https://tinyurl.com/yk5znxrk>> [as of XX, 2025].

Another alternative enforcement technology that may be used in oversaturation policing is gunshot detection technology. Gunshot detection technology uses auditory sensors to identify and alert law enforcement to sounds that may be related to gun fire.

In recent years, communities across the country have led campaigns to end their cities’ contracts with providers of gunshot detection technology, with mixed success.⁶⁷ In particular, advocates have raised concerns about the use of this technology with respect to the over-policing of racialized communities. As they point out, the placement of these systems depends on law enforcement’s assessment of what constitutes a “high-

crime area.”⁶⁸ In making this determination, law enforcement might exacerbate existing bias towards low-income and majority Black or Brown communities and create a vicious cycle in which disproportionate surveillance of these neighborhoods results in disproportionate law enforcement stops in these communities. Gunshot detection technology can also increase the risk of the use of excessive force in highly surveilled neighborhoods as it primes officers to come in ready to use force against someone wielding a gun. The high rate of false positives caused by sounds like car backfires or fireworks can increase risks to community members when law enforcement officers respond assuming that someone is armed.⁶⁹ Oakland activist Brian Hofer found that, according to the city’s own data, Oakland’s gunshot detection technology (ShotSpotter) had a false positive rate of 78 percent in 2023.⁷⁰ Besides compounding problems of hyper surveillance of marginalized communities, false positive rates can divert a police

⁶⁵ U.S. Government Accountability Office. (2021). Facial Recognition Technology: Current and planned uses by federal agencies. < <https://www.gao.gov/products/gao-21-526> > [as of June 19, 2025].

⁶⁶ Conger et al, *San Francisco Bans Facial Recognition Technology*, The New York Times (2019) <<https://tinyurl.com/taf72brn>> [as of XX, 2025]; Admin. Code - Acquisition of Surveillance Technology, no. 0107-19, Section 1(d) <<https://tinyurl.com/4vmn6pjjw>> [as of XX, 2025].

⁶⁷ See, for example, recent campaigns to end city contracts with ShotSpotter, a common gunshot detection technology, ending with success in Chicago and failure in Oakland in 2024. Berlatsky, *How Chicago Organizers Managed to Rid the City of Shotspotter*, Prism (Dec. 2, 2024) <<https://tinyurl.com/yk5znxrk>> [as of XX, 2025].

⁶⁸ Electronic Frontier Foundation, *Street Level Surveillance: Gunshot Detection* (2023) <<https://tinyurl.com/3yydb2wv>> [as of XX, 2025].

⁶⁹ Henning, et al., *Reporting Gunshots: Prevalence, correlates, and obstacles to calling the Police* (2025) 26 Police Practice and Research 1, 42-45 <<https://tinyurl.com/46pw5trk>> [as of XX, 2025].

⁷⁰ Berlatsky, *How Chicago Organizers Managed to Rid the City of Shotspotter*, Prism (Dec. 2, 2024) <<https://tinyurl.com/yk5znxrk>> [as of XX, 2025].

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response from an actual emergency, which Hofer says might be a contributing factor in Oakland's poor 911 response times.⁷¹

Finally, though this technology might facilitate the rapid transport of gunshot victims to emergency care,⁷² research has not shown that its use is “associated with longer-term reductions in crime.”⁷³

3. Predictive Policing

Predictive policing software uses algorithms to predict where crime is likely to occur to direct law enforcement to particular neighborhoods for investigation. Critics label the use of this technology a “self-fulfilling prophecy,” in which law enforcement’s scrutiny of particular neighborhoods leads to the detection of relatively higher rates of criminal activity in those areas, which becomes part of the data that the algorithm considers the next time that police use it to predict where crime is likely to occur.⁷⁴ Social science researchers describe how crime analytics creates suspect populations in the allocation of law enforcement and the concentration of stops:

Arrest reports and records based on biased street-level decisions that depend heavily on racial [profiling], the use of pretextual or ‘racial incongruity’ stops ..., the selective criminalization of substances, and the targeted policing of [race-class subjugated] neighborhoods all construct bodies of numerical knowledge that provide misleading testimony to the public, suggesting that suspicions of [B]lack criminality are reasonable and objectively warranted.⁷⁵ In that sense, “derivative maps purporting to show where future crimes might be committed will disproportionately weigh those neighborhoods already living under the weight of intense police presence.”⁷⁶ As a result, predictive policing software has the potential to legitimize institutional practices of oversaturation policing or strategies informed by racial bias. In the face of critiques of this kind, the Los Angeles Police Department ended its predictive policing program (LASER, or Los Angeles Strategic Extraction and Restoration) in 2021.⁷⁷

⁷¹ Berlatsky, *How Chicago Organizers Managed to Rid the City of Shotspotter*, Prism (Dec. 2, 2024) <<https://tinyurl.com/yk5znxrk>> [as of XX, 2025].

⁷² Henning, et al., *Reporting Gunshots: Prevalence, correlates, and obstacles to calling the Police* (2025) 26 Police Practice and Research 1, 42-45 <<https://tinyurl.com/46pw5trk>> [as of XX, 2025].

⁷³ Henning, et al., *Reporting Gunshots: Prevalence, correlates, and obstacles to calling the Police* (2025) 26 Police Practice and Research 1, 42-45 <<https://tinyurl.com/46pw5trk>> [as of XX, 2025].

⁷⁴ Electronic Frontier Foundation, *Street Level Surveillance: Predictive Policing* (2023) <<https://tinyurl.com/y4k3j3ak>> [as of XX, 2025].

⁷⁵ Soss and Weaver. (2017). *Police Are Our Government: Politics, political science, and the policing of race-class subjugated communities*. Annu. Rev. Polit. Sci. p. 580 <<https://tinyurl.com/yd2xx3wr>> [as of XX, 2025]; Geller, A. et al. (2017) *Police Contact and Mental Health*. Columbia Pub. Law Research Paper No. 14-571, p. 4, 11. <<https://tinyurl.com/3ktwsy52>> [as of XX, 2025].

⁷⁶ Electronic Frontier Foundation, *Street Level Surveillance: Predictive Policing* (2023) <<https://tinyurl.com/y4k3j3ak>> [as of XX, 2025].

⁷⁷ Li, C. (2024). Artificial Intelligence and Racial Profiling: Emerging challenges for the European Court of Human Rights. <<https://tinyurl.com/up8bu9br>> [as of XX, 2025].

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4. Automated License Plate Reader Systems

Automatic license plate readers (ALPR) use cameras and computer software to scan the license plates of automobiles driving by them, logging information about the vehicle, such as the time and date of each scan, the vehicle's GPS coordinates, and pictures of the car.⁷⁸

ALPR systems can be deployed to target communities of color and other marginalized populations.⁷⁹ There is evidence of racial profiling in both decisions about the placement of ALPR cameras and queries made by law enforcement agencies of the data collected and maintained by these systems.⁸⁰ Many law enforcement agencies have contracts with vendors that grant them access to private databases containing scans from private ALPRs and from other local and federal law enforcement agencies.⁸¹

After the ALPR system identifies a license plate number in an image, it automatically compares the number to stored lists of license plate numbers from vehicles of interest, called "hot lists," and issues alerts if the plate number matches an entry on the hot list.⁸² Some local agencies generate hot lists and local agencies may request authorization to receive hotlists from the California Department of Justice and/or the Federal Bureau of Investigation.⁸³ Officers can also perform manual queries of the data maintained in an ALPR system.⁸⁴ Many jurisdictions and agencies retain plate information for future use, sometimes indefinitely even if the plate number does not match one on a hot list.⁸⁵

An investigation related to the placement of ALPR cameras in Oakland found that they were "located predominantly in Black and Latino neighborhoods, despite the fact that automobile

⁷⁸ Díaz and Levinson-Waldman, *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use* (2020) Brennan Center for Justice <<https://tinyurl.com/3s34c3yr>> [as of XX, 2025].

⁷⁹ Díaz and Levinson-Waldman, *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use* (2020) Brennan Center for Justice <<https://tinyurl.com/3s34c3yr>> [as of XX, 2025] ["The New York Police Department has used license plate readers as part of its widespread surveillance of Muslim communities in the New York and New Jersey area."]

⁸⁰ Díaz and Levinson-Waldman, *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use* (2020) Brennan Center for Justice <<https://tinyurl.com/3s34c3yr>> [as of XX, 2025]; Alajaji and Maas. (2025) *License Plate Surveillance Logs Reveal Racist Policing Against Romani People*. Electronic Frontier Foundation. <<https://www.eff.org/deeplinks/2025/11/license-plate-surveillance-logs-reveal-racist-policing-against-romani-people>> [as of XX, 2025].

⁸¹ Díaz and Levinson-Waldman, *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use* (2020) Brennan Center for Justice <<https://tinyurl.com/3s34c3yr>> [as of XX, 2025].

⁸² Díaz and Levinson-Waldman, *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use* (2020) Brennan Center for Justice <<https://tinyurl.com/3s34c3yr>> [as of XX, 2025].

⁸³ Cal. Dept. of Justice (2025). *California Law Enforcement Telecommunications System: Policies, practices, and procedures (and statutes)*. P. 45 <<https://oag.ca.gov/system/files/media/clts-policies-practices-and-procedures.pdf>> [as of XX, 2025]; Federal Bureau of Investigation. (2023). *Law Enforcement Resources: National Crime Information Center (NCIC)*. <<https://le.fbi.gov/informational-tools/ncic>> [as of XX, 2025].

⁸⁴ Díaz and Levinson-Waldman, *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use* (2020) Brennan Center for Justice <<https://tinyurl.com/3s34c3yr>> [as of XX, 2025].

⁸⁵ Díaz and Levinson-Waldman, *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use* (2020) Brennan Center for Justice <<https://tinyurl.com/3s34c3yr>> [as of XX, 2025].

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crimes and offenses predominantly occurred elsewhere.”⁸⁶ This technology may be layered with other multiple alternative enforcement technologies and in conjunction with investigative stops to produce oversaturation policing.⁸⁷ Researchers with the Brennan Center for Justice determined that placement of ALPRs in “high crime” neighborhoods likely reflected “a history of biased and selective enforcement that has already led to the over-policing of communities of color.”⁸⁸ Based on their findings, these researchers recommend:

Law enforcement use of ALPRs should be periodically audited in order to protect against disparate impact on historically marginalized communities and constitutionally protected activities. These audits should evaluate the times and locations where ALPRs are used to ensure that they are not being used to disproportionately target particular communities or constitutionally protected activities such as protests. To facilitate this process, law enforcement agencies must keep records that detail the locations where ALPRs are deployed and the areas where historical searches are being run. Audits should also assess the types of investigations that merit a vehicle’s inclusion on a hot list to ensure that low-level offenses are not effectively being used to target vulnerable communities. Audits should evaluate the extent to which ALPR data is used with other surveillance technologies — such as predictive policing algorithms or inclusion in gang databases — in a manner that could disproportionately harm historically marginalized groups or constitutionally protected activity.⁸⁹

In addition to concerns about the placement of ALPR cameras, logs of searches by some law enforcement agencies. In a recent example, analysis of audit logs of the nationwide Flock Safety automated license plate reader network showed that between June 2024 and October 2025, more than 80 law enforcement agencies, including seven California law enforcement agencies, used language perpetuating harmful stereotypes against Romani people in the searcher’s description of the reason and/or case number for the search.⁹⁰ Advocates recognize that the ALPR network “didn’t create racial profiling”, but say that “it industrialized [racial profiling], turning deeply encoded and vague language into scalable surveillance that can search thousands of cameras across state lines.”⁹¹ In addition to acknowledging the value of California’s restrictions against law enforcement sharing ALPR data with federal authorities or out-of-state agencies, these advocates recommend that policymakers demand a complete audit of all ALPR searches conducted in their jurisdiction and a review of search logs to determine whether their law

⁸⁶ Díaz and Levinson-Waldman, *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use* (2020) Brennan Center for Justice <<https://tinyurl.com/3s34c3yr>> [as of XX, 2025].

⁸⁷ Díaz and Levinson-Waldman, *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use* (2020) Brennan Center for Justice <<https://tinyurl.com/3s34c3yr>> [as of XX, 2025].

⁸⁸ Díaz and Levinson-Waldman, *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use* (2020) Brennan Center for Justice <<https://tinyurl.com/3s34c3yr>> [as of XX, 2025].

⁸⁹ Díaz and Levinson-Waldman, *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use* (2020) Brennan Center for Justice <<https://tinyurl.com/3s34c3yr>> [as of XX, 2025].

⁹⁰ Alajaji and Maas. (2025) *License Plate Surveillance Logs Reveal Racist Policing Against Romani People*. Electronic Frontier Foundation. < <https://www.eff.org/deeplinks/2025/11/license-plate-surveillance-logs-reveal-racist-policing-against-romani-people>> [as of XX, 2025].

⁹¹ Alajaji and Maas. (2025) *License Plate Surveillance Logs Reveal Racist Policing Against Romani People*. Electronic Frontier Foundation. < <https://www.eff.org/deeplinks/2025/11/license-plate-surveillance-logs-reveal-racist-policing-against-romani-people>> [as of XX, 2025].

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enforcement agencies participated in discriminatory policing and “what safeguards, if any, exist to prevent such abuse.”⁹²

Starting in 2022, the Village of Oak Park, Illinois Citizen Police Oversight Committee reviewed searches of the police department’s ALPR system as well as the number and type of vehicle alerts that were triggered by the ALPR system, any stops or actions that were conducted in response to those alerts, the demographics of the people stopped in response to those alerts, and stop outcomes.⁹³ The Oak Park Police Department has 8 ALPR cameras. Between August 2022 through May 2023, there were approximately 3 million camera scans which triggered 42 alerts (39 for “stolen vehicle”, two for “fleeing/alluding”, and one for “connected to other crime.”⁹⁴ The Oversight Committee reported that the Police Department was unable to intervene with 14 of these vehicles because their driver fled or could not be located, resulting in 28 actual stops based on and ALPR alert during the period. Four of those stops included passengers. As a result of these stops, twelve people were arrested, “eight people were released at the discretion of the lead policing agency, and twelve people were released because of data not being updated timely.”⁹⁵ There were stark racial disparities in the stops based on ALPR alerts. Seventy-eight percent of the people stopped based on the ALPR alerts were Black, in a village where Black residents comprise 19 percent of the population, in a county where Black residents comprise 22 percent of the population.⁹⁶

As of the Civilian Police Oversight Committee’s most recent report in May 2025, the Oak Park Village Board of Trustees had limited the crime categories for which ALPR alerts could be used to four crimes: violent stolen vehicles/carjacking, stolen plates, violent felonies, and

⁹² Alajaji and Maas. (2025) *License Plate Surveillance Logs Reveal Racist Policing Against Romani People*. Electronic Frontier Foundation. < <https://www.eff.org/deeplinks/2025/11/license-plate-surveillance-logs-reveal-racist-policing-against-romani-people> > [as of XX, 2025].

⁹³ Village of Oak Park Citizen Police Oversight Committee, *Information and Analysis for the Village of Oak Park Board of Trustees: January 2023 to June 2023* (2023), pp. 9-11 < <https://tinyurl.com/ph9n2zcw> > [as of XX, 2025]; Village of Oak Park Citizen Police Oversight Committee. (2024). *Information and Analysis for the Village of Oak Park Board of Trustees: July 2023 through June 2024* p. 11-13. < <https://www.oak-park.us/Government/Meetings/Village-Board-Agendas-Minutes-Videos> > [as of XX, 2025].

⁹⁴ Village of Oak Park Citizen Police Oversight Committee. (2023). *Information and Analysis for the Village of Oak Park Board of Trustees: January 2023 to June 2023*. p. 9-11. <<https://oak-park.legistar.com/View.ashx?M=F&ID=12377910&GUID=00CA1A6F-F9D7-481B-AA95-8B1302DAEBDF>> [as of XX, 2025].

⁹⁵ Village of Oak Park Citizen Police Oversight Committee. (2023). *Information and Analysis for the Village of Oak Park Board of Trustees: January 2023 to June 2023*. p. 9-11. <<https://oak-park.legistar.com/View.ashx?M=F&ID=12377910&GUID=00CA1A6F-F9D7-481B-AA95-8B1302DAEBDF>> [as of XX, 2025].

⁹⁶ Village of Oak Park Citizen Police Oversight Committee. (2023). *Information and Analysis for the Village of Oak Park Board of Trustees: January 2023 to June 2023*. p. 9-11. <<https://oak-park.legistar.com/View.ashx?M=F&ID=12377910&GUID=00CA1A6F-F9D7-481B-AA95-8B1302DAEBDF>> [as of XX, 2025]; U.S. Census Bureau (2019-2023). *Hispanic or Latino Origin by Race American Community Survey 5-year estimates*.

<https://censusreporter.org/data/table/?table=B03002&primary_geo_id=16000US1754885&geo_ids=16000US1754885,05000US17031,31000US16980,04000US17,01000US> [as of XX, 2025].
<https://censusreporter.org/data/table/?table=B03002&primary_geo_id=16000US1754885&geo_ids=16000US1754885,05000US17031,31000US16980,04000US17,01000US> [as of XX, 2025].

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missing/endangered persons.⁹⁷ In the more recent period of July 2023 through June 2024, in the same Village, the number of scans by the Villages eight cameras increased to 4 million which triggered 17 alerts (15 for “stolen vehicle”, one for “armed robbery”, one for “connected to shots fired.”)⁹⁸ The Oversight Committee reported that the Police Department was unable to intervene with eight of these vehicles because their driver fled or could not be located, resulting in nine actual stops based on and ALPR alert during the period.⁹⁹ Four of those stops included passengers. As a result of these stops, four people were arrested, three people were released because of “bad data,” and two were released for “other reasons.”¹⁰⁰ While the number of ALPR alerts and stops based on alerts has decreased when compared with the 2022-2023 period, stark racial disparities persist in the stops based on ALPR alerts. Sixty-seven percent of the people stopped based on the ALPR alerts were Black. This may indicate that the work of the Village of Oak Park Citizen Police Oversight Committee and the Oak Park Village Board of Trustees to study and place limitations on the permitted uses of ALPR systems has brought about change in the problems they have identified. Additional measures are needed to eliminate the disparities in stops based on ALPR alerts.

California law prohibits the sharing of license plate data with federal and out-of-state agencies.¹⁰¹ In recent years, concerns have arisen that ALPR systems might be misused by federal or out-of-state law enforcement for immigration enforcement and other purposes.¹⁰² In 2023, the CA DOJ issued a bulletin to all California state and local law enforcement agencies reminding agencies that, among other things, Senate Bill 34 prohibits agencies from sharing ALPR information with private entities or out-of-state or federal agencies, including out of state and federal law enforcement agencies.¹⁰³ The use of ALPRs raises some concern regarding public safety generally and, in particular, in light of federal immigration enforcement. In 2025, California-based nonprofits and media outlets began to elevate concerns that local law

⁹⁷ Oak Park Police Department. (Nov. 19, 2024). *General Order 4.68*. <<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:8d154706-34b2-4790-8d27-728a9e59d26c?viewer%21megaVerb=group-discover>> [as of XX, 2025]; Village of Oak Park Citizen Police Oversight Committee. (2023). *Information and Analysis for the Village of Oak Park Board of Trustees: July 2024 through December 2024*. p. 11. <<https://www.oak-park.us/Government/Meetings/Village-Board-Agendas-Minutes-Videos>> [as of XX, 2025].

⁹⁸ Village of Oak Park Citizen Police Oversight Committee. (2023). *Information and Analysis for the Village of Oak Park Board of Trustees: July 2024 through December 2024*. p. 12. <<https://www.oak-park.us/Government/Meetings/Village-Board-Agendas-Minutes-Videos>> [as of XX, 2025].

⁹⁹ Village of Oak Park Citizen Police Oversight Committee. (2023). *Information and Analysis for the Village of Oak Park Board of Trustees: July 2024 through December 2024*. p. 12. <<https://www.oak-park.us/Government/Meetings/Village-Board-Agendas-Minutes-Videos>> [as of XX, 2025].

¹⁰⁰ Village of Oak Park Citizen Police Oversight Committee. (2023). *Information and Analysis for the Village of Oak Park Board of Trustees: July 2024 through December 2024*. p. 12. <<https://www.oak-park.us/Government/Meetings/Village-Board-Agendas-Minutes-Videos>> [as of XX, 2025].

¹⁰¹ Cal. Civ. Code sec. 1798.90.5 *et seq.*

¹⁰² Cal. DOJ (Oct. 2, 2025). *Attorney Bonta sues El Cajon for illegally sharing license plate data with out-of-state law enforcement* [Press Release] <<https://tinyurl.com/464skc7f>> [as of XX, 2025]; Díaz and Levinson-Waldman. (2020). *Automatic License Plate Readers: Legal status and policy recommendations for law enforcement use*. Brennan Center for Justice. <<https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations>> [as of XX, 2025].

¹⁰³ Cal. DOJ. (Oct. 27, 2023). *Information Bulletin Re: California Automated License Plate Reader Guidance*. p. 2-3. <<https://oag.ca.gov/system/files/media/2023-dle-06.pdf>> [as of XX, 2025].

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enforcement agencies across the state have been sharing data collected from automatic license plate readers with federal law enforcement agencies, including Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP). Under California law, state and local law enforcement agencies are prohibited from sharing data from ALPR systems with federal and out-of-state law enforcement, where the data's use is beyond the reach of California's oversight and regulation.¹⁰⁴ Those prohibited actions would also heighten the risk for immigrant communities that any contact with local law enforcement, including for reasons unrelated to immigration, could render them a target for federal immigration enforcement and ultimately deportation proceedings.

A nonprofit called the "Stop LAPD Spying Coalition" is one of the organizations that has raised concerns in a March 2025 letter to the Los Angeles Board of Police Commissioners that LAPD was obfuscating the extent of its sharing of ALPR data with federal immigration enforcement agencies.¹⁰⁵ The group pointed to LAPD's participation in fusion centers, which are national data-sharing hubs that tie together federal and local agencies, and in nationally searchable databases of ALPR data maintained by private companies like Palantir and Peregrine Technologies as potential modes of impermissible data-sharing with federal agencies.¹⁰⁶

A May 2025 report by 404 Media found that local agencies across the country have been conducting immigration-related searches at the request of the federal government in a national database of ALPR data run by the private company Flock.¹⁰⁷ On the heels of this revelation, the citizen watchdog Oakland Privacy filed record requests with several police agencies across California for their ALPR audit logs.¹⁰⁸ In June, the Riverside County Sheriff's Office was the first to respond, and its log from April 28, 2025 to May 30, 2025 revealed a number of searches in the Flock ALPR database that referenced CBP or Homeland Security Investigations, a component of ICE, as part of the "reason" given for the search.¹⁰⁹ The Riverside County Sheriff's Office had conducted some of these searches, while outside agencies — including the Los Angeles Police Department — had conducted the others.¹¹⁰

In July 2025, *The San Francisco Standard* released the results of its public records request to the Oakland Police Department (OPD) for the log of that agency's ALPR database search history, dating back to when the city had first installed ALPRs in 2024.¹¹¹ The records showed that, "[i]n

¹⁰⁴ Cal. DOJ (Oct. 2, 2025). *Attorney Bonta sues El Cajon for illegally sharing license plate data with out-of-state law enforcement* [Press Release] <<https://tinyurl.com/464skc7f>> [as of XX, 2025].

¹⁰⁵ Hamid Khan, *ALPR Letter* (April 7, 2025) Stop LAPD Spying Coalition <<https://stoplapdspying.org/alpr-letter/>> [as of XX, 2025]

¹⁰⁶ Khan, *ALPR Letter* (April 7, 2025) Stop LAPD Spying Coalition <<https://stoplapdspying.org/alpr-letter/>> [as of Aug. 15, 2025]

¹⁰⁷ Koebler, *ICE Taps into Nationwide AI-Enabled Camera Network, Data Shows* (May 27, 2025) 404 Media <<https://tinyurl.com/45p6rfqd>> [as of XX, 2025].

¹⁰⁸ Yadi, *CA Automated License Plate Readers (ALPR) and ICE* (Jun. 16, 2025) Oakland Privacy <<https://tinyurl.com/d9n236xn>> [as of XX, 2025].

¹⁰⁹ Yadi, *CA Automated License Plate Readers (ALPR) and ICE* (Jun. 16, 2025) Oakland Privacy <<https://tinyurl.com/d9n236xn>> [as of XX, 2025].

¹¹⁰ Johnson & Al Elew, *California police are illegally sharing license plate data with ICE and Border Patrol* (Jun. 13, 2025) CalMatters <<https://tinyurl.com/3vckt5m9>> [as of XX, 2025]; see also Riverside County Sheriff, *Audit Reports* <<https://tinyurl.com/5eewtndn>> [as of XX, 2025].

¹¹¹ Chien, SF, *Oakland cops illegally funneled license plate data to feds* (Jul. 14, 2025) *The San Francisco Standard* <<https://tinyurl.com/bdharb8e>> [as of XX, 2025].

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at least one case, the Oakland Police Department fulfilled a request related to an Immigration and Customs Enforcement investigation.”¹¹² Another search in OPD’s database conducted in April 2025 by the California Highway Patrol labeled the “reason” for the search as “ICE case,” with no further clarification.¹¹³ Overall, the records showed more than 200 searches of OPD’s data that used keywords related to federal law enforcement, including the FBI and the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.¹¹⁴

A July article by *The LA Times* illustrates the stake of these instances of potential ALPR data-sharing for communities at risk of deportation.¹¹⁵ Reviewing recent court filings, *The Times* identified at least 30 people whom immigration agents had detained for illegal re-entry after deportation following an arrest in the few months prior by LAPD.¹¹⁶ According to *The Times*, the court records showed that in the case of at least one man, his booking had “pinged” an ICE Facility in Orange County.¹¹⁷ These alleged collaborations could increase the likelihood that members of vulnerable communities are brought to the attention of federal immigration enforcement agencies for deportation proceedings based solely on a chance encounter with local police. As a result, the patterns of racial and other kinds of bias that are often present in local police encounters could bleed into patterns of federal immigration enforcement, which already disproportionately target Latinx people.¹¹⁸

The California Values Act (SB 54) places restrictions on California law enforcement in the sharing of ALPR data: the Act prohibits state and local agencies from assisting federal agencies with immigration enforcement, except under limited circumstances.¹¹⁹ On October 3, 2025, California Attorney General Rob Bonta filed a lawsuit against the City of El Cajon over its refusal to comply with state law prohibiting the sharing of license plate data with federal and out-of-state law enforcement agencies.¹²⁰

¹¹² Chien, *SF, Oakland cops illegally funneled license plate data to feds* (Jul. 14, 2025) *The San Francisco Standard* <<https://tinyurl.com/bdharb8e>> [as of XX, 2025].

¹¹³ Chien, *SF, Oakland cops illegally funneled license plate data to feds* (Jul. 14, 2025) *The San Francisco Standard* <<https://tinyurl.com/bdharb8e>> [as of XX, 2025].

¹¹⁴ Chien, *SF, Oakland cops illegally funneled license plate data to feds* (Jul. 14, 2025) *The San Francisco Standard* <<https://tinyurl.com/bdharb8e>> [as of XX, 2025].

¹¹⁵ Jany, *How ICE is using the LAPD to track down immigrants for deportation*, *Los Angeles Times* (Jul. 30, 2025) <<https://tinyurl.com/y5j36aea>> [as of XX, 2025].

¹¹⁶ Jany, *How ICE is using the LAPD to track down immigrants for deportation*, *Los Angeles Times* (Jul. 30, 2025) <<https://tinyurl.com/y5j36aea>> [as of XX, 2025].

¹¹⁷ Jany, *How ICE is using the LAPD to track down immigrants for deportation*, *Los Angeles Times* (Jul. 30, 2025) <<https://tinyurl.com/y5j36aea>> [as of XX, 2025].

¹¹⁸ See Lopez et al, *Addressing Racial Bias in the Immigration System* (2022) Berkeley Interdisciplinary Migration Initiative <<https://tinyurl.com/46m7rnm>> [as of XX, 2025] finding that in 2018 Latinx people accounted for 91 percent of all arrests made by ICE, though they made up only a little over 50 percent of the US foreign-born population, and Bier, *One in Five ICE Arrests Are Latinos on the Streets with No Criminal Past or Removal Order* (Aug. 5, 2025) Cato Institute <<https://tinyurl.com/cwwtwey8>> [as of XX, 2025] (documenting the steep rise in ICE’s street profiling of Latinx people in the months following January 2025—a practice that has sharply decreased since a federal injunction blocked it in July).

¹¹⁹ Senate Bill No. 54 (2017-2018 Reg. Sess.) <<https://tinyurl.com/4wxx2mdd>> [as of XX, 2025].

¹²⁰ Cal. DOJ (Oct. 2, 2025). *Attorney Bonta sues El Cajon for illegally sharing license plate data with out-of-state law enforcement* [Press Release] <<https://tinyurl.com/464skc7f>> [as of XX, 2025].

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B. The Costs of Surveillance Policing Are Increasing, but Such Increases Have Not Led to a Reduction in Racial and Identity Profiling or an Increase in Public Safety

Advanced surveillance policing technologies are a substantial cost to taxpayers. Beyond the initial cost of the technology itself, these technologies often lead to additional expenditures to maintain the technology and store the data obtained through their surveillance.¹²¹ Data storage and maintenance costs can easily surpass initial expenditures.¹²² The high costs of these programs have prompted some departments to discontinue their use and redirect funds towards more central activities.¹²³ For instance, in 2020, the Los Angeles Police Department ended its nine-year use of a PredPol predictive policing system to cut costs during the coronavirus pandemic.¹²⁴ Additionally, some cities have declined to adopt gunshot detection technology because of its high cost, instead deciding to invest funding in collaborative, anti-violence community partnerships.¹²⁵

The effectiveness of various alternative enforcement technologies is also questionable. For example, a 2021 Report from the Chicago Office of Inspector General found that “ShotSpotter alerts ‘rarely produced evidence of a gun-related crime, rarely gave rise to investigatory stops, and even less frequently lead to the recovery of gun crime-related evidence during a stop.’”¹²⁶ Additionally, a 2023 Report by The Markup examined 23,631 predictions made by the “predictive policing” software Geolitica for the Plainfield Police Department in New Jersey and found that the program’s success rate was “less than half a percent.”¹²⁷ Reports have found conflicting evidence about the effectiveness of predictive policing technology.¹²⁸

In addition to their high costs, alternative enforcement technology programs are controversial for several reasons. Predictive policing algorithms, for example, can entrench racial bias because the machine-learning models are trained on biased police data.¹²⁹

Market dominance also raises concerns. A small number of technology manufacturers tend to dominate their markets. For example, the ShotSpotter company had placed almost 17,000 audio sensors in more than 100 municipalities as of 2020, covering approximately 770 square miles,

¹²¹ See generally ACLU, *Community Control Over Police Surveillance: Technology 101* (Sept. 16, 2016) <<https://tinyurl.com/23w8eyud>> [as of XX, 2025] [discussing costs].

¹²² See, e.g., Joh, *The Undue Influence of Surveillance Technology Companies on Policing* (2017) 92 N.Y. Univ. L.Rev. 19, 33.

¹²³ Macaulay, *LAPD Ditches Predictive Policing Program Accused of Racial Bias* (Apr. 22, 2020) TNW <<https://tinyurl.com/ywwbzh8x>> [as of XX, 2025].

¹²⁴ Macaulay, *LAPD Ditches Predictive Policing Program Accused of Racial Bias* (Apr. 22, 2020) TNW <<https://tinyurl.com/ywwbzh8x>> [as of XX, 2025].

¹²⁵ Ebrahimji, *Critics of ShotSpotter Gunfire Detection System Say It’s Ineffective, Biased and Costly* (Feb. 24, 2024) CNN <<https://tinyurl.com/yj9kyya3>> [as of XX, 2025].

¹²⁶ Ebrahimji, *Critics of ShotSpotter Gunfire Detection System Say It’s Ineffective, Biased and Costly* (Feb. 24, 2024) CNN <<https://tinyurl.com/yj9kyya3>> [as of XX, 2025].

¹²⁷ Sankin and Mattu, *Predictive Policing Software Terrible at Predicting Crimes*, The Markup (Oct. 2, 2023) <<https://tinyurl.com/3t5xb3vm>> [as of XX, 2025].

¹²⁸ See Tang and Hiebert, *The Promises and Perils of Predictive Policing* (May 22, 2025) Centre for Int. Governance Innovation <<https://tinyurl.com/yc4muu37>> [as of XX, 2025].

¹²⁹ Heaven, *Predictive Policing Algorithms are Racist. They Need to be Dismantled* (July 17, 2020) MIT Technology Review <<https://tinyurl.com/2vmxekwu>> [as of XX, 2025].

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and aimed to expand to 1,400 cities.¹³⁰ Accordingly, a small number of private technology companies have substantial influence over tech-based alternative enforcement strategies, but these companies provide limited transparency about the algorithms their programs use to drive policing decisions. Researchers in governance and technology innovation have called for strong privacy protections to ensure that Black people and Brown people are not inaccurately or unfairly targeted by the growing use of these alternative enforcement technologies by law enforcement.¹³¹

C. Further Research Is Needed to Assess and Remedy the Effects of Alternative Enforcement Technologies on Racial and Identity Bias

As noted above, the Board has many concerns regarding the use of oversaturation practices in policing, as they engender feelings of mistrust in law enforcement, concerns about over-surveillance, and undermine a community's sense of public safety. Perhaps most importantly, there is no evidence that such practices reduce or eliminate racial and identity profiling. Indeed, when oversaturation practices are combined with alternative enforcement technologies, such as facial recognition, gunshot detection, and predictive policing, those negative effects can be compounded and can in fact increase the likelihood that racial and identity profiling will occur. The Board is concerned that these practices continue to be employed without consideration of how they contribute to racial and identity profiling, and encourages adoption of the recommendations listed below.

V. ELIMINATING PRETEXTUAL STOPS IMPROVES PUBLIC SAFETY

Oversaturation policing that is influenced by, or that perpetuates, racial bias often takes the form of increased pretextual investigatory stops. A pretextual stop occurs when an officer stops someone for a lawful traffic violation or minor infraction, but intends to use the stop to investigate a hunch that the individual is involved in a different crime, even though the officer does not have reasonable suspicion or probable cause to believe the individual stopped has committed that crime.¹³² For example, if an officer sees that a vehicle's brake light is not working, and stops the car because the officer thinks the driver might have drugs — but has no facts to support that assumption — that is a pretextual stop.¹³³ Because law enforcement can legally initiate vehicle stops to issue citations for traffic infractions, it is difficult to ascertain the exact number of traffic stops initiated for pretextual investigations. California law now requires that officers document the reason for the stop, disclose that reason to the individual,¹³⁴ and report

¹³⁰ ShotSpotter, *Investor Presentation* (Nov. 2020) <<https://tinyurl.com/ycx7suhb>> [as of XX, 2025].

¹³¹ See Lee and Chin-Rothmann, *Police Surveillance and Facial Recognition: Why Data Privacy is Imperative for Communities of Color*, The Brookings Institution (Apr. 12, 2022) <<https://tinyurl.com/ce7funev>> [as of XX, 2025].

¹³² Racial and Identity Profiling Board, *Annual Report* (2023), pg. 61 at <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2025]; see also Asirvatham and Frakes, *Are Constitutional Rights Enough? An Empirical Assessment of Racial Bias in Police Stops* (Aug. 2020) Duke L. School Pub. L. & Legal Theory Series No. 2020-56, p. 5 <<http://dx.doi.org/10.2139/ssrn.3673574>> [as of XX, 2025].

¹³³ Asirvatham and Frakes, *Are Constitutional Rights Enough? An Empirical Assessment of Racial Bias in Police Stops* (Aug. 2020) Duke L. School Pub. L. & Legal Theory Series No. 2020-56, p. 5 <<http://dx.doi.org/10.2139/ssrn.3673574>> [as of XX, 2025].

¹³⁴ See AB2773, adding section 2806.5 to the Vehicle Code, requiring under section (a) A peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, shall state the reason for the stop. The officer shall document the reason for the stop on any citation or police report resulting from the stop.

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both the reason for the stop and the reason given in the RIPA data. However, officers may still engage in pretextual stops, and officers are not required to disclose to the individual that the true purpose of the stop was because of a pretext.

As noted in prior reports,¹³⁵ pretextual stops — stops based on hunches that an individual is committing a crime, without basis in reasonable suspicion or probable cause — are susceptible to racial bias.¹³⁶ Pretextual investigatory stops are used in stops of “pedestrians by big-city police, stops and searches of vehicles on interstate highways by state patrols, and . . . stops of drivers on city and suburban streets by local police.”¹³⁷ In addition to their use in oversaturation policing, pretextual investigatory stops are used in the profiling of individuals in what researchers describe as “race-out-of-place” profiling, which occurs when an individual’s perceived race is used in relation to the racial composition of a place to either heighten or lessen suspicion of the individual.¹³⁸ Both oversaturation policing and “race-out-of-place” profiling are tied to the persistently high levels of residential segregation in the United States.¹³⁹

However, the legality of pretextual stops has been upheld by the United States Supreme Court. In *Whren v. United States*,¹⁴⁰ the Court held that if an officer can point to an objective reason for the stop, then the officer’s subjective motives or hunches do not affect the legality of the stop.¹⁴¹ As noted in prior reports,¹⁴² the Court’s ruling in *Whren*, and the practice of pretextual stops specifically, have been criticized because of their potential for subjectivity and racial bias in policing,¹⁴³ including in by the Board itself.

In this year’s Report, the Board continues its discussion on how pretextual stops contribute to racial and identity profiling in California and undermine public safety, defined as the collective

¹³⁵ Racial and Identity Profiling Board, *Annual Report* (2023), pg. 52 at <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2025]

¹³⁶ Chin and Vernon, *Reasonable But Unconstitutional: Racial Profiling and the Radical Objectivity of Whren v. United States* (2015) 83 Geo. Wash. L.Rev. 882, 941; see also Haywood, *Ending Race-Based Pretextual Stops: Strategies for Eliminating America’s Most Egregious Police Practice* (2022) 26 Rich. Pub. Int. L.Rev. 47, 47.

¹³⁷ Epp et al., *Pulled Over: How Police Stops Define Race and Citizenship*, (2014) at p. 3.

¹³⁸ Hannon, et al., *Out-of-Place and In-Place Policing: An Examination of Traffic Stops in Racially Segregated Philadelphia* (2020) 67 Crime & Delinquency 6-7, 868-890 <<https://doi.org/10.1177/0011128720926122>> [as of XX, 2025].

¹³⁹ Hannon, et al., *Out-of-Place and In-Place Policing: An Examination of Traffic Stops in Racially Segregated Philadelphia* (2020) 67 Crime & Delinquency 6-7, 868-890 <<https://doi.org/10.1177/0011128720926122>> [as of XX, 2025].

¹⁴⁰ *Whren v. United States* (1996) 517 U.S. 806.

¹⁴¹ *Whren v. United States* (1996) 517 U.S. 806, 813.

¹⁴² See Racial and Identity Profiling Advisory Board, *Annual Report* (2023), pg. 61-107 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2025]; Racial and Identity Profiling Advisory Board, *Annual Report* (2024), pg. 52-166 <<https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>> [as of XX, 2025].

¹⁴³ Chin and Vernon, *Reasonable but Unconstitutional: Racial Profiling and the Radical Objectivity of Whren v. United States* (2015) 83 Geo. Wash. L. Rev. 882, 941 [“*Whren* is in many ways the *Plessy* of its era. It endorsed racial discrimination, and thereby encouraged its spread”]; Haywood, *Ending Race-Based Pretextual Stops: Strategies for Eliminating America’s Most Egregious Police Practice* (2022) 26 Rich. Pub. Int. L.Rev. 47, 47 [calling pretextual stops and searches “America’s most egregious police practice”].

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experience of being safeguarded or protected from threats to one's life or wellbeing.¹⁴⁴ In this report, the Board seeks to answer the following questions: (1) are there benefits to enacting policies limiting or eliminating pretextual stops; and (2) what have been the results in those jurisdictions that have enacted such policies?

A. Research and Data Show Pretextual Stops Do Not Improve Public Safety

In its 2023 Report, the Board recommended that law enforcement agencies eliminate pretextual stops based on research and data showing such practices do not improve public safety, disparately result in racial profiling, and do little to discover or prevent crime.¹⁴⁵ Specifically, the Board relied, in part, on 2019 RIPA data from Catalyst California, showing that 80,000 hours of law enforcement time were spent in one year on 211,086 traffic stops that did not result in any enforcement of any kind, including warnings, or contraband found.¹⁴⁶

Despite the Board's recommendation and data analyses consistently showing that the high cost of traffic enforcement is not justified by any corresponding reduction in crime, most counties in California continue to prioritize traffic enforcement.¹⁴⁷ For example, the RIPA data shows that traffic stops comprised 83.7 percent of all stops in 2024,¹⁴⁸ 82.1 percent in 2023,¹⁴⁹ and 86.8 percent in 2022.¹⁵⁰ Similarly, a 2019 review by Catalyst California found that the vast majority (84.3%) of officer-initiated stops by the Los Angeles County Sheriff's Department were for

¹⁴⁴ Prior analysis of racial disparities in pretextual stops can be found primarily in the 2023 and 2024 RIPA Reports. See Racial and Identity Profiling Advisory Board, *Annual Report* (2023), pg. 61-107

<<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2025]; Racial and Identity Profiling Advisory Board, *Annual Report* (2024), pg. 52-166 <<https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>> [as of XX, 2025].

¹⁴⁵ See generally Racial and Identity Profiling Advisory Board, *Annual Report* (2023), pg. 61-107

<<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2025].

¹⁴⁶ See Racial and Identity Profiling Advisory Board, *Annual Report* (2023), pg. 64

<<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2025], citing Catalyst Cal. and ACLU of Southern Cal. <<https://tinyurl.com/3zjv7yxz>> [as of XX, 2025].

¹⁴⁷ See 2023 RIPA Report pp. 64-66, citing Shjarback et al., *De-policing and crime in the wake of Ferguson: Racialized changes in the quantity and quality of policing among Missouri police departments* (May 2017) 50 J. Crim. Justice 42 <<https://www.sciencedirect.com/science/article/abs/pii/S0047235217301289>> [as of Sept. 15, 2025]; Lofstrom et al., *Racial Disparities in Law Enforcement Stops* ("Law Enforcement Stops") (Oct. 2021) Public Policy Inst. of Cal. (PPIC) <<https://www.ppic.org/publication/racial-disparities-in-law-enforcement-stops/>> [as of Sept. 15, 2025]; see also Charles-Wood et al., *An Analysis of the Metropolitan Nashville Police Department's Traffic Stop Practices* (Nov. 2018) Stanford Computational Policy Lab <<https://tinyurl.com/37sbamye>> [as of May 25, 2025]. A 2018 study in Nashville, TN found pretextual stops both inefficient and applied in a racially disparate manner. Further, the study found that these stops had no discernible effect on serious crime rates and only infrequently resulted in the recovery of contraband or a custodial arrest. The report concluded, instead, that the best method of improving public safety in relation to vehicle crash deaths was not more officers on the road conducting stops, but rather "motor vehicle modifications, community-based safety initiatives, improved access to health care, or prioritizing trauma system."

¹⁴⁸ Racial and Identity Profiling Board 2025 Annual Report Appendix, pg. 2

<<https://oag.ca.gov/system/files/media/ripa-appendix-2025.pdf>> [as of Jun. 27, 2025].

¹⁴⁹ Racial and Identity Profiling Board 2024 Annual Report Appendix, pg. 4

<<https://oag.ca.gov/system/files/media/ripa-appendix-2024.pdf>> [as of Jun. 27, 2025].

¹⁵⁰ Racial and Identity Profiling Board 2023 Annual Report Appendix, pg. 5

<<https://oag.ca.gov/system/files/media/ripa-appendix-2023.pdf>>

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traffic violations; only 11.2 percent of all time was spent on responding to calls for assistance, and only 9.6 percent of stops were based on reasonable suspicion of criminal activity.¹⁵¹ These results led Catalyst California to conclude the use of pretextual traffic stops cost Los Angeles approximately \$776 million dollars a year for traffic enforcement.¹⁵² The report urged that traffic enforcement costs be reallocated to improving community care and infrastructure.¹⁵³

“\$776 million dollars of Los Angeles County’s budget in 2019 was spent on Los Angeles Sheriff Department traffic enforcement.”

—Catalyst California and ACLU of Southern California, *Reimagining Community Safety in California: Los Angeles County* (Oct. 2022)

As discussed in previous reports, and in detail below, Los Angeles has heeded calls to improve its policing and has taken action to limit pretextual stops. The Board examines those policy changes below, along with similar changes in other jurisdictions, to identify potential recommendations for California law enforcement agencies. But first, the Board examines data supporting the need to eliminate pretextual stops in more detail.

1. Data Continues to Show That Ending Pretextual Stops Will Reduce Racially Disparate Consent Searches, and that Consent Only Searches are Generally Unfruitful

“[L]ess than one half of 1% of all traffic stops result in deputies uncovering any weapons of any kind [in Los Angeles County].”

— Catalyst California and ACLU of Southern California, *Reimagining Community Safety in California: Los Angeles County*

Pretextual stops are often effectuated to search the vehicle and persons in the vehicle, with wide discretion afforded to law enforcement to initiate the contact, considering the vast number of possible traffic infractions at their disposal to justify the stop.¹⁵⁴ By their nature, pretextual stops based on traffic infractions do not provide probable cause to search the vehicle. For instance, in the example discussed above — where an officer stops someone for a broken taillight — there is no reason an officer would need to search the driver or their vehicle to determine whether the taillight is in fact

broken. Any search of the driver or their vehicle must therefore be based on probable cause, unrelated to the reason the driver was initially stopped. If there is no probable cause, the officer must obtain consent from the driver to search.

¹⁵¹ Catalyst California and ACLU of Southern California, *Reimagining Community Safety in California: Los Angeles County* (Oct. 2022) pp. 10-11 <<https://tinyurl.com/uxwbxw3n>> [as of June 10, 2025].

¹⁵² Catalyst California and ACLU of Southern California, *Reimagining Community Safety in California: Los Angeles County* (Oct. 2022) pp. 29-30 <<https://tinyurl.com/uxwbxw3n>> [as of June 10, 2025].

¹⁵³ Catalyst California and ACLU of Southern California, *Reimagining Community Safety in California: Los Angeles County* (Oct. 2022) pp. 29-30 <<https://tinyurl.com/uxwbxw3n>> [as of June 10, 2025].

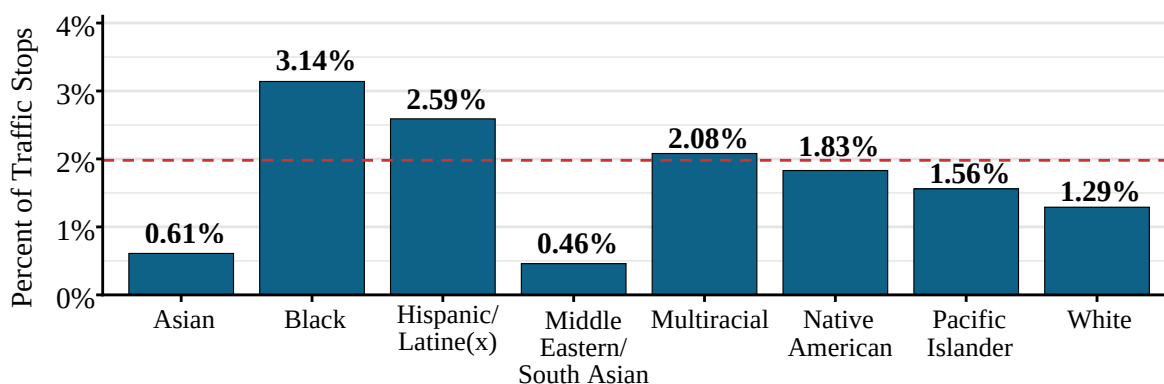
¹⁵⁴ See *Whren v. United States* (1996) 517 U.S. 806; see also Racial and Identity Profiling Board 2023 Annual Report, pp 67-68. at <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of Aug. 14, 2025].

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RIPA data show that officers ask drivers perceived to be Black and Hispanic/Latine(x) for consent to search more frequently than drivers perceived to be White, yet the discovery rate of weapons or other contraband continues to be minimal.¹⁵⁵

Figure X. Percent of Traffic Stops where Officer Asked for Consent Search by Perceived Race/Ethnicity



-- Average Percent of Traffic Stops where Officer Asked for Consent to Search: 1.98%

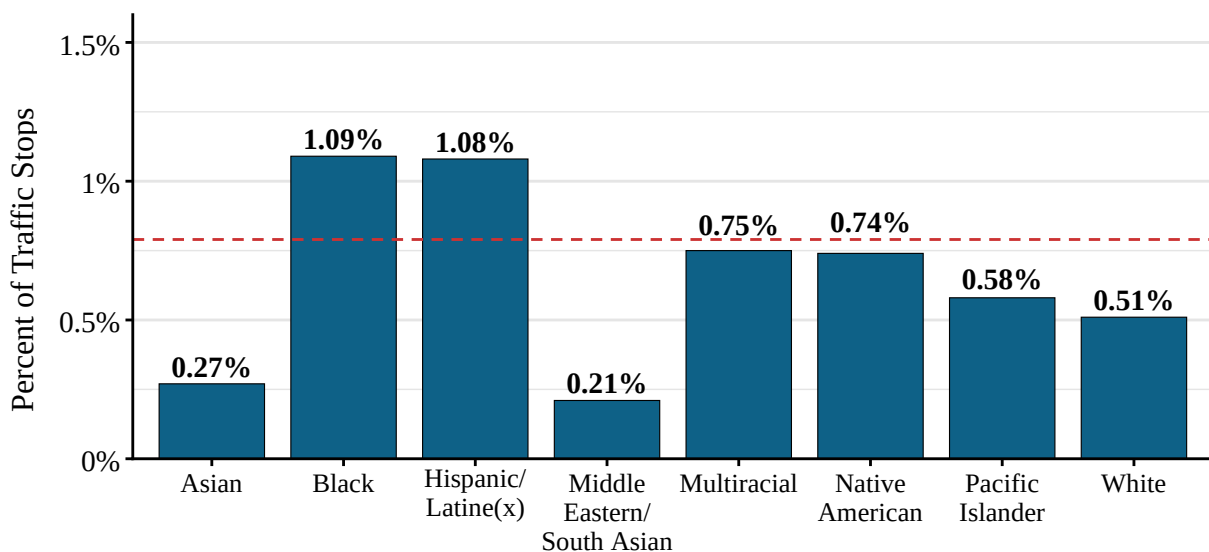
Across all RIPA data, officers asked for consent to search person or property in 1.98% (84,218) of stops. Officers reported the highest rates of asking for consent to search in stops of individuals perceived as Black (3.14%; 14,563 stops) and Hispanic/Latine(x) (2.59%; 48,235 stops). Officers reported the lowest rates of asking for consent to search in stops of individuals perceived as Middle Eastern/South Asian (0.46%; 1,201 stops) and Asian (0.61%; 1,694 stops).

¹⁵⁵ Racial and Identity Profiling Advisory Board, Annual Report (2023) pp 71-73 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2025] (noting that individuals perceived as Black were 4 times as likely, individuals perceived as Hispanic/Latine(x) were 2.4 times as likely, and individuals perceived as Multiracial were 2.2 times as likely to be asked for consent to search during a traffic stop than White individuals, and that officers requested to perform a search of nearly twice as many individuals perceived as Black than White 2.2 times more individuals perceived as White than individuals perceived as Black). These figures are consistent with prior reports. See Racial and Identity Profiling Advisory Board, Annual Report (2024) p. X <<https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>> [as of September 08, 2025]; Racial and Identity Profiling Advisory Board, Annual Report (2022) <<https://oag.ca.gov/system/files/media/ripa-board-report-2022.pdf>> [as of September 08, 2025]; Racial and Identity Profiling Advisory Board, Annual Report (2021) p. X <<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2021.pdf>> [as of September 08, 2025]; Racial and Identity Profiling Advisory Board, Annual Report (2020) p. X <<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2020.pdf>> [as of September 08, 2025]; see also Racial and Identity Profiling Board 2023 Annual Report, pg. 72, “Here, the data show a continued trend from the 2019, 2020, and now 2021 data that during stops where officers perform consent only searches, officers are least likely to find contraband in the possession of those perceived as Black.”

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Figure X. Percent of Traffic Stops with a Consent Only Search by Perceived Race/Ethnicity



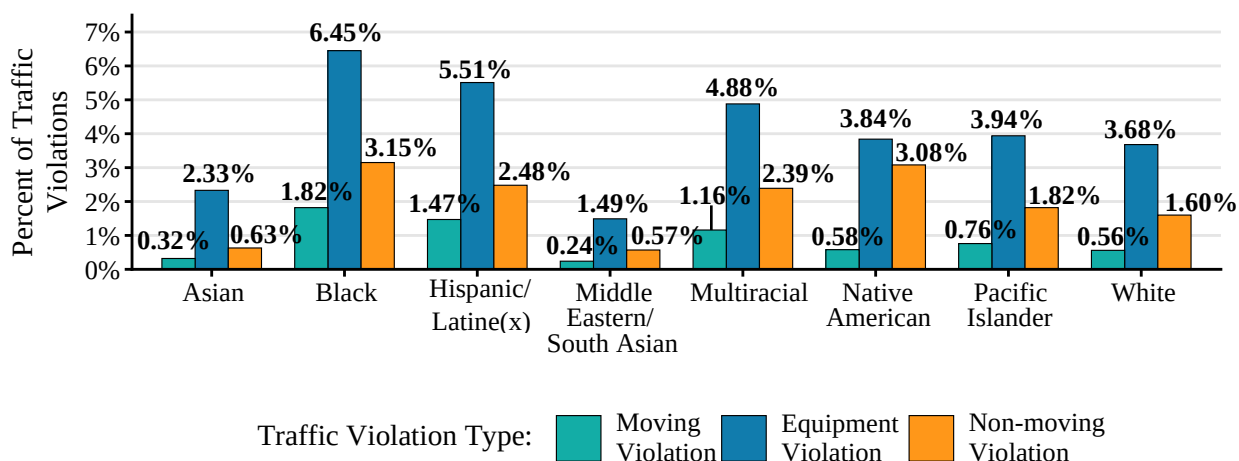
Across all RIPA data, officers reported conducting consent only¹⁵⁶ searches in 0.79% (33,817) of traffic stops. Officers reported the highest rates of consent only searches in traffic stops of individuals perceived as Black (1.09%; 5,069 stops) and Hispanic/Latine(x) (1.08%; 20,100 stops). Officers reported the lowest rates of consent only searches in traffic stops of individuals perceived as Middle Eastern/South Asian (0.21%; 536 stops) and Asian (0.27%; 753 stops).

¹⁵⁶ A “consent only” search as defined in the 2023 RIPA Report as “searches in which the only basis provided by the officer is “consent given.” Racial and Identity Profiling Board 2023 Annual Report, pg. 15
<<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2025].

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Figure X. Percent of Traffic Stops where Officer Asked for Consent Search by Traffic Violation Type and Perceived Race/Ethnicity

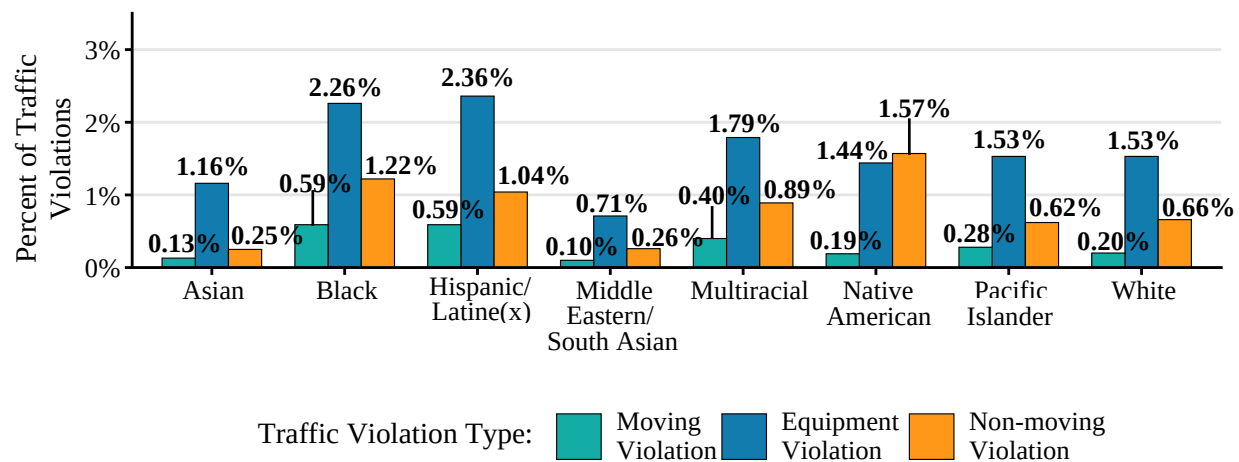


Across all races and ethnicities, officers asked for consent to search the most frequently in stops initiated due to an equipment violation, followed by non-moving violation, and then moving violations. Among equipment violations, officers reported the highest rates of asking for consent to search in stops of individuals perceived to be Black (6.45%; 7,016 stops) and Hispanic/Latine(x) (5.51%; 24,529 stops) and the lowest rates of asking for consent to search in stops of individuals perceived to be Middle Eastern/South Asian (1.49%; 544 stops) and Asian (2.33%; 810 stops). Among non-moving violations, officers reported the highest rates of asking for consent to search in stops of individuals perceived to be Black (3.15%; 2,592 stops) and Native American (3.08%; 51 stops) and the lowest rates of asking for consent to search in stops of individuals perceived to be Middle Eastern/South Asian (0.57%; 191 stops) and Asian (0.63%; 226 stops). Among moving violations, officers reported the highest rates of asking for consent to search in stops of individuals perceived to be Black (1.82%; 4,955 stops) and Hispanic/Latine(x) (1.47%; 16,653 stops) and the lowest rates of asking for consent to search in stops of individuals perceived to be Middle Eastern/South Asian (0.24%; 466 stops) and Asian (0.32%; 658 stops).

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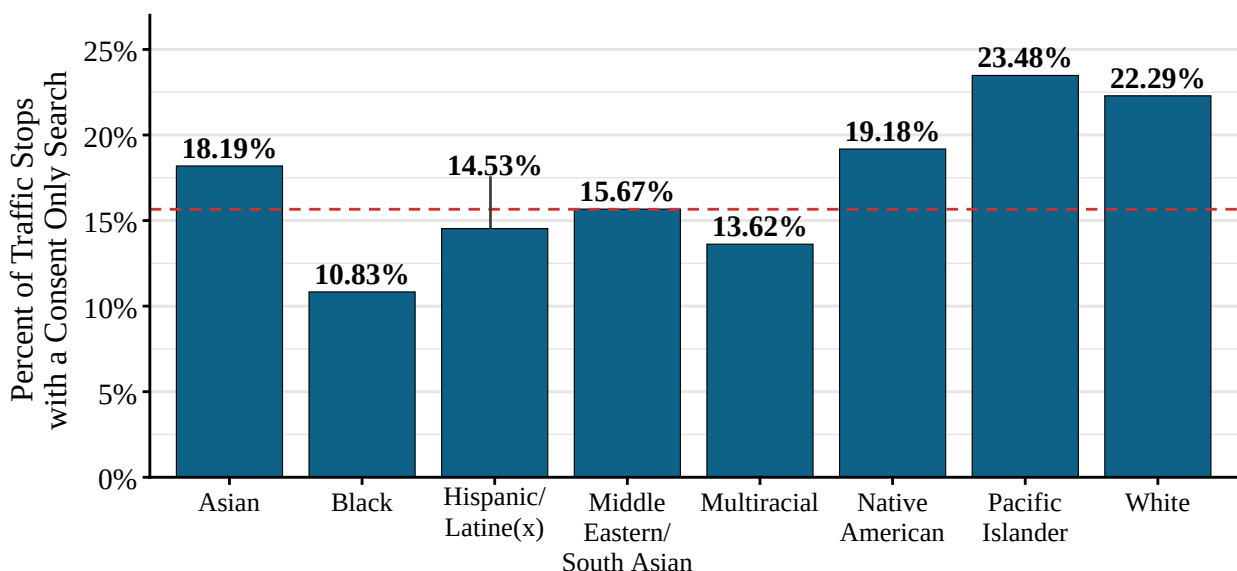
Figure X. Percent of Traffic Stops Involving Consent Only Searches by Traffic Violation Type and Perceived Race/Ethnicity



Across all races and ethnicities, officers performed consent only searches the most frequently in stops initiated due to an equipment violation, followed by non-moving violation, and then moving violations. Among equipment violations, officers reported the highest rates of consent only searches in stops of individuals perceived to be Hispanic/Latine(x) (2.36%; 10,519 stops) and Black (2.26%; 2,459 stops) and the lowest rates of consent only searches in stops of individuals perceived to be Middle Eastern/South Asian (0.71%; 259 stops) and Asian (1.16%; 404 stops). Among non-moving violations, officers reported the highest rates of consent only searches in stops of individuals perceived to be Native American (1.57%; 26 stops) and Black (1.22%; 1,001 stops) and the lowest rates of consent only searches in stops of individuals perceived to be Asian (0.25%; 90 stops) and Middle Eastern/South Asian (0.26%; 87 stops). Among moving violations, officers reported the highest rates of consent only searches in stops of individuals perceived to be Black (0.59%; 1,609 stops) and Hispanic/Latine(x) (0.59%; 6,635 stops) and the lowest rates of consent only searches in stops of individuals perceived to be Middle Eastern/South Asian (0.10%; 190 stops) and Asian (0.13%; 259 stops).

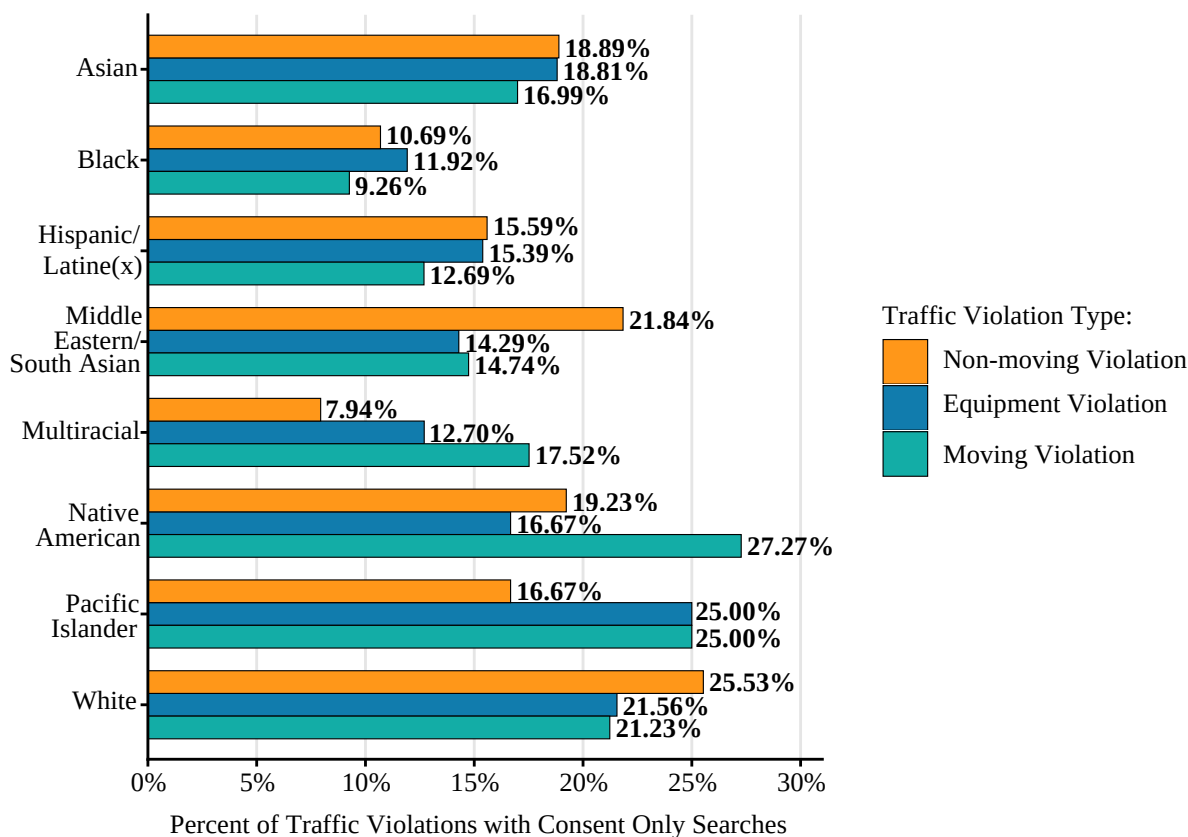
Despite that officers reported consent only searches of individuals perceived as Black and Hispanic/Latine(x) most frequently, however, officers reported discovery of contraband more frequently in searches of individuals perceived as Pacific Islander and White, as shown in the charts below.

Figure X. Contraband Discovery Rate for Traffic Stops with a Consent Only Search by Perceived Race/Ethnicity



On average, officers reported finding contraband in 15.66% (5,297) of all traffic stops where they conducted a consent only search. Officers reported the highest contraband discovery rates in traffic stops of individuals perceived as Pacific Islander (23.48%; 31 stops) and White (22.29%; 1,508 stops) where the officer conducted a consent only search. Officers reported the lowest contraband discovery rates in traffic stops of individuals perceived as Black (10.83%; 549 stops) and Multiracial (13.62%; 53 stops) where the officer conducted a consent only search.

Figure X. Contraband Discovery Rate for Traffic Stops Involving Consent Only Searches by Traffic Violation Type and Perceived Race/Ethnicity



Among non-moving violations, officers reported the highest contraband discovery rates in consent only searches of individuals perceived as White (25.53%; 358 stops) and Middle Eastern/South Asian (21.84%; 19 stops) and the lowest contraband discovery rates in consent only searches of individuals perceived as Multiracial (7.94%; 5 stops) and Black (10.69%; 107 stops). Among equipment violations, officers reported the highest contraband discovery rates in consent only searches of individuals perceived as Pacific Islander (25.00%; 17 stops) and White (21.56%; 778 stops) and the lowest contraband discovery rates in consent only searches of individuals perceived as Black (11.92%; 293 stops) and Multiracial (12.70%; 24 stops). Among moving violations, officers reported the highest contraband discovery rates in consent only searches of individuals perceived as Native American (27.27%; 3 stops) and Pacific Islander (25.00%; 10 stops) and the lowest contraband discovery rates in consent only searches of individuals perceived as Black (9.26%; 149 stops) and Hispanic/Latine(x) (12.69%; 842 stops).

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These findings are consistent with the findings in prior reports,¹⁵⁷ and demonstrate that consent only searches, and the low rate at which they yield results, are unlikely to contribute to public safety.

In contrast, when law enforcement bases a search on articulable facts to warrant the search, their success rates climb and disparate treatment declines. For instance, 35.46 percent of searches of individuals perceived to be Black yielded discovery of contraband when the search was based on consent *and* there was a factual justification for the search.¹⁵⁸ This trend applies to the whole data set — i.e., regardless of the perceived demographics of the individual stopped — since consent-plus basis searches result in discoveries at nearly double the rate of consent-only searches (36.88% vs. 20.3%), regardless of identity group.¹⁵⁹

Accordingly, the 2024 RIPA data show, consistent with prior reports, that if the search is based on more than just consent, there is a higher likelihood the officer will discover contraband, improving public safety. In contrast, there is a lower likelihood that consent only searches will yield discovery of contraband; at most, such searches have a negligible effect on public safety. Further, because individuals perceived to be of color are asked for consent at a disproportionately higher rate than individuals perceived to be White, and as consent-only searches of individuals perceived to be of color are less fruitful than consent only searches of individuals perceived to be White, these pretextual stop searches lead to both a lower likelihood of discovery of contraband *and* increased racial and identity profiling.

2. Ending Pretextual Stops Will Contribute to the Reduction of Numbers of Racially Disparate Direct and Indirect Deadly Police Interactions

a. Direct Deadly Interactions

Numerous studies show that law enforcement trainings and police culture create a heightened “presumption of peril” in traffic stops, despite data analysis showing a very small statistical likelihood of harm to law enforcement conducting the stops.¹⁶⁰ Penal Code section 835,

¹⁵⁷ TFor example, the 2023 RIPA Report found the rate of contraband discovery during traffic stop consent searches was *lowest* among individuals perceived to be Black (6.8%), Pacific Islander (9.1%), or Hispanic/Latine(x) (10.3%), Racial and Identity Profiling Board 2023 Annual Report, pp 71-73 < <https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf> > [as of Mar. 6XX, 2025].

¹⁵⁸ The 2023 RIPA Report highlighted a 26.5 percent discovery rate when of searches of individuals perceived to be Black were obtained based on consent plus a factual justification for the search, versus 9.1 percent of consent only searches of the same population. Racial and Identity Profiling Board 2023 Annual Report Appendix, A.18, pg. 36 <<https://oag.ca.gov/system/files/media/ripa-appendix-2023.pdf>> [as of XX, 2025].

¹⁵⁹ In the 2023 Report, consent-plus basis searches result in discoveries at nearly double the rate of consent-only searches (27.5% vs. 14.5%), regardless of identity group. Racial and Identity Profiling Board 2023 Annual Report Appendix, A.18, pg 36 <<https://oag.ca.gov/system/files/media/ripa-appendix-2023.pdf>> [as of XX, 2025].

¹⁶⁰ See Levenson, Michael, *Pulled Over: What to Know About Deadly Police Traffic Stops*, New York Times (Oct. 2021) <<https://tinyurl.com/33ktk7y7>> [as of September 08, 2025], (“All you’ve heard are horror stories about what could happen . . . It is very difficult to train that out of someone”); Kirkpatrick, et. Al, *Why Many Police Traffic Stops Turn Deadly* (Oct. 2021) NYT <<https://tinyurl.com/49957swk>> [as of June 10, 2025]; see also Woods, *Policing, Danger Narratives, And Routine Traffic Stops*, 117 Mich. Law Rev. 635, 676 (2019) <<https://tinyurl.com/2dm3rc6t>> [as of September 08, 2025].

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subdivision (a) restricts an officer's force to only what is reasonable under the circumstances.¹⁶¹ In 2019, a review of 10 years of traffic stops by 200 law enforcement agencies in Florida found little statistical risk of serious harm to officers, quantifying it as a 1 in 6.5 million chance of being killed during a stop for a traffic infraction and a 1 in 3.6 million chance of being killed during a vehicle stop.¹⁶²

In contrast, the risk of serious bodily harm or death to drivers and passengers in traffic stops are much higher. From 2015 to 2024, *The Washington Post* collected data of 10,429 civilians who have been shot and killed by on duty police officers.¹⁶³ *The New York Times*, analyzing a subset of that data from 2016 to 2021, looked at 400 instances of police killings resulting from traffic stops where the civilians “were not wielding a gun or knife” and “were not under pursuit for a violent crime.”¹⁶⁴ In those 400 cases, the investigation found that the police officer's perception of harm created a tense and overstated sense of risk, resulting in officers acting upon those perceived threats with physical violence and shootings of civilians. In 12 percent of civilian deaths reviewed, officers fired on motorists believing the driver had or was reaching for a weapon.¹⁶⁵ The investigation suggested many officer threats were a result of officers standing in front of fleeing vehicles, reaching inside windows, or acting aggressively in response to disrespect or disobedience.¹⁶⁶ Three-quarters of deaths were caused by officers shooting motorists attempting to flee. As noted in a subsequent article related to the investigation, “police culture and court precedents significantly overstated the danger to officers, encouraging aggression in the name of self-defense and impunity from prosecutors and juries.”¹⁶⁷

b. Indirect Deadly Interactions: High-Speed Chases

Researchers since the 1980s have found that most high-speed pursuits stem from traffic violations, not serious felony offenses.¹⁶⁸ High-speed vehicle pursuits carry a significant risk of severe injury and death for officers, passengers, drivers, and bystanders, and as a result, risk the wellbeing of anyone in the community when their mere presence in the vicinity of a high-speed chase puts their life at risk.¹⁶⁹ Policing experts suggest that, given how often officers stop

¹⁶¹ More information about the use of force, and how such “low discretion” events are influenced by civilian oversight agencies (COAs), see the Accountability section of this year's Report.

¹⁶² Woods, *Policing, Danger Narratives, And Routine Traffic Stops*, 117 Mich. Law Rev. 635, 676 (2019) <<https://tinyurl.com/2dm3rc6t>> [as of September 08, 2025].

¹⁶³ The Washington Post, *Fatal Force: Police Shootings Database* (Dec. 31, 2024) <<https://tinyurl.com/58f9ffrh>> [as of XX, 2025].

¹⁶⁴ Kirkpatrick, et. Al, *Why Many Police Traffic Stops Turn Deadly* (Oct. 2021) NYT <<https://tinyurl.com/49957swk>> [as of June 10, 2025].

¹⁶⁵ Kirkpatrick, et. Al, *Why Many Police Traffic Stops Turn Deadly* (Oct. 2021) NYT <<https://tinyurl.com/49957swk>> [as of June 10, 2025].

¹⁶⁶ Kirkpatrick, et. Al, *Why Many Police Traffic Stops Turn Deadly* (Oct. 2021) NYT <<https://tinyurl.com/49957swk>> [as of June 10, 2025].

¹⁶⁷ Kirkpatrick, et. Al, *Why Many Police Traffic Stops Turn Deadly* (Oct. 2021) NYT <<https://tinyurl.com/49957swk>> [as of June 10, 2025].

¹⁶⁸ Alpert and Anderson, *The Most Deadly Force: Police Pursuits* (1986) 3 Justice Q. 1, at p. 10.

¹⁶⁹ Alpert and Anderson, *The Most Deadly Force: Police Pursuits* (1986) 3 Justice Q. 1, at p. 10.

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individuals for minor infractions, limiting pretextual stops could help reduce chases and the resulting deaths and injuries.¹⁷⁰

In 2023, the United States Department of Justice (USDOJ) and the Police Executive Research Forum reviewed pursuit policies from 48 law enforcement agencies in 27 states, including California.¹⁷¹ The USDOJ report concluded, in the case of a high-speed chase, there is a much higher chance that the suspect is fleeing because of a minor offense than a serious crime.¹⁷² The USDOJ report resulted in 65 separate recommendations to further protect public safety from deadly high-speed chases.¹⁷³ Many recommendations focused on reducing the situations where law enforcement officers believe a high speed chase is necessary or warranted.¹⁷⁴ For example, one recommendation is that law enforcement policies “should direct officers not to engage in a vehicle pursuit if the suspect’s identity is known, the suspect can be apprehended later, and delayed apprehension does not significantly increase the risk to the community.”¹⁷⁵

Long before RIPA, California law mandated that all law enforcement agencies report motor vehicle pursuit data to the California Highway Patrol, who then submits a yearly report to the Legislature.¹⁷⁶ The report form lists 30 required data points, including the time of day, length of the pursuit, speeds, collisions, and injuries involved in the pursuit. Though the form requires law enforcement to “indicate the ethnicity that most clearly resembles the driver,”¹⁷⁷ this data point does not appear to be analyzed or reported to the Legislature in its yearly Police Pursuits Report.

The most recent publicly released Police Pursuits Report analyzed the 11,985 police pursuits in California in 2022. In that year, 19 percent of police pursuits resulted in a crash; of those crashes, 35 percent resulted in injury crashes, and 1.4 percent of pursuits resulted in fatal crashes, which

¹⁷⁰ Neilson and Gollan, “Thrown from His Moped by a Car Fleeing Police: One Man’s Death Reflects a Shocking Disparity” (2024) San Francisco Chronicle <<https://www.sfchronicle.com/projects/2024/police-pursuits-race-deaths/>> [as of Mar. 28, 2025].

¹⁷¹ Police Executive Research Forum and Office of Community Oriented Policing Services, U.S. Department of Justice, *Vehicle Pursuits: A Guide for Law Enforcement Executives on Managing Associated Risks* (2023) p. 23 <<https://tinyurl.com/546rh885>> [as of XX, 2025].

¹⁷² Police Executive Research Forum and Office of Community Oriented Policing Services, U.S. Department of Justice, *Vehicle Pursuits: A Guide for Law Enforcement Executives on Managing Associated Risks* (2023) p. 16 <<https://tinyurl.com/546rh885>> [as of XX, 2025].

¹⁷³ Police Executive Research Forum and Office of Community Oriented Policing Services, U.S. Department of Justice, *Vehicle Pursuits: A Guide for Law Enforcement Executives on Managing Associated Risks* (2023) p. 16 <<https://tinyurl.com/546rh885>> [as of XX, 2025].

¹⁷⁴ Police Executive Research Forum and Office of Community Oriented Policing Services, U.S. Department of Justice, *Vehicle Pursuits: A Guide for Law Enforcement Executives on Managing Associated Risks* (2023) p. 16 <<https://tinyurl.com/546rh885>> [as of XX, 2025].

¹⁷⁵ Police Executive Research Forum and Office of Community Oriented Policing Services, U.S. Department of Justice, *Vehicle Pursuits: A Guide for Law Enforcement Executives on Managing Associated Risks* (2023) p. 2 <<https://tinyurl.com/546rh885>> [as of XX, 2025].

¹⁷⁶ Veh. Code, § 14602.1. See also State of California, Department of California Highway Patrol, *Allied Agency Pursuit Report* <<https://tinyurl.com/573vww6n>> [as of XX, 2025]. Yearly reports to <https://tinyurl.com/573vww6n> <<https://tinyurl.com/573vww6n>> [as of XX, 2025]. Yearly reports to the Legislature can be accessed on the California Highway Patrol’s website. See California Highway Patrol, Office of Special Representative <> [as of XX, 2025].

¹⁷⁷ State of California, Department of California Highway Patrol, *Allied Agency Pursuit Report* <<https://tinyurl.com/573vww6n>> [as of XX, 2025].

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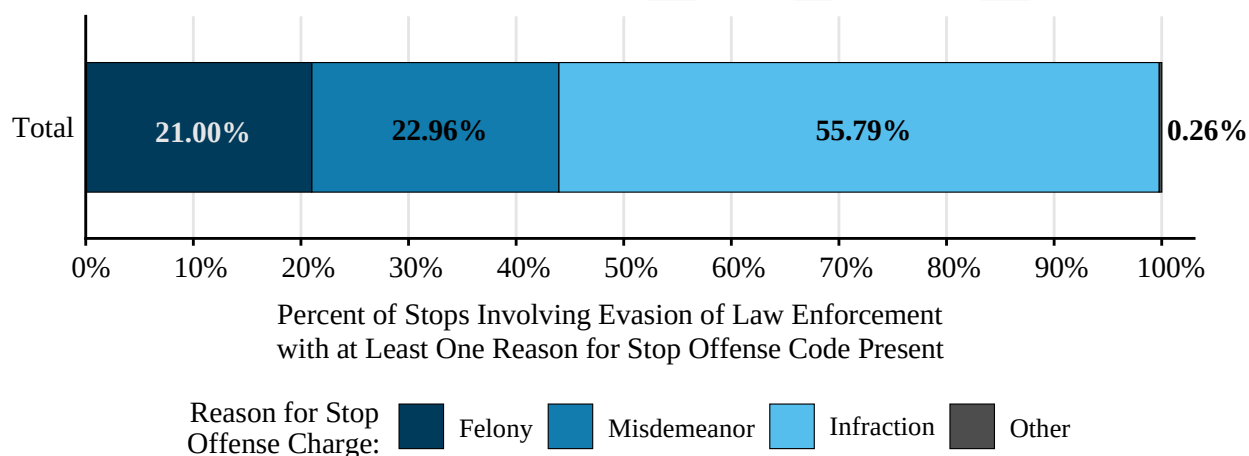
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took 34 lives. Data from 2021 revealed an even higher number of police pursuits, with 12,513 pursuits reported and a 20 percent crash rate.¹⁷⁸ Injury rates were also higher in 2021, with 35 percent of crashes leading to injuries, and 1.7 percent of crashes or 52 people dying as a result of the pursuit.¹⁷⁹ Traffic infractions were three of the top five reasons for initiating stops that resulted in pursuits in 2022. Specifically, speeding was identified as the top reason for stops (18% of stops), followed by possession of a stolen vehicle (14.8%), license plate/registration (10%), failure to stop at a stop sign (6.3%), and reckless driving (5.2%).¹⁸⁰

The statewide trends identified by CHP are also reflected at the local level. For example, a review of pursuit data in San Diego County from 2019-2024 showed that 60.7 percent of pursuits began with stops based on traffic infractions, and 75.3 percent of pursuits ending in a crash resulted in some form of injury.¹⁸¹ Similarly, in Los Angeles, 25 percent of pursuits by LAPD from 2018-2023 resulted in a death or injury.¹⁸²

Though only a small portion of stops for traffic infractions lead to high-speed chases, most high-speed chases come from stops for traffic infractions.

Figure X. Percent of Stops Involving Evasion of Law Enforcement by Reason for Stop Offense Code Charge



Across all traffic stops that involved evasion of law enforcement as at least one result of stop code, officers stopped individuals for infractions (55.79%; 3,013 stops) the most frequently, followed by misdemeanors (22.96%; 1,240 stops), felonies (21.00%; 1,134 stops), and then Other charges (0.26%; 14 stops).

¹⁷⁸ Cal. Highway Patrol, Report to the Legislature: Senate Bill 719, Police Pursuits (June 2023) <<https://tinyurl.com/mpuhk42v>> [as of XX, 2025].

¹⁷⁹ Cal. Highway Patrol, Report to the Legislature: Senate Bill 719, Police Pursuits (June 2023) <<https://tinyurl.com/mpuhk42v>> [as of XX, 2025].

¹⁸⁰ Cal. Highway Patrol, Report to the Legislature: Senate Bill 719, Police Pursuits (June 2023) <<https://tinyurl.com/mpuhk42v>> [as of XX, 2025].

¹⁸¹ San Diego Commission on Police Practices, S.D.P.D. Pursuits 2019-2024 Totals (2024) pp. 6-11 <<https://www.sandiego.gov/sites/default/files/2024-08/sdpcp-pursuits-data-analysis.pdf>> [as of XX, 2025]

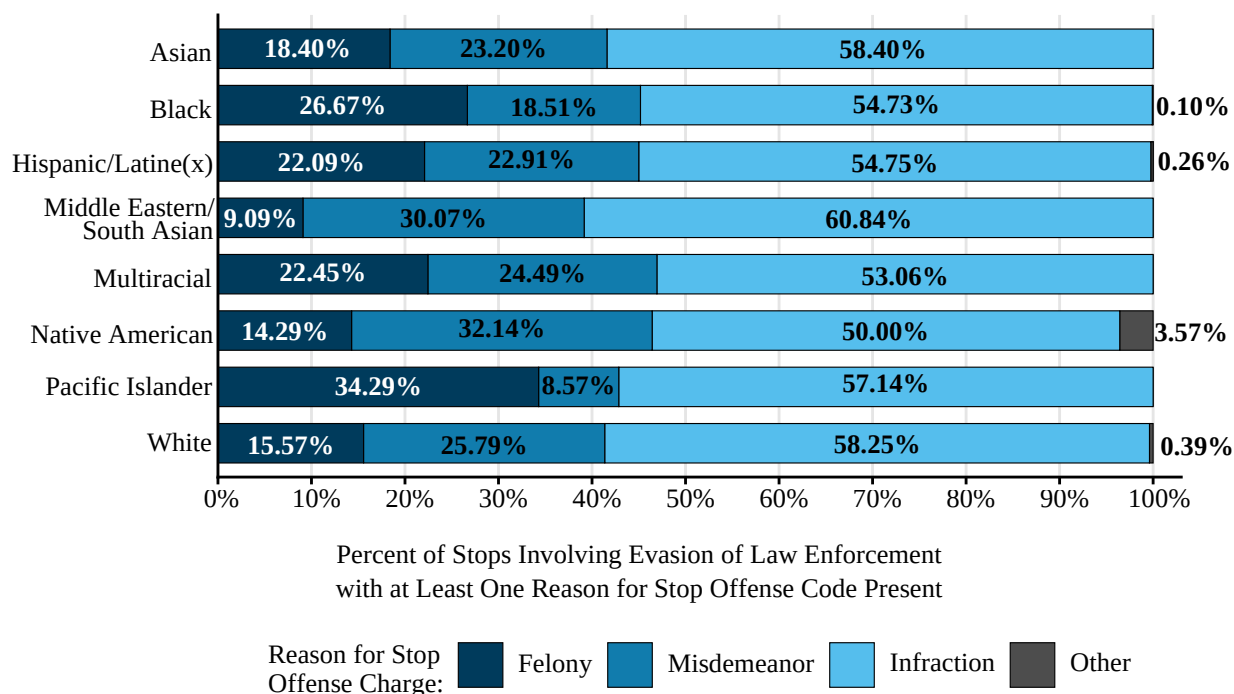
¹⁸² Board of Police Commissioners, Vehicle Pursuit Analysis 2019-2022 (2023) <https://www.lapdpolicecom.lacity.org/042523/BPC_23-082.pdf> [as of XX, 2025].

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The 2024 RIPA data also show racial and ethnic disparities in the initial reason for stop of stops involving evasion of law enforcement.

Figure X. Percent of Traffic Stops Involving Evasion of Law Enforcement by Reason for Stop Offense Charge and Perceived Race/Ethnicity



In traffic stops where evasion of law enforcement is at least one result of stop, officers stopped individuals perceived as Pacific Islander (34.29%; 12 stops) and Black (26.67%; 268 stops) the most frequently for felonies and individuals perceived as Middle Eastern/South Asian (9.09%; 13 stops) and Native American (14.29%; 4 stops) the least frequently for felonies. Officers stopped individuals perceived as Native American (32.14%; 9 stops) and Middle Eastern/South Asian (30.07%; 43 stops) the most frequently for misdemeanors and individuals perceived as Pacific Islander (8.57%; 3 stops) and Black (18.51%; 186 stops) the least frequently for misdemeanors. Officers stopped individuals perceived as Middle Eastern/South Asian (60.84%; 87 stops) and Asian (58.40%; 73 stops) the most frequently for infractions and individuals perceived as Native American (50.00%; 14 stops) and Multiracial (53.06%; 52 stops) the least frequently for infractions. Officers stopped individuals perceived as Native American (3.57%; 1 stop) and White (0.39%; 5 stops) the most frequently for Other charges¹⁸³ and did not stop any individuals perceived as Pacific Islander, Multiracial, Middle/Eastern/South Asian, or Asian for Other charges.

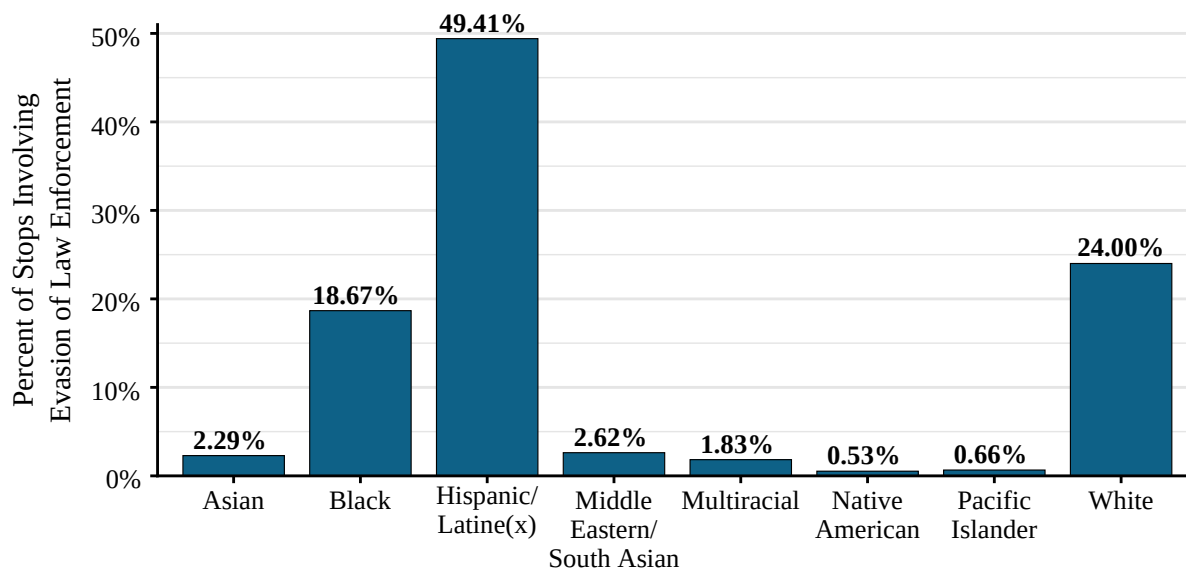
¹⁸³ “Other” offenses include a variety of offense categories that do not fall within the categories of infraction, misdemeanor, or felony. Some are offense codes that authorize authorities to take custody of a person without necessarily triggering arrest/citation. Others include penalty enhancements or just legal statuses such as sex offender and arson registration.

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The 2024 RIPA data also show clear racial and ethnic disparities in stops involving evasion of law enforcement, as shown in the chart below.

Figure X. Percent of Traffic Stops Involving Evasion of Law Enforcement by Perceived Race/Ethnicity



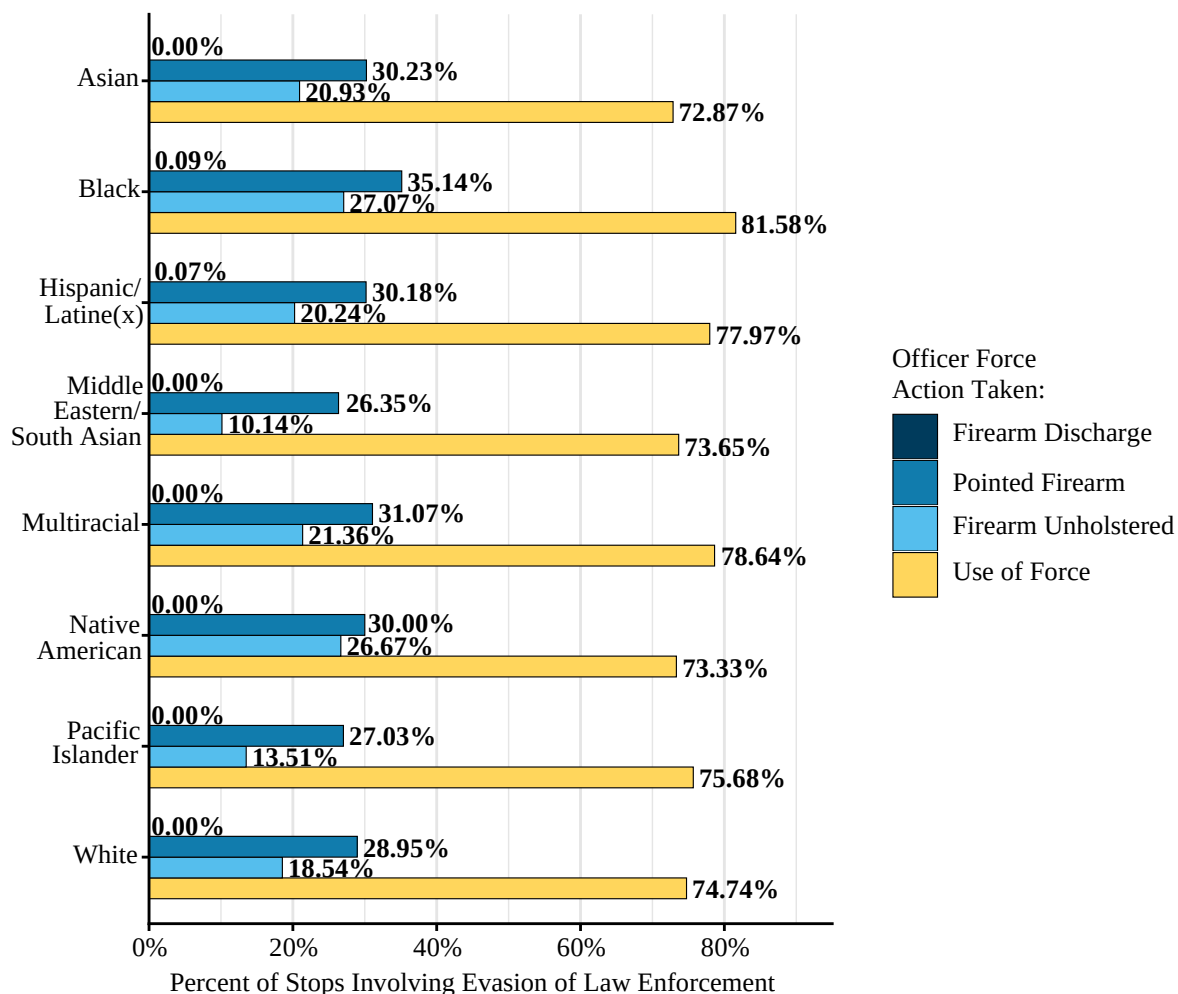
Of all traffic stops that involved evasion of law enforcement as at least one result of stop, officers reported stopping individuals perceived as Hispanic/Latine(x) (49.41%; 2,787 stops) and White (24.00%; 1,354 stops) the most frequently and individuals perceived as Native American (0.53%; 30 stops) and Pacific Islander (0.66%; 37 stops) the least frequently.

The 2024 RIPA data also show racial and ethnic disparities in the use of force during stops involving evasion of law enforcement, as shown below.

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Figure X. Use of Force in Traffic Stops Involving Evasion of Law Enforcement by Perceived Race/Ethnicity



Of all traffic stops that involved evasion of law enforcement as at least one result of stop, officers used force the most frequently in stops of individuals perceived as Black (81.58%; 859 stops) and Multiracial (78.64%; 81 stops) and the least frequently in stops of individuals perceived as Asian (72.87%; 94 stops) and Native American (73.33%; 22 stops). Officers reported discharging their firearm the most frequently in stops of individuals perceived as Black (0.09%; 1 stop) and Hispanic/Latine(x) (0.07%; 2 stops) and reported no firearm discharge in stops of individuals perceived to be any other race. Officers reported pointing their firearm the most frequently in stops of individuals perceived as Black (35.14%; 370 stops) and Multiracial (31.07%; 32 stops) and the least frequently in stops of individuals perceived as Middle Eastern/South Asian (26.35%; 39 stops) and Pacific Islander (27.03%; 10 stops). Officers reported unholstering their firearm the most frequently in stops of individuals perceived as Black (27.07%; 285 stops) and Native American (26.67%; 8 stops) and the least frequently in stops of individuals perceived as Middle Eastern/South Asian (10.14%; 15 stops) and Pacific Islander (13.51%; 5 stops).

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c. Conclusion

As noted above, it is difficult to ascertain the exact number of traffic stops that are pretextual stops from the available data. The RIPA data also do not show how many stops involving evasion of law enforcement also involved a high-speed chase, although all high-speed chases also necessarily involve evasion of law enforcement. As such, the RIPA data is an indirect measurement of the proportion of high-speed chases arising from pretextual stops.

However, the data show that traffic stops involving evasion of law enforcement are most commonly stops for traffic infractions — the types of offenses in pretextual stops — and not serious or violent crimes, felonies, or even misdemeanor offenses. The data also show clear racial and ethnic disparities in stops involving evasion of law enforcement, both in the perceived demographics of individuals stopped, and in the actions taken during the stop, such as the use of force or the use of a firearm. Thus it is likely that the enactment of policies that reduce or eliminate pretextual stops will also reduce the number of high-speed chases overall, as most high-speed chases arise from infractions, not more serious crimes, increasing public safety. Policies limiting such chases are consistent with the research in this area.¹⁸⁴ Further, reducing or eliminating pretextual stops would reduce racial and ethnic disparities when those stops involve evasion of law enforcement or high-speed chases.

The Board recognizes this is the beginning of the discussion of police pursuits and its relationship to racial and identity profiling. However, as the 2024 data provides an additional reason to reduce or eliminate pretextual stops — i.e., that when those pretextual stops become a high-speed chase, those stops also show racial and ethnic disparities — the Board reiterates its recommendations to eliminate pretextual stops for that reason. Additionally, the Board supports further analysis of the data, to assess how many pursuits were initiated from traffic infractions, what are the demographics of those stops and pursuits, and whether and how these risks disparately impact communities of color. Continued assessment and analysis should drive future discussions regarding improving the safety and efficacy of pursuits policies.

B. Jurisdictions That Have Reduced or Eliminated Pretextual Stops Have Demonstrated Reductions in Racial and Identity Profiling and Improved Public Safety

As a result of data reflecting racial disparities in traffic stops and the ineffectiveness of traffic stops in preventing crime and improving public safety, the Board has previously recommended ending the wide-spread and costly use of pretextual stops in California.¹⁸⁵ The 2022 California Committee on Revision of the Penal Code also recommended a prohibition on traffic infraction

¹⁸⁴ See, e.g., Police Executive Research Forum and Office of Community Oriented Policing Services, U.S. Department of Justice, *Vehicle Pursuits: A Guide for Law Enforcement Executives on Managing Associated Risks* (2023) p. 16 <<https://tinyurl.com/546rh885>> [as of XX, 2025].

¹⁸⁵ See Racial and Identity Profiling Board 2023 Annual Report, p. 89 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of Mar. 6, 2025]. In that report, the Board made four specific recommendations related to the elimination of traffic stops: (1) Limiting enforcement of traffic laws and minor offenses that pose a low risk to public safety and show significant disparities in the rate of enforcement; (2) Limiting armed law enforcement responses only to stops if there is a concern for public safety; (3) Prohibiting certain searches, such as consent searches or supervision searches, during traffic stops and instead requiring probable cause for any search; and (4) Eliminating all pretextual stops and subsequent searches and ensuring that a stop or search is based on reasonable suspicion or probable cause, respectively. See also 2024 RIPA Board Annual Report, pg.68 (citing continued advocacy of 2023 Recommendations).

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related stops, weighing their limited public safety benefit against the potential of a prohibition to “help to alleviate racial disparities, improve perceptions of the fairness of our criminal legal system, and encourage the development of more effective policing strategies.”¹⁸⁶

The concept of policing without pretextual traffic stops has also gained traction from police departments, sheriff departments, district attorney’s offices, cities, and states.¹⁸⁷ These agencies and jurisdictions have acknowledged the negative impact of pretextual stops on public safety, and, in response, have limited or eliminated the ability of law enforcement to use traffic stops as a pretext for suspicion-less investigations.¹⁸⁸ The success of those jurisdictions in limiting and ending pretextual stops to improve public safety and reduce racial profiling provides further support for the Board’s recommendations as a means of achieving similar results on a state-wide scale.¹⁸⁹

State and Local Policies Limiting Non-Safety Related Traffic Stops¹⁹⁰

Policy Type	Jurisdictions	Policy Summary
Legislation – State	California, Connecticut, Illinois, Maryland, New Jersey, New York, Ohio, Oregon, Vermont, Virginia	State legislatures passed laws limiting or prohibiting non-safety related traffic stops. California Vehicle Code section 5204 allows a one month grace period on registration expiration, and Government Code section 12525.5 requires officers to state the reason for the stop before engaging in questioning related to a traffic violation or criminal investigation. Oregon Senate Bill No. 1510 permits an officer to issue a citation for a lighting violation only if the officer has already stopped the driver for a separate traffic violation or other offense.
Legislation – City	Ann Arbor, MI Berkeley, CA East Lansing, MI Philadelphia, PA	City councils passed local ordinances targeting non-safety stops. Ann Arbor (2023) and East Lansing (2024) passed measures to deprioritize stops for secondary traffic violations.

¹⁸⁶ Technical traffic citations which would no longer warrant police contact were, “vehicle or equipment registration, positioning or number of license plates, lighting equipment, window tints or obstructions and bicycle equipment and operation.” Committee on Revision of the Penal Code, 2022 Annual Report, pg. 33
<https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2022.pdf> [as of XX, 2025].

¹⁸⁷ See, e.g., Assem. Bill No. 256 (2023-2024 Reg. Sess.) <<https://tinyurl.com/2235xdd9>> [as of XX, 2025]; Assem. Bill No. 2773 (2021-22 Reg. Sess.) <<https://tinyurl.com/mc6jjcem>> [as of XX, 2025]; Or. Senate Bill No. 1510 (81st Leg. Assemb., Reg. Sess. 2022). <> [as of XX, 2025]; Va. House Bill No. 5058, Spec. Sess. I. (2020). <> [as of June 26, 2025]; Va. Senate Bill No. 5029, Spec. Sess. I. (2020). <> [as of XX, 2025]; Ill. House Bill No. 2389, 103rd Gen. Assemb. (2023). <> [as of June 26, 2025]; N.Y. Assem. Bill No. A7599 (2023-24 Reg. Sess.). <> [as of XX, 2025]; NJ Rev Stat § 39:3-76.2n & 76.2f (2024); <> [as of June 26, 2025]; Md. Transp. Code § 13-411(c) (2024). <> [as of June 26, 2025]; <> [as of June 26, 2025]; Oh. Rev. Code § 4511.043 (2024). <> [as of June 26, 2025]; Conn. Public Act No. 25-19 (2025). <> [as of XX, 2025]; 23 Vt. Stat. Ann. § 615(b) (2024). <> [as of XX, 2025].

¹⁸⁸ Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*, New York Times (Apr. 2022)
<<https://tinyurl.com/3bb9hxur>> [as of XX, 2025].

¹⁸⁹ Ram, *Police Are Stopping Fewer Drivers – And It’s Increasing Safety* (Jan. 11, 2024) Vera Institute
<<https://tinyurl.com/y47a9bym>> [as of XX, 2025].

¹⁹⁰ Data compiled from Vera Institute of Justice, *Redefining Public Safety Initiative: Sensible Traffic Ordinances for Public Safety* (June 2025) <<https://tinyurl.com/5n7nu66c>> [as of XX, 2025].

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Law enforcement directive	Carrboro, NC Chapel Hill, NC Denver, CO Lansing, MI Los Angeles, CA Mecklenburg County, NC Minneapolis, MN San Francisco, CA Seattle, WA	Police and sheriffs' departments issued internal directives to deprioritize or prohibit non-safety related stops. The LAPD's 2022 directive restricts stops for minor infractions unless there is reasonable suspicion regarding a serious crime, while a police officer of Minneapolis Police Department may not initiate a traffic stop solely based on nonmoving, secondary violations, unless there is an articulable risk to public safety.
Legislative resolution	Chapel Hill, NC Shaker Heights, OH West Hollywood, CA Ypsilanti, MI	City councils adopted resolutions to guide enforcement away from low-level traffic violations. West Hollywood declared that vehicle registration, license plates, and lighting were minor, low-level traffic offenses and of low priority for enforcement by the Los Angeles Sheriff's Department.
Prosecutor directive	Chittenden County, VT Ingham County, MI Ramsey County, MN Washtenaw County, MI	County prosecutors issued policies declining to prosecute cases stemming from non-safety stops. Washtenaw County Prosecutor's Office states that the office will no longer prosecute contraband cases that arise from pretext stops, while Ramsey County Attorney's Office will decline to prosecute cases when the charge is solely the product of a non-safety related traffic stop.
Executive or executive agency order	Philadelphia, PA	Mayoral executive order on driving equality policy directed Philadelphia Police Department to only conduct vehicle stops in circumstances where the violations create a risk of danger.

In the 2023 RIPA Report, the Board noted numerous police agencies, municipalities, and even states that have begun to craft legislation aimed at limiting pretextual stops to reduce their racially disparate impact and ineffectiveness in promoting public safety.¹⁹¹ This year, the Board seeks to further this policy discussion by assessing current stop data with pretextual stop reforms discussed below.

1. Early Steps Taken: Fayetteville, North Carolina

Reform efforts in Fayetteville, North Carolina illustrate the importance of policy changes to eliminate pretextual stops. Following the resignation of the city's police chief in 2012, in part due to data showing 75 percent of all civilians stopped by law enforcement were Black,¹⁹² the newly installed Chief of Police, Harold Medlock, sought in 2013 to reduce high crash rates and assuage community concerns regarding racial profiling.¹⁹³ The city of Fayetteville asked the U.S. Department of Justice Office of Community Oriented Policing Services' and Collaborative Reform Initiative for Technical Assistance to review their police department, which, in turn,

¹⁹¹ Racial and Identity Profiling Board, *Annual Report (2023)* <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2025].

¹⁹² Barnes, Greg, *Medlock at Peace with Decision to Step Down as Chief*, (2016) The Fayetteville Observer <<https://tinyurl.com/2xxs5pea>> [as of XX, 2025].

¹⁹³ Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*, New York Times (Apr. 2022) <<https://tinyurl.com/3bb9hxur>> [as of XX, 2025].

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provided empirical evidence supporting residents’ reports of racial profiling in pretextual traffic stops.^{194 195}

a. The Policy

In response to statistical connections between pretextual stops and racial profiling and to community concerns of lived experiences of racial profiling, in 2013, Fayetteville imposed restrictions on stops for traffic-related infractions and focused officers instead on safety-related stops such as impaired and reckless driving.¹⁹⁶

b. The Results

A study conducted by researchers at the University of North Carolina compared the data from stops and vehicle accidents from 2002 to 2016 of Fayetteville and eight other North Carolina police agencies and highlighted key successes of Fayetteville’s restrictive pretextual stop policies in their reduction of vehicular accidents and racial profiling.¹⁹⁷ The ultimate conclusion of the report found that “re-prioritization of traffic stop types by law enforcement agencies may have positive public health consequences both for motor vehicle injury and racial disparity outcomes while having little impact on non-traffic crime.”¹⁹⁸

“Everything good that could happen, did happen.”

—Chief Harold Medlock, as quoted in Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*, New York Times (Apr. 2022)

The Chief of Police stated, more specifically, that “crime went down, fatalities went down, crashes went down, uses of force went down, injuries to officers and the public went down. There was a general feeling that things were safer and there was a better relationship. The anecdotal things I am sharing ... are really backed up by the data.”¹⁹⁹ Law enforcement officers subject to the policy change in Fayetteville echoed these observations of positive community engagement and trust. The assistant chief described the improvement to community relations as “night and day,” resulting in an increased willingness of community members to assist in other areas of law enforcement and include law enforcement in community events, stating, “everybody now wanted to be associated with the Fayetteville Police Department.”²⁰⁰

¹⁹⁴ Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*, New York Times (Apr. 2022) <<https://tinyurl.com/3bb9hxur>> [as of XX, 2025].

¹⁹⁵ Pitts, *Fayetteville Police Chief Who Drew National Attention for Reform is Still at it*, The Fayetteville Observer (Feb. 2021) <<https://tinyurl.com/33hemw6r>> [as of XX, 2025].

¹⁹⁶ Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*, New York Times (Apr. 2022) <<https://tinyurl.com/3bb9hxur>> [as of XX, 2025].

¹⁹⁷ Fliss, et al. “Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities” (Jan. 2020) 7 Inj Epidemiol. 3. <<https://tinyurl.com/2uhwu6bz>> [as of June 16, 2025].

¹⁹⁸ Fliss, et al. “Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities” (Jan. 2020) 7 Inj Epidemiol. 3. <<https://tinyurl.com/2uhwu6bz>> [as of May 30, 2025].

¹⁹⁹ Pitts, *Fayetteville Police Chief Who Drew National Attention for Reform is Still at it*, The Fayetteville Observer (Feb. 2021) <<https://tinyurl.com/33hemw6r>> [as of XX, 2025].

²⁰⁰ Ram, *Police Are Stopping Fewer Drivers – And It’s Increasing Safety* (Jan. 11, 2024) Vera Institute <<https://tinyurl.com/y47a9bym>> [as of XX, 2025].

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c. Current Practices

Fayetteville can serve as both a lesson in positive data-driven changes—and more recently, a cautionary tale of what happens when those data driven changes are abandoned.²⁰¹ Chief Medlock, who played a crucial role in reforming the department’s pretextual stop policies, retired in December of 2016, and subsequent police chiefs ushered in new priorities and policies, largely reversing the reformed policies.

In 2023, under the reversed pretextual stop policies, Fayetteville’s crime statistics showed a 53 percent increase in traffic stops, with law enforcement stopping and searching Black drivers at twice the rate of White drivers in the city.²⁰² The new statistics drew comparisons from pre-2013 reforms, when disparate stop-and-search rates created the impetus for the policy reforms that proved successful from 2013-2016.²⁰³ Fayetteville North Carolina’s racial disparity rate in pretextual stops is now even higher than in 2012, when reforms ushered in a new era.²⁰⁴

In 2024, the city council was briefed on the successes of the prior policies by the Vera Institute of Justice. The Vera Institute informed council members that prior reform policies restricting pretextual traffic stops decreased crashes with serious injuries by 23 percent and decreased traffic fatalities by 28 percent, while also decreasing racial disparities in stops by 21 percent.²⁰⁵ The group further advised that “data suggests that Fayetteville could be effective in stopping dangerous driving and decreasing fatalities and injuries if it focuses on dangerous driving instead of low-level traffic violations where there are racial disparities.”²⁰⁶ Whether Fayetteville is currently willing to make similar changes that proved successful from 2013-2016 remains to be seen.

2. Virginia’s State-Wide Limitation on Pretextual Stops

a. The Policy

As noted in the 2023 RIPA Report, Virginia was the first state to enact a state-wide limitation on pretext stops.²⁰⁷ The Virginia policy created a two-tier traffic enforcement system, limiting officer discretion and only allowing stops for specified offenses considered to impact public safety. The bill also prohibits the introduction of any evidence discovered or obtained due to an impermissible stop at any trial, hearing, or other legal proceeding.²⁰⁸ Virginia’s data reporting

²⁰¹ Riley, Rachel, *National groups say Fayetteville is stopping more Black drivers than it was a decade ago*, (Nov. 2024) The Fayetteville Observer <<https://tinyurl.com/4nedtaxd>> [as of XX, 2025].

²⁰² Weisblat, Evey, *Council Votes Against Motion for Committee to Address Traffic Stop Racial Disparities*, (Mar. 2024) City View, <<https://tinyurl.com/4k2uas2w>> [as of XX, 2025].

²⁰³ Riley, Rachel, *National groups say Fayetteville is stopping more Black drivers than it was a decade ago*, (Nov. 2024) The Fayetteville Observer <<https://tinyurl.com/4nedtaxd>> [as of XX, 2025].

²⁰⁴ Riley, Rachel, *National groups say Fayetteville is stopping more Black drivers than it was a decade ago*, (Nov. 2024) The Fayetteville Observer <<https://tinyurl.com/4nedtaxd>> [as of XX, 2025].

²⁰⁵ Riley, Rachel, *National groups say Fayetteville is stopping more Black drivers than it was a decade ago*, (Nov. 2024) The Fayetteville Observer <<https://tinyurl.com/4nedtaxd>> [as of XX, 2025].

²⁰⁶ Riley, Rachel, *National groups say Fayetteville is stopping more Black drivers than it was a decade ago*, (Nov. 2024) The Fayetteville Observer <<https://tinyurl.com/4nedtaxd>> [as of XX, 2025].

²⁰⁷ See Racial and Identity Profiling Board 2023 Annual Report, pg.100 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> citing H 5058, Va. Acts of Assembly (2020 Special Sess.) <<https://tinyurl.com/f6a27957>> [as of XX, 2025].

²⁰⁸ H 5058, Va. Acts of Assembly (2020 Special Sess.).

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requirements for law enforcement agencies require critical data points to assess racial disparities, including perceived “race, ethnicity, age, and gender” of the person subject to police contact.²⁰⁹

b. The Results

Initial analysis of data gathered in 2023 shows that searches “plummeted” as a result of the limitation on pretextual stops and additional limitations on searches based on the scent of marijuana and other infractions.²¹⁰ However, disparities persist in stops of individuals perceived to be Black and Hispanic/Latine(x), with individuals perceived to be Black facing the most statistically significant disparities.²¹¹

More recently, a report analyzing stop data from July of 2020 to September of 2023 by county found that arrest and search rates continue to show disparities in Virginia, with Black individuals more than 350% more likely to face arrest and 500% more likely to be searched than White individuals.²¹² While stressing a continuing need to reduce high disparities in policing particularly with regard to Black drivers, the report found a decline in three racially disparate areas of policing from 2020 to 2023: “person searches,” vehicle searches, and traffic violation outcomes.²¹³

The results of this study indicate that racial disparities in “person searches” during police stops have declined since the implementation of the law.²¹⁴ The report acknowledged improvements in racial disparities, but recommended a number of additional policy changes for consideration, including: 1) improved data collection, 2) increased reliance on the data by defense attorneys during litigation, 3) pattern-and-practice investigations conducted by the Attorney General of Virginia, 4) legislative reform, and 5) continued research in disparate impacts of policing.²¹⁵

3. Los Angeles

Amid growing community dissatisfaction with policing and calls for the disbandment of the Metro Task Force, the Los Angeles Police Commission asked the Los Angeles Inspector General to conduct a review of law enforcement stops conducted by the Los Angeles Police Department in 2019.²¹⁶ The Inspector General’s comparison of LAPD’s 2019 RIPA stop data against a sample of video recordings from officers’ bodycam footage showed significant racial disparities in stops, with individuals perceived to be Black overrepresented and White or Asian individuals

²⁰⁹ HB 1250, Virginia Traffic Stop Data Collection, Section 52-30.2 Collection of Data <<https://tinyurl.com/3mjjuunm9>> [as of XX, 2025].

²¹⁰ Paviour, Black Drivers in Virginia Still More Likely to Be Stopped as Searches Drop, NPR (Aug. 3, 2023) <<https://tinyurl.com/2w6xbuba>> [as of XX, 2025].

²¹¹ Paviour, Black Drivers in Virginia Still More Likely to Be Stopped as Searches Drop, NPR (Aug. 3, 2023) <<https://tinyurl.com/2w6xbuba>> [as of XX, 2025].

²¹² Miere and De Silva, *Disparate Impact: A Statistical Analysis of Virginia Police Stop Outcomes*, Julian, Sept. 2024, p. 5 <<https://tinyurl.com/595dsaxd>> [as of June 16, 2025].

²¹³ Miere and De Silva, *Disparate Impact: A Statistical Analysis of Virginia Police Stop Outcomes*, Julian, Sept. 2024, p. 5 <<https://tinyurl.com/595dsaxd>> [as of June 16, 2025].

²¹⁴ Miere and De Silva, *Disparate Impact: A Statistical Analysis of Virginia Police Stop Outcomes*, Julian, Sept. 2024, p. 31 <<https://tinyurl.com/595dsaxd>> [as of June 16, 2025].

²¹⁵ Miere and De Silva, *Disparate Impact: A Statistical Analysis of Virginia Police Stop Outcomes*, Julian (Sept. 2024), p. 6 <<https://tinyurl.com/595dsaxd>> [as of June 16, 2025].

²¹⁶ Jany, et al. *Minor Police Encounters Plummet After LAPD Puts Limits on Stopping Drivers and Pedestrians*, (Nov. 2022) LA Times <<https://tinyurl.com/4t2f8dme>> [as of XX, 2025].

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“significantly underrepresented” in stops, even when taking into consideration the racial makeup of the communities where the police contact occurred.²¹⁷ Video review of the stops also showed that officers did not document 23 percent of stops and searches seen on video reviews for mandated RIPA reporting, leading the Inspector General to consider LAPD’s stop-and-search data to be significantly underreported.²¹⁸

Even with limited reporting, the Inspector General found that the searches reviewed proved to be “of limited effectiveness in identifying evidence of illegal firearms or other serious crimes.”²¹⁹ Specialized units like the Metro Task Force, gang units, and other crime suppression teams were the greatest drivers of racially disparate policing. The highest racial disparities in stop types were related to non-safety stops, such as “equipment or regulatory violations.”²²⁰ The report recommended the LAPD reduce disparities by ending pretextual and discretionary stops based on traffic-related infractions and minor equipment or regulatory violations, which more heavily impact low-income communities.²²¹ Instead, the report urged the department to focus its resources on activities “directly related to increasing public safety.”²²²

a. The Policy

In 2022, the Los Angeles Board of Police Commissioners enacted a law enforcement directive, Policy No. 240.06, which limited all traffic stops absent a public safety concern.²²³ If conducting a pretextual stop, officers must first record the specific public safety or other concern on their body-worn camera before making contact.²²⁴ The policy defines a pretextual stop where officers use reasonable suspicion or probable cause of a minor traffic or code violation as a pretext to investigate another, more serious crime that is unrelated to that violation.²²⁵ The policy and need for change drew support from Police Chief Michael Moore, who told the New York Times, “we want to fish with a hook, not a net.”²²⁶

²¹⁷ Office of the Inspector General, *Los Angeles Police Commission Review of Stops Conducted by the Los Angeles Police Department in 2019* (Oct. 27, 2020), p. 20 <<https://tinyurl.com/mbvby4uv>> [as of XX, 2025].

²¹⁸ Office of the Inspector General, *Los Angeles Police Commission Review of Stops Conducted by the Los Angeles Police Department in 2019* (Oct. 27, 2020), p. 5 <<https://tinyurl.com/mbvby4uv>> [as of XX, 2025].

²¹⁹ Office of the Inspector General, *Los Angeles Police Commission Review of Stops Conducted by the Los Angeles Police Department in 2019* (Oct. 27, 2020), p. 8 <<https://tinyurl.com/mbvby4uv>> [as of May 30, 2025].

²²⁰ Office of the Inspector General, *Los Angeles Police Commission Review of Stops Conducted by the Los Angeles Police Department in 2019* (Oct. 27, 2020), p. 16 <<https://tinyurl.com/mbvby4uv>> [as of XX, 2025].

²²¹ Office of the Inspector General, *Los Angeles Police Commission Review of Stops Conducted by the Los Angeles Police Department in 2019* (Oct. 27, 2020), p. ? <<https://tinyurl.com/mbvby4uv>> [as of May 30, 2025].

²²² Office of the Inspector General, *Los Angeles Police Commission Review of Stops Conducted by the Los Angeles Police Department in 2019* (Oct. 27, 2020), p. 9-10 <<https://tinyurl.com/mbvby4uv>> [as of May 30, 2025].

²²³ Los Angeles Board of Police Commissioners, Policy 240.06, *Policy – Limitation on Use of Pretextual Stops* <<https://tinyurl.com/3zxnwfcu>> [as of XX, 2025].

²²⁴ Los Angeles Board of Police Commissioners, Policy 240.06, *Policy – Limitation on Use of Pretextual Stops* <<https://tinyurl.com/3zxnwfcu>> [as of XX, 2025].

²²⁵ Los Angeles Board of Police Commissioners, Policy 240.06, *Policy – Limitation on Use of Pretextual Stops* <<https://tinyurl.com/3zxnwfcu>> [as of XX, 2025].

²²⁶ Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*, New York Times (Apr. 2022) <<https://tinyurl.com/3bb9hxur>> [as of XX, 2025].

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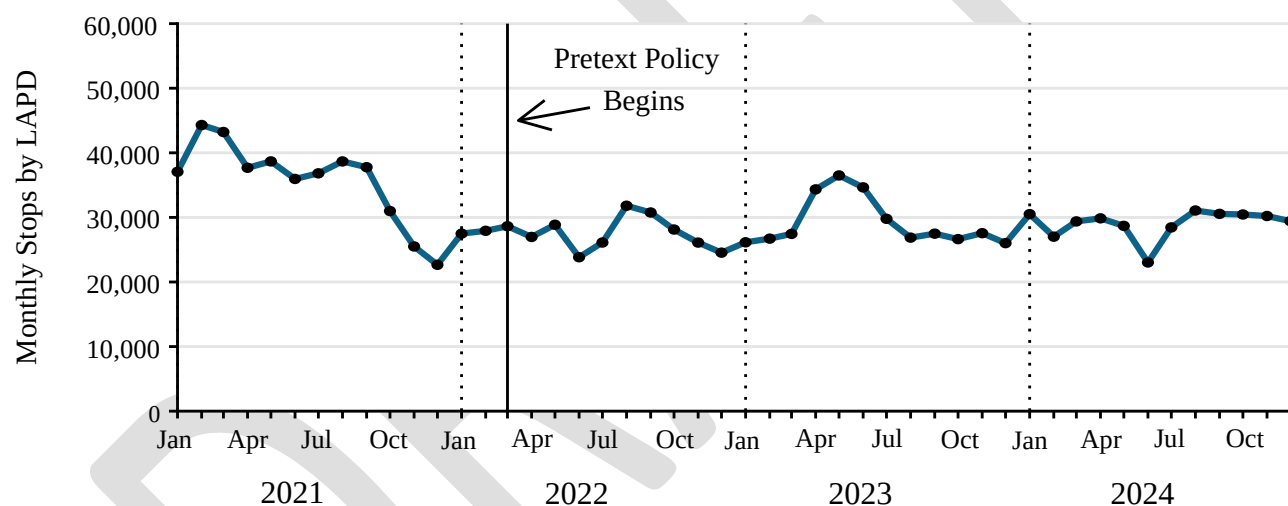
b. The Results

Since the LAPD policy took effect in March of 2022, RIPA analysis has focused on data with a time range of March to December for each year's stop data to account for variables such as crime trends, tourism, holidays, weather, or other unknown factors.²²⁷

Monthly Stop Totals

Once Los Angeles limited the scope of stops, the number of total stops declined correspondingly by 21 percent between the months of March and December, 2022, compared to the same period in 2021. There were 14.56 percent fewer stops in 2023 between the months of March and December (297,277 stops) than during the comparison period in 2021. There were 16.34 percent fewer stops in 2024 between the months of March and December (291,094 stops) than during the comparison period in 2021. Though stops increased in 2024 compared to the previous year, stops in 2024 remain lower under the pretextual stop ban than before the ban was issued.

Figure X. LAPD Monthly Stops (all stops)

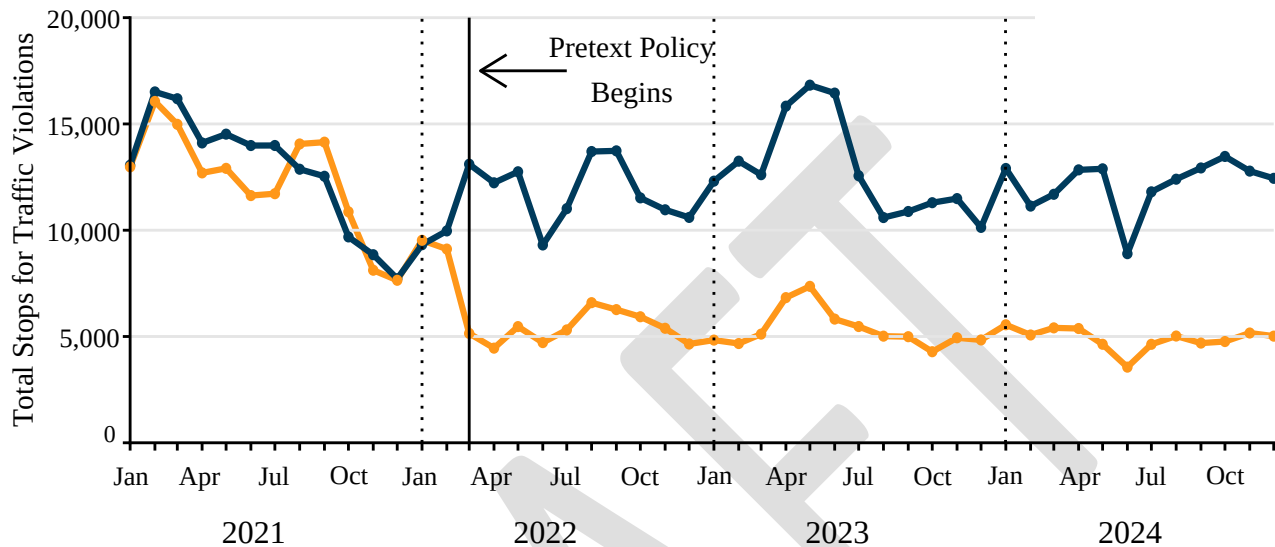


²²⁷ Police practices may vary by time of year due to crime trends, tourism, holidays, weather, or other unknown factors. In particular, the COVID-19 pandemic-related shutdowns were widespread in 2020, making that year of RIPA data unique in many aspects. For these reasons, we summarized differences in stop totals and characteristics between the months of March and December in 2021 (before the pretext policy) and March and December in 2022, March and December in 2023, and March and December in 2024 (after the pretext policy). We refer to March through December 2021 as the “comparison period.”

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Figure X. LAPD Pretext Policy Stop Counts by Violation Type (Top 100 RFS Traffic Codes Only)

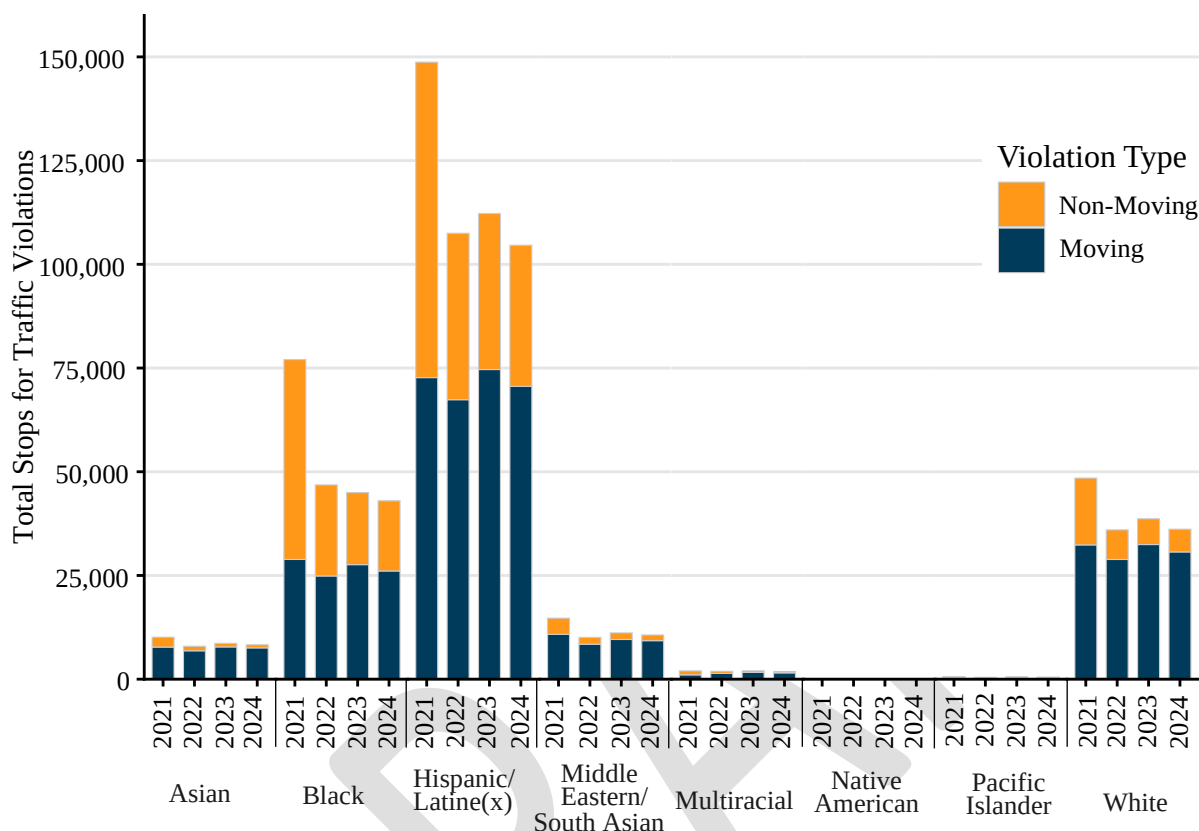


This figure presents the number of stops that involved the 100 most common traffic violation reason for stop codes at LAPD, from 2021 to 2024, separated by month, year, and traffic violation type. The solid black vertical line shows where LAPD's pretext policy began, in March of 2022. The dotted vertical lines separate each of the years. For moving violations, there are fluctuations in the number of stops month to month, but the yearly counts are relatively consistent. However, the number of non-moving violations decreased from 2021 to 2022 and then plateaued from 2022 onwards.

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Figure X. LAPD Pretext Policy Stop Counts by Race and Violation Type (Top 100 RFS Traffic Codes Only)



This figure presents the number of stops that involve the 100 most common traffic violation reason for stop codes at LAPD, from 2021 to 2024, separated by year, traffic violation type, and race/ethnicity. The dark blue, bottom section of the bars represents the number of moving violations and the orange, top section of the bars represents the number of non-moving violations. Generally, the number of moving violations has some fluctuation, but is relatively consistent year to year for every race/ethnicity. However, the number of non-moving violations generally decreases for each race/ethnicity from 2021 to 2024.

Searches Decreased While Discovery Rates Improved

The LAPD performed 15.16 percent fewer searches after the pretext policy was in place between the months of March and December 2022 (77,769 searches) compared to the same period during 2021 (91,661 searches). The LAPD performed 7.68 percent fewer searches between the months of March and December 2023 (84,621 searches) than it did during the same period in 2021. However, this represents an increase in searches from 2022. The LAPD performed 39.07 percent fewer searches during the months of March and December 2024 (55,849 searches) compared to the same period during 2021. This represents the smallest number of searches compared to the same periods in each of the prior years.²²⁸ Additionally, the LAPD's search rate slightly

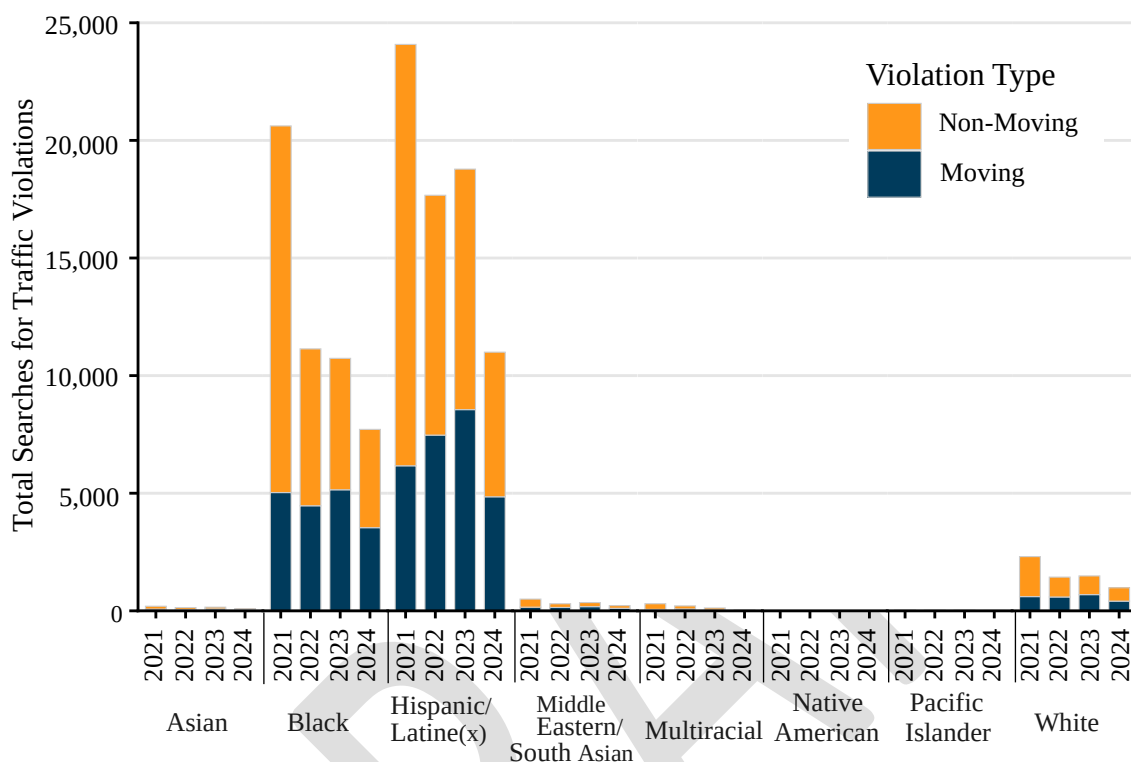
²²⁸ This decrease could at least partially be explained by the introduction of *Terry* stops as an option for officers to choose to separate from a search of a person or property in 2024.

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increased year to year from 2021 (26.34% of stops involved a search) to 2023 (28.47%), with an almost 10-point decrease in 2024 (19.19%).

Figure X. LAPD Total Searches by Race and Traffic Violation Type (Top 100 Codes Only)



This figure represents search counts (not including *Terry* stops)²²⁹ from the stops that involve the 100 most common traffic violation reason for stop codes at LAPD, from 2021 to 2024, separated by year, race/ethnicity, and traffic violation type. In general, the number of searches conducted in stops initiated due to a moving violation either fluctuated year to year or remained relatively consistent for each perceived race/ethnicity, with decreases in 2024 for several groups. The number of searches conducted in stops initiated due to a non-moving violation generally decrease across all races/ethnicities from 2021 to 2024.

²²⁹ As explained more fully in the Stop Data chapter, a *Terry* stop occurs when an officer conducts a pat down search of an individual's clothing to determine whether the individual is armed. See *Terry v. Ohio* (1968) 392 U.S. 1.

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Figure X. LAPD Search Rates by Race and Traffic Violation Type (Stops with Codes in Top 100 Only)

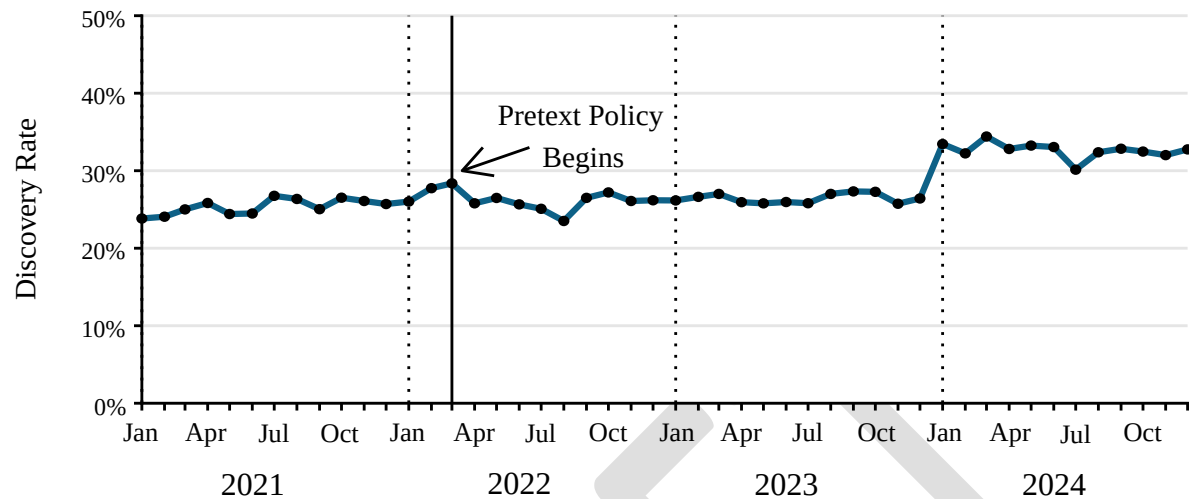


This figure represents search rates (not including *Terry* stops) from the stops that involve the 100 most common traffic violation reason for stop codes at LAPD, from 2021 to 2024, separated by race/ethnicity and traffic violation type. In the moving category, officers reported increases in search rates for stops of individuals perceived as Black, Hispanic/Latine(x), Middle Eastern/South Asian, and White from 2021-2023, with a decrease in 2024. Officers reported decreases in search rates for stops of individuals perceived as Multiracial and Native American from 2021 to 2024. And officers reported fluctuations in search rates for stops of individuals perceived as Asian and Pacific Islander year to year. In the non-moving category, officers reported increases in search rates for stops of individuals perceived as Asian, Hispanic/Latine(x), Middle Eastern/South Asian, and White from 2021-2023, followed by a decrease in 2024. Officers reported more fluctuations in search rates for individuals perceived as Black and Pacific Islander, with the lowest rates in 2024. Officers reported decreases in search rates from 2021-2024 for individuals perceived as Multiracial. However, these decreases in 2024 may be due to the addition of *Terry* stops as an option officers can choose on the RIPA form separate from searches in 2024.

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Figure X. LAPD Monthly Discovery Rate (All stops)

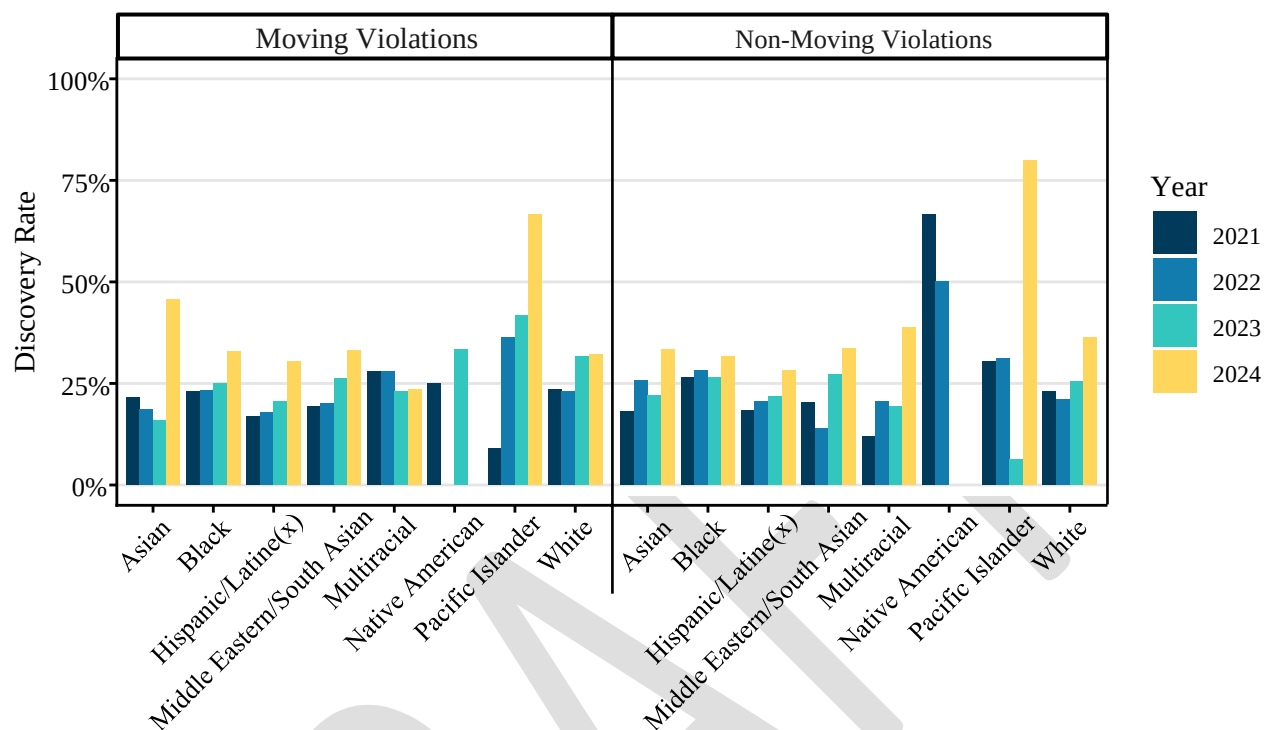


This figure presents monthly discovery rates (not including *Terry* stops) of all stops made by LAPD, from 2021 to 2024. The solid black vertical line shows where LAPD's pretext policy began, in March of 2022. The dotted vertical lines separate each of the years. Overall, discovery rate trends remained relatively consistent from 2021 through the end of 2023. There was a marked increase in rates of contraband discovery in 2024. However, this may be due to the inclusion of *Terry* stops as an option officers can choose on the RIPA form separate from searches in 2024, especially because *Terry* stops yield a much lower discovery rate compared to other searches (see Appendix XX for *Terry* stop discovery rates).

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Figure X. LAPD Discovery Rates by Race and Traffic Violation Type (Stops with Codes in Top 100 Only)



This figure represents discovery rates from the searches (not including *Terry* stops) involved in the stops with the 100 most common traffic violation reason for stop codes at LAPD, from 2021 to 2024, separated by race/ethnicity and traffic violation type. In the moving category, for most races/ethnicities, discovery rates increase year over year from 2021 to 2024. In the non-moving category, discovery rates fluctuate year to year for most races/ethnicities, with the highest discovery rate in 2024. However, this may be due to the inclusion of *Terry* stops as an option officers can choose on the RIPA form separate from searches in 2024, especially because *Terry* stops yield a much lower discovery rate compared to other searches (see Appendix XX for *Terry* stop discovery rates).

Contraband discovery rates have continued to climb as reductions in pretextual stops occur. For instance, the LAPD discovered contraband during a higher percentage of RIPA-reported stops between March and December of 2022 (26.04%, 20,253 stops) compared to the comparison period in 2021 (25.59%, 23,454 stops).²³⁰ The LAPD discovered contraband during a higher percentage of RIPA-reported stops between March and December of 2023 (26.40%, 22,340 stops) compared to the comparison period in 2021. The LAPD discovered contraband during a higher percentage of RIPA-reported stops between March and December of 2024 (32.59%, 18,203 stops) compared to the comparison period in 2021.

Pretextual stop bans appear to be reducing officer time spent on enforcing minor traffic infractions and improving efficiency and success rates in searches. As reforms on pretextual

²³⁰ Racial and Identity Profiling Advisory Board, *Annual Report* (2024) pg. 57.

<<https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>>,[as of XX, 2025].

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stops continue to show improved policing in Los Angeles, further reforms may prove beneficial. Further, Los Angeles County's successes in reducing officer time dedicated to traffic infractions and improving search rate percentages further support a state-wide limitation on pretextual stops.

c. Calls for More Reform

In 2023, the Los Angeles City Council created the Alternatives to Traffic Enforcement and Community Task Force to assess successes of the program and areas where the city can do more.²³¹ In response, the Task Force presented three key findings: 1) disparate traffic stops remain concentrated in three neighborhoods; 2) disparate stops and elevated police responses to racial minorities continue to be reflected in the data; and 3) targeting drivers for moving violations continues to disparately impact racial minorities — particularly Black drivers.²³²

The Task Force suggested a number of improvements: 1) increasing investments in infrastructure; 2) placing further limitations on pretextual stops; 3) finding alternatives to fines and fees; 4) identifying obstacles to discipline and accountability of officer misconduct (e.g., excessive use of force, racial profiling, and other violations) and identifying strategies to overcome these obstacles; and 5) creating a civilian response to traffic infractions with a focus on road safety and traffic-related calls for service.²³³

4. Additional pretextual stop limitations in California

Three other California jurisdictions have recently enacted policies limiting officer discretion and pretextual stops in certain circumstances. The Board will continue to monitor the data from these jurisdictions to determine whether, and to what extent, these policy changes have affected the rates of racial and identity profiling going forward.

a. San Francisco: Policy No. 9.07.04(a) (2023)²³⁴

In response to several high-profile incidents of racial bias in its police force, in 2016 the mayor of San Francisco and its then police chief requested analysis by the U.S. Department of Justice to assess racial disparities in its policing.²³⁵ The result was a 68-page report issued in 2023, which addressed five objectives and made 94 findings and 272 recommendations, including recommendations for robust data collection and analysis, community focused engagement on policing and feedback, and a change to policies which show disparate impact on police practices.²³⁶

The San Francisco Police Department followed recommendations for a data-driven approach by further engaging in data analysis to determine how the city can reduce racial disparities in police

²³¹ Los Angeles City Council, *Alternatives to Traffic Enforcement and Community Task Force* (Apr. 2024) <https://clkrep.lacity.org/online/docs/2020/20-0875_rpt_tran_6-11-24.pdf>

²³² LA DOT report: Traffic Enforcement Alternatives Project Report (Nov. 2023)

²³³ LA DOT report: Traffic Enforcement Alternatives Project Report (Nov. 2023)

²³⁴ San Francisco Police Dept, *General Order*, Policy No. 9.07.04(A) (2023). <[Policy link](#)> [as of XX, 2025].

²³⁵ U.S. Department of Justice, *Collaborative Reform Initiative: An Assessment of the San Francisco Police Department* (Oct. 2016) <<https://tinyurl.com/mr2xf4pw>> [as of XX, 2025].

²³⁶ U.S. Department of Justice, *Collaborative Reform Initiative: An Assessment of the San Francisco Police Department* (Oct. 2016) <<https://tinyurl.com/mr2xf4pw>> [as of XX, 2025].

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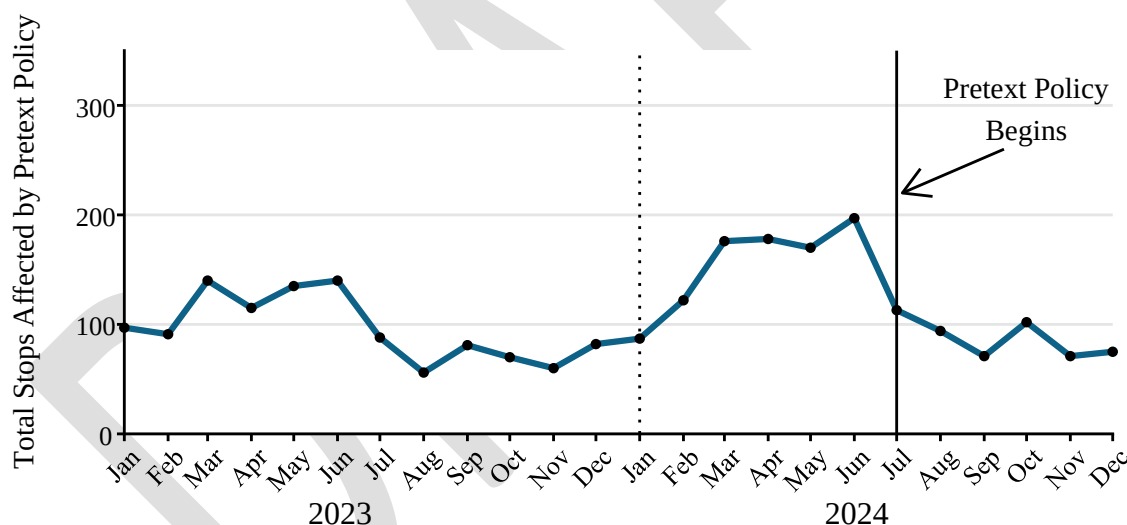
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contacts.²³⁷ The 2023 report analyzed 60,000 stops in San Francisco and further confirmed that law enforcement disproportionately stopped Black and Latinx drivers, specifically finding that pretextual stops “drive much of the racial disparity in traffic enforcement.”²³⁸ The report recommended changing all non-moving traffic violations to mail citation responses, removing non-safety violations from law enforcement purview, reducing fines and fees, and completely eliminating minor violations that have no impact on road safety.²³⁹

In response to the studies above, the San Francisco Police Commission passed Policy No. 9.07.04(a) in 2023 to de-prioritize stops for nine categories of low-level offenses, such as license plate illumination, display of registration tags, brake lights, and rear-view mirror obstruction.²⁴⁰ The policy acknowledged most traffic enforcement stops as pretextual and that “pre-text stops are disproportionately carried out against people of color and return negligible public safety benefits.” The change in policy also acknowledged the “fiscal, human and societal costs” of racially disparate pretextual stops. Litigation challenging the new policy by the San Francisco Police Officer’s Association delayed the implementation of policy 9.07 until its passage in 2024.²⁴¹

Because of the relatively recent implementation of San Francisco’s policy, the effects of the policy are difficult to ascertain, as shown in the below figures.

Figure X. Monthly Stops Affected by SFPD Pretext Policy



²³⁷ Denney, *Putting an End to Biased Traffic Stops in San Francisco* (Feb. 2023) Spur <<https://tinyurl.com/mh5z48fp>> [as of XX, 2025].

²³⁸ Denney, *Putting an End to Biased Traffic Stops in San Francisco* (Feb. 2023) Spur <<https://tinyurl.com/mh5z48fp>> [as of XX, 2025].

²³⁹ Denney, *Putting an End to Biased Traffic Stops in San Francisco* (Feb. 2023) Spur <<https://tinyurl.com/mh5z48fp>> [as of XX, 2025].

²⁴⁰ San Francisco Police Dep’t, *General Order, Policy No. 9.07.04(A)* (2023). <<https://tinyurl.com/54xfnj7p>> [as of XX, 2025]

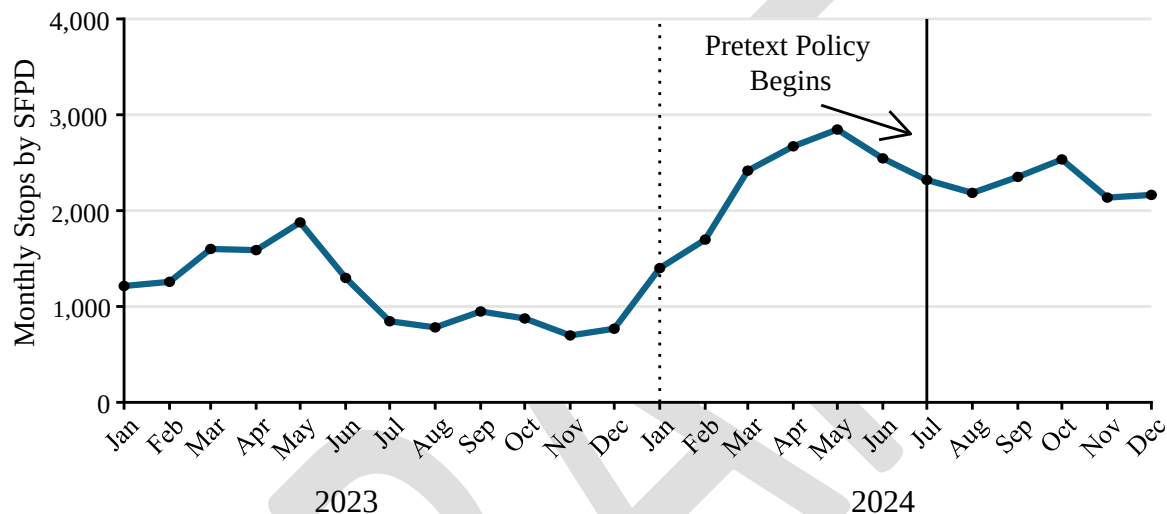
²⁴¹ Balakrishnan, Eleni, *SF Police Commission Restricts Pretext Stops Over Union Objections* (Feb. 2024) Mission Local <<https://tinyurl.com/3n5fue9a>> [as of XX, 2025].

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This figure presents counts of most²⁴² stops affected by SFPD's pretext policy by month in 2023 and 2024. The solid black vertical line shows where SFPD's pretext policy began, in July of 2024. The dotted vertical line represents the end of 2023 and the beginning of 2024. There was an increase in stops that fell under the SFPD pretext policy in the first half of 2024 compared to the number of stops in the same months in 2023, followed by a decrease in the number of stops that fell under the SFPD pretext policy starting in June 2024. However, September and December were the only months post-pretext policy where the number of stops were lower compared to the same months in 2023. July, August, October, and November 2024 all had a higher number of stops compared to their same months in 2023.

Figure X. Monthly Stops for SFPD (all stops)



This figure presents counts of all stops made by SFPD by month from 2023 to 2024. The solid black vertical line shows where SFPD's pretext policy began, in July of 2024. The dotted vertical line separates the years. Overall, there were more stops in every month in 2024 compared to the same months in 2023.

b. Berkeley: Report and Recommendations from the Mayor's Fair and Impartial Policing Working Group (2021)

In 2021, the Berkeley Police Department approved its "Report and Recommendations from Mayor's Fair and Impartial Policing Working Group," a slate of policy changes designed to amend officer conduct in policy stops.²⁴³ Officers are instructed to minimize or deemphasize other forms of traffic-related stops that did not have statistically significant correlations with

²⁴² There were nine categories of stops SFPD identified in their pretext policy. However, RSB could only identify stops from eight of those categories because one of the categories involved San Francisco city offense codes that officers are not asked to report on RIPA forms. Additionally, these figures only include traffic violations and some of the offense codes SFPD identified in their pretext policy only applied to pedestrians.

²⁴³ City of Berkeley, Motion Item # 1, Special Meeting, February 23, 2021 "Report and Recommendations from Mayor's Fair and Impartial Policing Working Group" (Feb. 23, 2021) <<https://tinyurl.com/6zak4xwz>> [as of XX, 2025].

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crashes and fatalities.²⁴⁴ Conversely, officers are not prohibited from stopping individuals for safety violations such as speeding, failure to yield to pedestrians or other vehicles, red light or stop sign violations, or drivers showing signs of impairment.²⁴⁵

c. West Hollywood: Resolution No. 22-5516 (2022)

In 2022, West Hollywood introduced Resolution No. 22-5516, which declared certain low-level document and equipment defects such as registration, lighting, license plate issues and view obstruction stops to be considered low priority.²⁴⁶ As such, the Resolution directed law enforcement to focus resources away from these low-level stops.

C. Pretextual Stops Should be Reduced or Eliminated in California

As noted above, and as discussed in prior reports, a wealth of information, data, and research shows that pretextual stops do not benefit the community. Their use does not assist officers in the prevention of crime;²⁴⁷ searches flowing from such pretextual stops are generally unfruitful;²⁴⁸ there are racial and identity disparities in who is subjected to such stops and searches;²⁴⁹ and there are serious and unintended consequences to their implementation, as demonstrated by the data showing the risk of serious bodily harm or death to drivers and passengers in traffic stops.²⁵⁰ In contrast to these concerns, the available research show that there are significant benefits to enacting policies limiting or eliminating pretextual stops, including an increase in public safety and a reduction in racial and identity profiling.²⁵¹ The Board will continue to recommend that the Legislature and local policymakers enact policies to reduce or eliminate pretextual stops for the benefit of all Californians.

VI. POLICY RECOMMENDATIONS

The Board makes the following recommendations based on the research and data discussed above:

²⁴⁴ City of Berkeley, Motion Item # 1, Special Meeting, February 23, 2021 “Report and Recommendations from Mayor’s Fair and Impartial Policing Working Group” (Feb. 23, 2021) <<https://tinyurl.com/6zak4xwz>> [as of XX, 2025].

²⁴⁵ City of Berkeley, Motion Item # 1, Special Meeting, February 23, 2021 “Report and Recommendations from Mayor’s Fair and Impartial Policing Working Group” (Feb. 23, 2021) <<https://tinyurl.com/6zak4xwz>> [as of XX, 2025].

²⁴⁶ West Hollywood City Council, Res. No. 22-5516 (2022) <<https://tinyurl.com/mrspayzr>> [as of XX, 2025].

²⁴⁷ See also generally Racial and Identity Profiling Advisory Board, *Annual Report* (2023), pg. 61-107 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2025].

²⁴⁸ See also Racial and Identity Profiling Advisory Board, *Annual Report* (2023) pp 71-73 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of September 08, 2025].

²⁴⁹ See also See Racial and Identity Profiling Board, *Annual Report* (2023) pp 71-73 <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2025].

²⁵⁰ Kirkpatrick, et. Al, *Why Many Police Traffic Stops Turn Deadly* (Oct. 2021) NYT <<https://tinyurl.com/49957swk>> [as of June 10, 2025].

²⁵¹ See also Racial and Identity Profiling Advisory Board, *Annual Report* (2024) pp 54-55 <<https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>> [as of September 08, 2025].

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- 1. The Legislature and local policymakers should enact legislation to prohibit or limit police agencies from relying on oversaturation to police marginalized communities due to the negative effects of those practices on those communities.**

This recommendation is supported by the recent research discussed above regarding the negative impacts of oversaturation policing on marginalized communities, and the absence of evidence that such practices reduce crime or increase public safety.

- 2. The Governor and the Legislature should enact legislation to allocate resources to study and make further recommendations on whether alternative enforcement technologies such as facial recognition, gunshot detection, and predictive policing technologies exacerbate existing bias or are deployed in ways that lead to oversaturation policing.**

This recommendation is supported by the recent research discussed above demonstrating the disparate impact these technologies have on individuals in marginalized communities, and the absence of evidence that such technologies reduce crime or increase public safety. This recommendation is also consistent with some jurisdictions, such as San Francisco, that have enacted policies limiting their use.²⁵²

- 3. The Legislature and local policymakers should enact legislation, similar to policies in place in North Carolina,²⁵³ San Francisco,²⁵⁴ West Hollywood,²⁵⁵ Los Angeles,²⁵⁶ and Virginia,²⁵⁷ and prohibit pretextual stops, and enact legislation limiting stops only to specified offenses considered to impact public safety.**

This recommendation is supported by the recent research discussed above regarding the positive benefits to these communities, both in terms of crime reduction and increased public safety. It is also supported by the research discussed above regarding the inherent dangers of stops for traffic citations generally, both for those stopped and for the officers who stop them. Finally, this is consistent with the findings and recommendations of the Board in prior years.

²⁵² Conger et al, *San Francisco Bans Facial Recognition Technology*, The New York Times (2019) <<https://tinyurl.com/taf72brn>> [as of XX, 2025]; Admin. Code - Acquisition of Surveillance Technology, no. 0107-19, Section 1(d) <<https://tinyurl.com/4vmn6pjjw>> [as of XX, 2025].

²⁵³ Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*, New York Times (Apr. 2022) <<https://tinyurl.com/3bb9hxur>> [as of XX, 2025].

²⁵⁴ San Francisco Police Dept, *General Order*, Policy No. 9.07.04(A) (2023). < [Policy link](#)> [as of XX, 2025].

²⁵⁵ West Hollywood City Council, Res. No. 22-5516 (2022). <<https://tinyurl.com/mrspayzr>> [as of XX, 2025].

²⁵⁶ Los Angeles Board of Police Commissioners, Policy 240.06, *Policy – Limitation on Use of Pretextual Stops* <<https://tinyurl.com/3zxnwfcu>> [as of XX, 2025].

²⁵⁷ H 5058, Va. Acts of Assembly (2020 Special Sess.).

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