

DRAFT RIPA REPORT 2026

EXECUTIVE SUMMARY

INTRODUCTION

STOP DATA

I. INTRODUCTION

II. 2024 STOP DATA ANALYSIS

III. ADDITIONAL ANALYSES

A. Analysis of Pedestrian and Bicycle Stops

1. 2024 Pedestrian and Bicycle Stop Data

B. Additional Areas of Analysis

IV. BOARD RECOMMENDATIONS

V. VISION FOR FUTURE REPORTS

CIVILIAN COMPLAINTS

I. INTRODUCTION

II. ANALYSIS OF 2024 CIVILIAN COMPLAINT DATA

A. Overview of Civilian Complaint Data for RIPA Agencies

B. Dispositions of Civilian Complaints for RIPA Agencies

C. Cross-Year Comparison

III. UPDATES ON PRIOR BOARD RECOMMENDATIONS

A. Monitoring Deterrent Language in Complaint Forms

IV. BOARD RECOMMENDATIONS

V. VISION FOR FUTURE REPORTS

ACCOUNTABILITY

I. INTRODUCTION

II. CIVILIAN OVERSIGHT

A. Emergence of Civilian Oversight Agencies (COAs)

B. Civilian Oversight Generally

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DRAFT RIPA REPORT 2026

1. **Common Goals of COAs**
2. **Best Practices for COAs Cannot Feasibly Be Created Without Standardized Metrics**
3. **Principles for Effective Civilian Oversight**
4. **Types of COAs**
 - a. **Investigative Model**
 - (1) **Defining the Investigative Model**
 - (2) **Potential Key Strengths**
 - (3) **Potential Key Limitations**
 - (4) **Investigative Model Impact on Racial Disparities**
 - b. **Auditor/Monitor Model**
 - (1) **Defining the Auditor/Monitor Model**
 - (2) **Potential Key Strengths**
 - (3) **Potential Key Limitations**
 - (4) **Auditor/Monitor Model's Impact on Racial Disparities**
 - c. **Review Model**
 - (1) **Defining the Review Model**
 - (2) **Potential Key Strengths**
 - (3) **Potential Key Limitations**
 - (4) **Review Model's Impact on Racial Disparities**
 - d. **Hybrid Model**
 - (1) **Defining the Hybrid Model**
- C. **Impacts of COAs on Racial and Identity Profiling and Public Safety**
 1. **Cross Section Between Core Factors of Effective COAs and Decrease in Racial Profiling**
 2. **All COAs Reduce Racial Disparities in High Discretionary Situations, but More Aggressive COAs Reduce Racial Disparities in Homicides**

D. Civilian Oversight in California

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DRAFT RIPA REPORT 2026

1. Wave 1 Agencies
2. Wave 2 Agencies

E. Recommendations for Civilian Oversight

III. SB 2 DECERTIFICATION

- A. Updated Analysis of SB 2 Decertification Data
- B. Geographic Analysis of SB 2 Decertification Data
- C. Board Recommendations

IV. VISIONS FOR FUTURE REPORTS

STATE AND LOCAL POLICIES

I. INTRODUCTION

II. RACIAL AND IDENTITY PROFILING IS A PUBLIC SAFETY ISSUE

- A. Understanding Public Safety
- B. Assessing The Impact of Racial and Identity Profiling on Public Safety
 1. Consequences of Racial and Identity Profiling on Public Trust, Communication, Seeking Assistance, and Investigation Support
 2. Diminished Civic Engagement as a Social Cost of Racial and Identity Profiling
 3. The Public Health Costs of Racial and Identity Profiling
 - a. Additional Sources That May Be Included in Sections B.1-3

III. RESEARCH SHOWS ELIMINATING PRETEXTUAL STOPS IMPROVES PUBLIC SAFETY

- A. How Ending Pretextual Stop Can Improve Public Safety and Reduce Racial Identity Profiling
 1. Ending Disparate Consent Searches Conducted During Pretextual Stops Will Result in More Successful Searches
 2. Reducing Time Consuming and Ineffective Pretextual Stops Allows Re-allocation of Public Resources to Address More Serious Offenses
 3. Ending Pretextual Stops Will Reduce the Number of Deadly Police Interactions

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

1. Early Steps Taken: 2013 Fayetteville, North Carolina

- a. The Policy
- b. The Results
- c. Current Practices

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

- a. The Policy
- b. The Results

3. Los Angeles

- a. The Impetus
- b. The Policy
- c. The Results of Los Angeles's Policy
- d. Calls for More

4. Additional Changes in California

- a. San Francisco: Policy No. 9.07.04(a) (2023)
- b. Berkeley: Report and Recommendations from the Mayor's Fair and Impartial Policing Working Group (2021)
- c. West Hollywood: Resolution No. 22-5516 (2022)

C. Eliminating Pretextual Stops Will Reduce the Number of Dangerous High-Speed Chases

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

A. The Oversaturation/concentration of Policing in Historically Marginalized Communities Reinforces Systemic Inequalities in Justice, Safety, and Community Well-Being

1. Additional Sources That May Be Included in This Section

B. Deployment of Alternative Enforcement Technologies in Oversaturation Policing

1. Alternative Enforcement Technologies

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DRAFT RIPA REPORT 2026

2. **Face Recognition (FRT)**
3. **Gunshot Detection**
4. **Predictive Policing**
- C. **2024 RIPA Data Showing Disparities in Particular Perceived Demographics, Including Perceived English Proficiency**
- V. **POLICY RECOMMENDATIONS**
 - A. **Potential Board Recommendations**
 - PEACE OFFICER STANDARDS AND TRAINING (POST)**
- I. **INTRODUCTION AND SECTION ROADMAP**
- II. **POST RESPONSE TO PRIOR RECOMMENDATIONS**
- III. **POST WORKSHOPS**
 - A. **POST's Guidelines on Racial and Identity Profiling (2024 Workshop)**
 1. **Measuring the Effectiveness of Existing Training**
 2. **Guidance to Support Law Enforcement Agencies**
 - B. **POST's Definition of Biased Conduct Under AB 443 (2025 Workshop)**
- IV. **FIELD TRAINING PROGRAM: FIRST YEAR REVIEW**
 - A. **Field Training Program Materials**
 - B. **Role of the FTO**
 - C. **Field Training Research**
 - D. **FTP Values and AB 953**
 - E. **FTP Materials & RIPA**
 - F. **FTP Alignment with LD 3 and LD 42**
- V. **RECOMMENDATIONS**
- VI. **VISIONS FOR FUTURE REPORTS**

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DRAFT RIPA REPORT 2026

STOP DATA

I. INTRODUCTION

[Content in development]

II. 2024 STOP DATA ANALYSIS

[Statutorily mandated discussion of 2024 RIPA stop data forthcoming.]

III. ADDITIONAL ANALYSES

A. Analysis of Pedestrian and Bicycle Stops

Beginning in 2024, a new data element was added for “Type of Stop,” requiring officers to categorize a stop as a “Vehicle Stop,” a “Bicycle Stop,” or a “Pedestrian Stop.” Previously, it was not always possible to readily determine in the RIPA data whether a stop involved a vehicle, bicycle, or pedestrian.

For this element, a “Vehicle Stop” is defined in the Code of Regulations as “any interaction that involves stopping an individual in a vehicle.”¹ A “Bicycle Stop” is defined in the Code of Regulations as “any interaction that involves stopping an individual on a bicycle.”² Any other stop constitutes a “Pedestrian Stop,” including stopping passengers on a bus, a train, or a skateboard.³ Any analysis of pedestrian stops should consider that transit riders—who may be subject to fare inspection, or stopped on suspicion of fare evasion or other activity prohibited on a public transportation system—are considered to be pedestrians for the purposes of RIPA reporting.⁴

This new data element is of particular interest in determining if there is a difference in stops depending on the mode of transportation and race of the person stopped. For example, in 2021, a Los Angeles Times investigation found that Los Angeles County Sheriff’s deputies disproportionately used minor traffic infractions to stops to initiate searches of bicyclists, particularly of Latinos. The investigation found that 85% of bicyclists stopped were searched, four times more often than other stops, despite a lower instance of citations or arrests. The Times investigation raised concerns that these were pretext stops, that bicyclists were being treated systematically different than motorists or pedestrians, and that Latino bicyclists were disproportionately stopped by the practice.⁵

A pretext stop is when an officer makes a stop for a traffic violation or other minor infraction, with the intention of using the stop as a pretext to investigate something else based on an officer’s hunch that by itself would not have amounted to reasonable suspicion or probable cause.⁶ Traffic stops are consistently and significantly the part of RIPA reported stops, and traffic stops are considered more likely to be

¹ Cal. Code Regs., tit. 11, Section § 999.226, subd. (a)(2). A vehicle is further defined in the code as “motor vehicles as defined in Vehicle Code section 670; motorcycles, mopeds, and motorized scooters as defined in Vehicle Code sections 400, 406, and 407.5, respectively; and any motorized vehicles, including boats.” (Cal. Code Regs., tit. 11, Section § 999.224, subd. (a)(24).)

² Cal. Code Regs., tit. 11, Section § 999.226, subd. (a)(2).

³ Cal. Code Regs., tit. 11 § 999.226, subd. (a)(2).

⁴ See Cal. Pen. Code, § 640.

⁵ Alene Tchekmedyan, Ben Poston and Julia Barajas, “L.A. sheriff’s deputies use minor stops to search bicyclists, with Latinos hit hardest,” LA Times (Nov. 4, 2021) <<https://www.latimes.com/projects/la-county-sheriff-bike-stops-analysis/>> [as of June 24, 2025].

⁶ 2023 Annual Report, RIPA Advisory Board, at <https://oag.ca.gov/system/files/media/ripaboard-report-2023.pdf> at p. 61.

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DRAFT RIPA REPORT 2026

sources of pretext stops.⁷ Some California police departments have limited stops for minor offenses that do not present an immediate danger to public safety in order to limit pretextual stops.⁸

Citing to data and analysis from the RIPA Board, the California Legislature passed the Freedom to Walk Act in 2022.⁹ The Act expressly limits minor pedestrian offenses that could serve as the basis for pretext stops.¹⁰ The Act went into full effect on January 1, 2024, prohibiting California peace officers from stopping pedestrians for many traffic offenses absent an immediate danger of collision. For example, peace officers are now *prohibited* from stopping a pedestrian for crossing a controlled intersection while facing a solid red “DON’T WALK” signal absent an immediate danger of a collision;¹¹ in contrast, a driver could be stopped for running a red light regardless of any danger the act presents.¹² The reforms introduced by the Freedom to Walk Act may complicate any comparison of pedestrian roadway violations before and after January 1, 2024, and with vehicles and bicycle stops where a danger of collision is not necessary to initiate a stop for a violation.

1. 2024 Pedestrian and Bicycle Stop Data

The RIPA board has previously conducted an analysis of stops connected to a mode of transportation. Because of data limitations, the analysis was limited to bicycle-related violations, not bicycle stops generally, and to pedestrian roadway violations, not pedestrian stops generally.¹³ That analysis has found an intersection between race and mode of transportation demonstrated by racially disproportionate actions taken during a stop. The RIPA Board’s analysis of bicycle-specific violations found that the rate of search, curbside or patrol car detention, and handcuffing, was much higher compared to stops for all other reasons. RIPA data demonstrated that these differences were more significant for Multiracial, Hispanic/Latine(x) and Black bicyclists.¹⁴

[Forthcoming analysis of survey of transportation use statistics by race in California. 2024 American Community Survey data is expected to release on September 11, 2025, <https://www.census.gov/programs-surveys/acs/news/data-releases/2024/release-schedule.html> Should demonstrate differences in use of transportation by population and region.]

[Analysis of vehicle, bicycle, and pedestrian stop data forthcoming]

⁷ *Id.* at 62-64.

⁸ 2023 Annual Report, RIPA Advisory Board, at <https://oag.ca.gov/system/files/media/ripaboard-report-2023.pdf> at pp. 90-96.

⁹ See Sen. Public Safety Com., Sen. Public Safety Analyses, Assembly Bill No. 2147 (2021-2022 Reg. Sess.) (June 21, 2022), pp. 3-4, available at https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220AB2147.

¹⁰ For a further discussion, see 2023 Annual Report, RIPA Advisory Board, at <https://oag.ca.gov/system/files/media/ripaboard-report-2023.pdf> at p. 103.

¹¹ Cal. Veh. Code, § 21456.

¹² Cal. Veh. Code, § 21453.

¹³ 2023 Annual Report, RIPA Advisory Board, at <https://oag.ca.gov/system/files/media/ripaboard-report-2023.pdf> at p. 12.

Bicyclists are generally required to obey the California Vehicle Code rules for vehicles, Cal. Veh. Code, § 21200, so a common code violation may be either a bicycle or automobile stop. For example, running a stop sign by any vehicle is prohibited by California Vehicle Code section 22450. Bicyclists are also subject to their own set of possible moving violations and equipment requirements under the Vehicle Code, as well as varying local ordinances. For instance, during darkness a bicycle is required to have a white illuminated front lamp and a rear red reflector or light, as well as a reflector on each ankle, foot, or pedal, and a reflector on each wheel. Cal. Veh. Code, § 21201, subd. (d). A further summary of common vehicle code violations for bicyclists can be found at POST, LD 28 - Chapter 3: Common Vehicle Code Violations, https://post.ca.gov/portals/0/post_docs/basic_course_resources/workbooks/LD_28_V-7.1.pdf at pp. 3-20 –26.

¹⁴ 2023 Annual Report, RIPA Advisory Board, at <https://oag.ca.gov/system/files/media/ripaboard-report-2023.pdf> at pp. 74-78

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B. Additional Areas of Analysis

[Additional areas of analysis forthcoming]

IV. BOARD RECOMMENDATIONS

[This section will reflect any policy recommendations from the Stop Data subcommittee]

V. VISION FOR FUTURE REPORTS

[This section will reflect any visions for future reports, including future stop data analyses, as discussed by the Board.]

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DRAFT RIPA REPORT 2026

CIVILIAN COMPLAINTS

I. INTRODUCTION

[Content in development]

II. 2024 CIVILIAN COMPLAINT DATA

A. Overview of Civilian Complaint Data for RIPA Agencies

[Analysis of 2024 civilian complaint data forthcoming]

California law enforcement agencies are required to report the number of complaints received, as well as the disposition of those complaints to the California DOJ.¹⁵ In 2024, XX agencies subject to RIPA's stop data reporting requirements (RIPA agencies) submitted civilian complaint data. These agencies include municipal and district police departments, county sheriff's departments, the California Highway Patrol, and other state law enforcement agencies.¹⁶

RIPA agencies reported XX complaints across three categories: non-criminal, misdemeanor, and felony.
[Analysis of 2024 complaint data forthcoming]

Roughly XX of RIPA reporting agencies (*total number and percentage forthcoming*) reported receiving one or more civilian complaints, while XX of agencies reported that they did not receive any civilian complaints in 2024 (*total number and percentage forthcoming*). A total of XX RIPA agencies reported receiving civilian complaints alleging racial or identity profiling (*percentage of all RIPA agencies forthcoming*). These XX agencies reported XX complaints alleging racial or identity profiling.

Law enforcement agencies are also required to submit data to the California DOJ categorizing profiling complaint allegations into nine categories: age, physical disability, sexual orientation, race/ethnicity, mental disability, gender, religion, gender identity/expression, and nationality. RIPA agencies reported XX complaints containing a total of XX allegations with an element, or elements, of racial or identity profiling, constituting XX percent of the total complaints reported in 2024.

B. Dispositions of Civilian Complaints for RIPA Agencies

In addition to the number of complaints received, RIPA agencies must report the disposition (i.e., outcome) of those complaint to the California DOJ.

[Content in development]

C. Cross-Year Comparison

[Content in development]

III. UPDATES ON PRIOR BOARD RECOMMENDATIONS

A. Remove Deterrent Language from Complaint Forms

The Board has previously expressed concern that deterrent language in civilian complaint forms used by law enforcement agencies could deter members of the public from submitting complaints.¹⁷ In light of

¹⁵ Pen. Code, § 13012, subd. (a)(5).

¹⁶ For more information on the law enforcement agencies that are required to report under RIPA, see Cal. Code Regs., tit. 11, § 999.225.

¹⁷ See 2025 RIPA Report, p. 170; 2024 RIPA Report, p. 195-196; 2023 RIPA Report, p. 179; 2022 RIPA Report, p. 229.

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DRAFT RIPA REPORT 2026

these concerns, the Board has previously recommended that the Legislature delete or amend the language of Penal Code section 148.6¹⁸ to remove the advisory statement, as well as the requirement that a complaint be signed and in writing.¹⁹

As of 2024, deterrent language in California law enforcement agencies' complaint forms remains an active issue.

[Updates from L.A. Police Protective League v. City of L.A. – Content forthcoming]

IV. 2026 BOARD RECOMMENDATIONS

[Content in development]

V. VISION FOR FUTURE REPORTS

[Content in development]

¹⁸ Penal Code section 148.6 provides that, to accept an allegation of misconduct against a peace officer, law enforcement agencies must require complainants to read and sign an advisory that states, in part: “IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE” (capitalization in original).

¹⁹ See 2023 RIPA Report, p. 182-183; 2022 RIPA Report, p. 232; 2021 RIPA Report, p. 134, fn. 294; 2020 RIPA Report, p. 74-75.

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ACCOUNTABILITY

I. INTRODUCTION

[Content in development]

II. CIVILIAN OVERSIGHT

Given the RIPA Board's mission of eradicating racial profiling and the historical events leading up to the creation of COAs, the RIPA Board finds that the subject of COAs in addressing civilian complaints of racial bias and profiling merits an inquiry in this year's report.

A. Emergence of Civilian Oversight Agencies (COAs)

Early forms of civilian oversight of law enforcement emerged in some cities during the Progressive Era (1897-1920), where volunteer civilian police commissions were appointed by the mayor or city council to act as the board of directors for the police department. In 1928, the Los Angeles Bar Association established a Committee on Constitutional Rights to record complaints of police misconduct, although the commission had no authority to act on complaints received.

The first modern forms of civilian oversight were under-resourced review boards that played a role in receiving complaints and reviewing completed internal police investigations into allegations of officer misconduct.²⁰ The nation's first civilian review board in Washington D.C. in 1948, was established by the District in response to community concerns over police using excessive force against African Americans and to lobbying efforts by the Urban League and National Conference of Christians and Jews.²¹ This first review board was composed of three members with no staff and was responsible for reviewing and recommending the disposition of complaints referred to it by the police chief.²² However, it had limited visibility and effectiveness, reviewing just 54 cases in its first 16 years due to its informal and indirect access to civilian complaints.²³ It was eventually abolished in 1995 amid a fiscal crisis and an unmanageable backlog of cases.²⁴

While the first modern COAs were structured as review boards, a wave of development began in the late 1960s through the 1980s.²⁵ This wave had roots in the Civil Rights Movement and developed, in large part due to pushback and protests over police treatment of African Americans.²⁶ This wave saw the development of several full investigative oversight agencies with greater resources and expanded organizational authority, including Berkeley's Police Review Commission, the first civilian oversight agency specifically authorized to independently investigate police complaints; the Detroit Board of Police Commissioners, authorized to set department policy and independently investigate and resolve complaints; and the San Francisco Office of Citizen Complaints, now known as the Department of Police

²⁰ Joseph De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, NACOLE (Sept. 2016), p. 6, https://d3n8a8pro7vymx.cloudfront.net/nacole/pages/161/attachments/original/1481727974/NACOLE_AssessingtheEvidence_Final.pdf?1481727974.

²¹ Michael Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, Community Oriented Policing Serv. (2021) pp. 4-5, <https://drive.google.com/file/d/1Lj598k7KNUcbYBkT9zLITefA6jWRFj00/view?usp=sharing>.

²² Michael Vitoroulis, *NACOLE Case Studies on Civilian Oversight, Office of Police Complaints, Washington, D.C. Investigation-Focused Model*, Community Oriented Policing Services (2021) p. 2, <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0961-pub.pdf>.

²³ Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, pp. 5-6; Vitoroulis, *NACOLE Case Studies on Civilian Oversight*, *supra*, fn. X, p. 2.

²⁴ Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, pp. 5-6.

²⁵ Joseph De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X, p. 7.

²⁶ Joseph De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X, p. 7.

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DRAFT RIPA REPORT 2026

Accountability, which replaced the civilian complaint investigation functions of the San Francisco Police Department.²⁷

By the 1990s, a new model of civilian oversight, focused on systemic issues in law enforcement policies and procedures, began to take shape.²⁸ In 1991, the Seattle city council passed an ordinance establishing an independent civilian auditor to audit and review civilian complaint investigations; two years later, the San Jose city council proactively approved an ordinance creating an Independent Police Auditor, who was authorized to review the complaint investigations completed by the San Jose Police Department (SJPd), analyze complaint trends and statistics, and review and recommend improvements to SJPd policies and procedures.²⁹

B. Civilian Oversight Generally

1. Common Goals of COAs

Civilian oversight promotes several goals, including:

- Improving public trust in law enforcement;
- Ensuring an accessible complaint processes;
- Promoting thorough, fair investigations of police misconduct;
- Increasing transparency and accountability;
- Deterring officers from engaging in misconduct;
- Holding law enforcement agencies accountable for officers' behavior;
- Promoting systemic changes in law enforcement; and
- Improving community-law enforcement relations and public trust in the complaint process.³⁰

Almost all COAs state these objectives as their programmatic goals.³¹ However, while these objectives may be worthwhile to address many of the issues involved in police work—and, in particular, the relationship between law enforcement and the community they serve—they only indirectly address racial disparities in policing as a goal. This absence is somewhat surprising because the impetus for the creation of COAs is, in part, a response to civilian desire for increased police accountability in the face of excessive police violence against African Americans and other people of color. Despite COA's unexpressed goal of addressing racial disparities in policing, the formation of COAs in response to racial violence in policing demonstrates the relevance of COAs to the Board's work.

Thus, it is plausible that COAs operate with the assumption that an increase in police accountability would also result in a decrease in racial disparities. But because this outcome has not been an expressly

²⁷ De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, p. 7; Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, supra, fn. X, pp. 5-7.

²⁸ Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, supra, fn. X, p. 5.

²⁹ See Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, supra, fn. X, pp. 5-7 De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, p. 6.

³⁰ See De Angelis et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, pp. 33-34.; NACOLE Presentation, *Civilian Oversight of Law Enforcement, Its Principles and Role* (Sept. 10, 2020), https://d3n8a8pro7vhm.cloudfront.net/nacole/pages/96/attachments/original/1643743160/CIVILIAN_OVERSIGHT_OF_LA_W_ENFORCEMENT.pdf?1643743160.

³¹ De Angelis et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X at p. 7.

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stated objective, COAs have not developed metrics to systematically measure racial disparities across LEAs, nor have they routinely reported on it.

Indeed, as will be discussed further in **Section X**, it was not until recently that scholars empirically examined the correlation between, and possible impact of, COAs and the reduction of racial disparities in policing outcomes.³²

Interestingly, many of the features of COAs that contribute to reductions in racial disparities also correlate with increased public safety such as a reduction in violent crime and line-of-duty homicides of law enforcement agents.³³ However, there is an absence in the civilian oversight literature regarding the capacity of COAs to influence LEAs to reduce racial disparities, while maintaining public safety, both for civilians and officers.

If reducing identity and racial profiling is one of the stated goals of civilian oversight in California, civilian oversight agencies and researchers should consider how the mandatory stop data collected and reported by law enforcement agencies under AB 953 can be used as a metric for measuring and reducing racial disparities.

2. Best Practices for COAs Cannot Feasibly Be Created Without Standardized Metrics

Despite that COAs share common goals, the goals of civilian oversight do not lend themselves to systematic, comparative measurement because there's a lack of standardized definitions and data by which common shared goals can be evaluated across jurisdictions.³⁴ For instance, commonly shared COA goals—such as positive change within the law enforcement organization, improved community relations and public safety, increased accountability, and greater transparency—may not have systematic or comparative measurements.³⁵ Even the meaning behind the most commonly reported measurements—such as the number of complaints, sustain rates, or uses of force—can be difficult to interpret, and these outcomes may not be attributed directly to the work of a civilian oversight agency.³⁶ Similarly, these metrics do not account for incidents that are inaccessible to the oversight agency, either because they lie outside its jurisdiction, are not properly reported, or are otherwise withheld from the COA.³⁷

The National Association for Civilian Oversight of Law Enforcement (NACOLE) recognizes there are still tremendous gaps in what we know regarding the effectiveness in civilian oversight.³⁸ To address

³² See Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police* (Nov. 17, 2019) at p. 8, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3488575 [looking at the relationship between COAs (including distinct types) and how they correlate with the reduction of racial disparities in policing].

³³ See Ali, M. U., & Nicholson-Crotty, S. (2020), *Examining the Accountability-Performance Link: The Case of Citizen Oversight of Police*, Public Performance & Management Review, 44(3), p. 7, 22, https://www.researchgate.net/publication/343755384_Examining_the_Accountability-Performance_Link_The_Case_of_Citizen_Oversight_of_Police.

³⁴ NACOLE Presentation, Civilian Oversight of Law Enforcement, “Best Practices” Limitations, slide 14.

³⁵ Michael Vitoroulis, et al., *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*, Community Oriented Policing Servs. (2021), p. 61, <https://drive.google.com/file/d/1rVsUPBM9gXrFHLzvr8HFslwUu6kaZU4j/view>.

³⁶ Vitoroulis, et al., *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*, *supra*, fn. X p. 61.

³⁷ Vitoroulis, et al., *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*, *supra*, fn. X, p. 61.

³⁸ Vitoroulis, et al., *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*, *supra*, fn. X at p. 61; see also De Angelis et al., NACOLE Report 2016, *Civilian Oversight of Law Enforcement: Assessing the*

these gaps, more systematic, empirical research is needed before strong conclusions can be drawn about what is effective in relation to civilian oversight of law enforcement.³⁹

Thus, absent widely adopted, standardized definitions in law enforcement administration and oversight, these discrepancies complicate the comparison and evaluation of outcomes needed to develop best practices.⁴⁰ Notably however, even if the data between COAs was standardized and subject to comparative measurement, the metrics may not result in best practices related to the reduction of racial and identity profiling, as this is not an expressly stated objective of most COAs.

3. Principles for Effective Civilian Oversight

Given the limitations on the propriety and applicability of “best practices” approaches to civilian oversight, NACOLE developed “effective practices” that function as guiding principles for successful civilian oversight.⁴¹ To develop these principles, NACOLE gleaned from pre-existing works by several scholars and oversight professionals,⁴² who identified the most important aspects of effective civilian oversight, as well as conversations with experienced oversight practitioners.⁴³

Together, the following 13 principles form the commonly accepted preconditions for effective civilian oversight of law enforcement.⁴⁴

Evidence, supra, fn. X, p. 18 [noting “there has been relatively little systematic, comparative research on the effectiveness of civilian oversight.”]

³⁹ De Angelis et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, p. 11.

⁴⁰ Vitoroulis et al. (2021) *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*, supra, fn. X at pp. 59-61; De Angelis et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X at p. 51.

⁴¹ Vitoroulis, et al., *Civilian Oversight of Law Enforcement: Report on the State of the Field & Effective Oversight Practices*, supra, fn. X, pp. 5, 63, citing De Angelis et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, pp. 36-44; see also Schaible, Lonnie, *Impediments and Challenges to Civilian Oversight of Law Enforcement*, NACOLE and Univ. of Colorado Denver (July 19, 2024), p 4, https://assets.nationbuilder.com/nacole/pages/1302/attachments/original/1728589148/NACOLE_REPORT_FINAL_Impediments_and_Challenges_20241010.pdf?1728589148; De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, p. 4.

⁴² In order to identify the combination of organizational components, authority, practices and resources that lead to successful civilian oversight of law enforcement, NACOLE acknowledged some disagreement within the literature, but focused on a growing consensus around the core components of oversight that are necessary to implement and sustain effective oversight (NACOLE, *Assessing the Evidence*, p. 18, citing Perez 1994; Walker and Bumphus 1992; Prenzler and Ronken 2001; Walker 2001; Walker 2003; Bobb et al. 2008; Attard and Olson 2013; Walker and Archbold 2014; King 2015; Alpert et al. 2016). NACOLE further noted that Walker and his colleagues (Walker 2003) developed one of the more comprehensive frameworks outlining the key organizational components of an effective oversight agency. (*Assessing the Evidence*, p. 18.) They developed the initial framework out of a series of conferences with police auditors, where roundtable discussions were held regarding the key elements of effective oversight. (*Assessing the Evidence*, p. 18, citing Walker and Archbold 2014: 199). As a result of those conferences, Walker published a set of oversight “principles” in a report titled: “Core Principles for and Effective Police Auditor’s Office.” (*Assessing the Evidence*), p. 18, citing Walker 2003). Since its publication, several authors have sought to extend slightly revised versions of Walker et al.’s original 12 principles to other models of oversight (*Assessing the Evidence*, p. 18, citing Olson and Attard 2013; King 2015).

⁴³ Schaible, *Impediments and Challenges to Civilian Oversight of Law Enforcement*, supra, fn. X, p. 4 [interviewing oversight professionals from all COA models regarding the critical components of COAs.]

⁴⁴ De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, pp. 36-44 [listing 12]; see also Schaible, *Impediments and Challenges to Civilian Oversight of Law Enforcement*, supra, fn. X, p. 4 [listing 13]; De Angelis et al., NACOLE Report 2016, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, p., at pp. 64-74 [listing 13].

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(1) Independence

It is crucial for COAs to be structurally, politically, and operationally independent from the LEA they are monitoring in order to be effective and to establish and maintain legitimacy.⁴⁵ Independence refers to the absence of real or perceived influence from law enforcement, political actors, or other special interests.⁴⁶ The extent to which oversight is independent of law enforcement, political actors, and other special interests may be strongly related to the effectiveness of oversight.⁴⁷ In other words, the more independent the COA, the more effective it is in overseeing the LEA.

(2) Clearly Defined and Adequate Jurisdiction and Authority

An effective COA must also have adequate and clearly defined jurisdiction and authority to be effective and achieve its organizational goals.⁴⁸ This includes the ability to review allegations of misconduct that emerge from sources outside of citizen complaints and to handle and resolve complaints.⁴⁹ Subpoena power and the ability to administer discipline enhance an agency's effective oversight.⁵⁰

(3) Timely and Adequate Access to Records and Facilities

One of the most important components of effective oversight is the ability of the COA to access law enforcement records and facilities,⁵¹ including access to complaints alleging racial bias and profiling as this evidence could establish whether an officer has a practice of engaging in racial profiling or biased conduct. An effective COA will have the ability to access law enforcement records (including officer discipline records), facilities (such as detention facilities or testing facilities), and all available evidence (including body-worn camera footage) to be able to resolve complaints and allegations of misconduct.⁵²

(4) Access to Law Enforcement Staff and Internal Affairs Staff

The effectiveness of civilian oversight also depends on whether the COA has direct access to law enforcement officials.⁵³ Law enforcement officials and internal affairs staff must also be willing to listen to and implement the civilian oversight agency's recommendations.⁵⁴

(5) Full Cooperation

⁴⁵ De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*; Vitoroulous, *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 12.

⁴⁶ Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 12.

⁴⁷ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at p. 36.

⁴⁸ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at p. 38; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 12.

⁴⁹ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra* at fn. X. Most of the civilian oversight agencies submitting data to NACOLE indicated that they have jurisdiction in relation to citizen complaints. A majority stated that they always or sometimes have jurisdiction in relation to officer-involved shootings, serious force, and in-custody deaths.

⁵⁰ Schaible, *Impediments and Challenges to Civilian Oversight of Law Enforcement*, *supra*, fn. X.

⁵¹ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at p. 39; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 13.

⁵² De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at p. 39; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 13.

⁵³ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at pp. 39-40; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 13.

⁵⁴ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at pp. 39-40.

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Cooperation between COAs and LEAs is necessary for the COA to conduct thorough investigations and obtain sufficient information to carry out its work.⁵⁵ COAs may attempt to achieve voluntary cooperation by developing a working relationship with the law enforcement agency they oversee, or jurisdictions may build requirements for cooperation into the COA's enabling ordinance, charter, or statute.⁵⁶

(6) Sustained Stakeholder Support

Sustained and meaningful support from key stakeholders is another important component of effective civilian oversight.⁵⁷ If not supportive, government officials and office holders can undermine and reduce the effectiveness of civilian oversight in a variety of ways, including by failing to provide the COA with adequate resources or authority or by appointing ineffective managers or board members to the COA.⁵⁸

(7) Adequate Funding and Operational Resources

A COA's resources, including adequate budget and staffing, is considered one of the most important potential indicators of effectiveness.⁵⁹ If the COA is well-funded and otherwise supported, it is more likely to achieve the goals set out for effective oversight. A COA that is professionally staffed by dedicated employees who have the time and expertise to support the work of the COA is also more likely to be effective.⁶⁰ However, no studies have specifically measured the impact that various budgets and staffing have on the effectiveness of oversight.⁶¹

(8) Public Reporting and Transparency

Public reporting and transparency are another core component of effective civilian oversight.⁶² The level of transparency that the COA brings to the complaint handling process and other areas will likely determine whether the civilian oversight agency will be perceived to be responsive and effective in the handling and resolution of complaints.⁶³

(9) Policy and Patterns in Practice Analysis

Analyzing and reporting on law enforcement policies, patterns, and practices in relation to complaint handling processes and outcomes is another critical function of effective oversight to identify inequities, areas for improvement, and to ensure compliance with legal and ethical standards.⁶⁴ An important role of civilian oversight is to use public reporting to inform the community about patterns in

⁵⁵ Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, at fn. X.

⁵⁶ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at p. 40.

⁵⁷ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at pp. 40-41; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 13.

⁵⁸ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at pp. 40-41; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 13.

⁵⁹ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at pp. 41-42; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 14.

⁶⁰ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at pp. 41-42; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 14.

⁶¹ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at p. 41.

⁶² De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at p. 42; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 14.

⁶³ [Citation]

⁶⁴ Schaible, *Impediments and Challenges to Civilian Oversight of Law Enforcement*, *supra*, at fn. X; see also De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X at p. 42; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 14.

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complaints, investigative outcomes, and indicators of process or procedural effectiveness, such as the timeliness of the process.⁶⁵

(10) Community Outreach

There is a strong consensus in the research and policy literature that community outreach is an essential component of effective civilian oversight.⁶⁶ An effective COA will have a robust outreach program, which includes holding public outreach events involving different community group, engaging in a range of diverse outreach activities, and attempting to conduct outreach to underserved populations.⁶⁷

(11) Community Involvement

Involving community stakeholders in the oversight process allows the COA to identify and address the key accountability issues that the jurisdiction is facing.⁶⁸ Some COAs may involve community volunteers in their core work, while other agencies may have community members sitting on governing boards, police commissions, or advisory board.⁶⁹

(12) Confidentiality, Anonymity, and Protection from Retaliation

For civilian oversight to be effective, COAs must ensure confidentiality, anonymity, and protection from retaliation for complainants and others who share sensitive information.⁷⁰ An oversight agency cannot maintain credibility, legitimacy, and public trust if it does not respect confidentiality agreements, maintain the anonymity of those who wish to share information anonymously, and work towards creating an environment where those involved with or contacting the oversight agency can do so without fear of retaliation or retribution.⁷¹

In addition, law enforcement agencies should maintain policies explicitly prohibiting retaliation against COA employees or any person in contact with the COA. If retaliation is discovered, appropriate discipline should be applied. A fear of retaliation can have a chilling effect on those interested in disclosing misconduct or participating in an investigation.⁷²

(13) Procedural Justice and Legitimacy

Procedural justice typically centers on how authority is exercised.⁷³ Research shows that procedurally just interactions between law enforcement and the community possibility impact the public's compliance with the laws and willingness to assist with efforts to control crime.⁷⁴ In addition, officer perceptions of a procedurally just work environment are associated with reduced misconduct and corruption, as well as greater endorsement of policing reforms and reduced mistrust of the community, among other positive effects.⁷⁵

⁶⁵ De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, p. 42; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, supra, fn. X, p. 14.

⁶⁶ De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, pp. 42-43; Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, supra, fn. X, p. 14.

⁶⁷ De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, p. 43.

⁶⁸ De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, pp. 43-44.

⁶⁹ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, p. 44.

⁷⁰ Vitoroulis, et al., *The Evolution and Growth of Civilian Oversight*, supra, fn. X, p. 15; see also De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, supra, fn. X, p. 44.

⁷¹ Vitoroulis, et al., *The Evolution & Growth of Civilian Oversight*, supra, fn. X, p. 15.

⁷² Vitorolous, et al., *The Evolution & Growth of Civilian Oversight*, supra, fn. X, p. 279

⁷³ Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, supra, fn. X, p. 15.

⁷⁴ Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, supra, fn. X, p. 15.

⁷⁵ Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, supra, fn. X, p. 15.

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Effective civilian oversight uses the principles of procedural justice to increase legitimacy with members of the community.⁷⁶ Research supports the idea that procedurally just complaint processes increase the satisfaction of complainants.⁷⁷ COAs must also establish legitimacy with law enforcement by operating in accordance with the principles of procedural justice.⁷⁸

4. Types of COAs

There is a high amount of variation in the structure and authority of COAs in the United States.⁷⁹ However, researchers have classified civilian oversight into three primary models based on their core agency functions: Investigative, Monitor/Audit, and Review. Additionally, some COAs may be a hybrid of these three models.

a. Investigative Model

(1) Defining the Investigative Model

Investigative-focused COAs generally operate separately from law enforcement.⁸⁰ Although the structure, resources, and authority of investigative COAs may vary, these COAs generally have the ability to conduct investigations of alleged misconduct by officers independently of the LEA's internal affairs unit or replace the functions of the LEA's internal affairs unit.⁸¹ Investigative COAs may also have the authority to serve as the intake point for public complaints against officers; review and classify civilian complaints; subpoena documents and witnesses; conduct independent interviews of complainants, officers, and witnesses; and issue findings to LEAs.⁸² They may also have the authority to recommend and/or impose discipline of officers and generally have greater access to law enforcement records and databases.⁸³

Investigative COAs also generally have a more substantial budgetary authority and are usually the most expensive and organizationally complex. They generally employ professionally trained investigative staff, and some investigative COAs also have a volunteer board or commission.⁸⁴

(2) Potential Key Strengths

Investigative COAs with trained staff can complete thorough and impartial investigations and are the most independent forms of oversight.⁸⁵ Investigative COAs also tend to have greater resources and larger

⁷⁶ Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 16.

⁷⁷ Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 16.

⁷⁸ Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 16.

⁷⁹ De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X, pp. 22-23.

⁸⁰ De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X, p. 24.

⁸¹ NACOLE, Models of Civilian Oversight of Law Enforcement, https://www.nacole.org/models_of_oversight; De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X, p. 24; Vitorolous, et al., *Civilian Oversight of Law Enforcement: Report on the State of the Field & Effective Oversight*, *supra*, fn. X, p. 19.

⁸² De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence*, *supra*, fn. X, p. 25.

⁸³ Vitorolous, et al., *Civilian Oversight of Law Enforcement: Report on the State of the Field & Effective Oversight*, *supra*, fn. X, p. 20.

⁸⁴ NACOLE, Models of Civilian Oversight of Law Enforcement, https://www.nacole.org/models_of_oversight; De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, *supra*, fn. X; Vitorolous, et al., *Civilian Oversight of Law Enforcement: Report on the State of the Field & Effective Oversight*, *supra*, fn. X, p. 20.

⁸⁵ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence* at p. 25.

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staff than other types of oversight, and their investigative staff are likely to have had highly specialized training.⁸⁶

Investigation-focused models also have the ability to increase public faith in the integrity of the investigation process.⁸⁷ Most investigation-focused COAs utilize civilian staff to conduct fact-finding investigations and operate a multi-member community board that may hold hearings, issue findings and/or make recommendations to the LEA.⁸⁸ As a result, this model may reassure a community that investigations are unbiased and thorough and that civilian perspectives are represented both within the complaint investigation process and upon review of completed investigations.⁸⁹

(3) Potential Key Limitations

Investigative COAs have a number of potential key limitations. Full investigative COAs are more expensive than other forms of oversight and are more organizationally complex.⁹⁰ They require significant resources to conduct timely and thorough investigations, including more professionally trained staff.⁹¹ However, as discussed above, a COA's resources is considered one of the most important potential indicators of effectiveness, and the higher cost of the investigative COA can be mitigated by the reduction in personnel needed to conduct internal LEA investigations.⁹²

Another potential limitation is that investigative COAs may face strong resistance from law enforcement personnel and police unions.⁹³ Some researchers have also argued that, while the public may have confidence in the full investigative model initially, the public may become disillusioned over time if community expectations for reform are not met.⁹⁴

(4) Investigative Model Impact on Racial Disparities

A 2019 study that examined the impact of COAs on racial disparities in policing outcomes, found that the degree to which a COA reduces racial disparity in policy outcomes depends in its scope of authority and the degree of discretion afforded by existing institutions to officers.⁹⁵ In general, the broader the scope of authority of the COA, and the broader the discretion afforded to officers, the greater the likelihood of change in institutional outcomes.⁹⁶ Specifically, the study found that investigative COAs,

⁸⁶ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence* at p. 25.

⁸⁷ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence* at p. 25.

⁸⁸ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence* at p. 25.

⁸⁹ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence* at p. 25.

⁹⁰ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence* at pp. 25-26.

⁹¹ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence* at pp. 25-26.

⁹² De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence* at pp. 25-26.

⁹³ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence* at p. 26.

⁹⁴ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence* at p. 26.

⁹⁵ Using an empirical approach and focusing on the disparity between black people and white people, the study examines the impact of COAs on policing outcomes using survey data on a sample of municipal level COAs in the United States. The study focuses on two type of enforcement actions: disorderly conduct arrests and police homicides of citizens to assess the impact of COAs on high-discretion police work (disorderly conduct arrests) and on low-discretion police work (police homicides of citizens). The study uses four factors that drive institutional change and outcomes as the variables of interest: (1) the COA's scope of authority; (2) the degree of discretion afforded by existing institutions relating to disparity in disorderly conduct arrests and police homicides of citizens; (3) the extent to which citizen voice and teeth (COA's ability to apply negative sanctions and recommend policy change) reinforce each other; and (4) the governance of the COA. Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police* (November 17, 2019), p. 414.

⁹⁶ Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X, p. 414.

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which conduct independent investigations into citizen complaints and have the authority to recommend discipline for officers found guilty of misconduct, have an impact on reducing racial disparity in disorderly conduct arrest rates and racial disparity police homicide of civilians.⁹⁷ Investigative COAs were found to reduce racial disparity in police homicide of citizens by around 6% per year.⁹⁸

Investigative COAs are also associated with a reduction in the violent crime rate and line-of-duty homicides of police officers.⁹⁹ The effect on line-of-duty police homicides is plausibly achieved due to such agencies' effect on citizen perceptions of procedural and distributive justice during police encounters, which in turn increases police legitimacy, and thus decreases aggression towards police.¹⁰⁰

b. Auditor/Monitor Model

(1) Defining the Auditor/Monitor Model

Auditor/monitor-focused COAs tend to focus on promoting large-scale systemic reform of LEAs by conducting systematic reviews of LEA policies, practices, or training, and making recommendations for improvement.¹⁰¹ These COAs are sometimes referred to as inspectors general or police monitors.¹⁰²

Auditor/monitor-focused COAs are generally authorized to audit, monitor, investigate, and review a wide range of law enforcement policies, practices, and procedures, including the LEA's complaint investigation process.¹⁰³ Rather than focusing on reviewing or investigating individual complaints, they review broad patterns in complaints and focus on examining broad patterns in complaint investigations, including patterns in the quality of investigations, findings, and discipline.¹⁰⁴ Some auditor/monitor COAs may actively participate in or monitor open internal investigations.¹⁰⁵

(2) Potential Key Strengths

Given their focus on organizational reform, auditor/monitor-focused COAs often have more robust reporting practices than other types of oversight.¹⁰⁶ Since they tend to focus on reviewing patterns in complaints, they may also have more access to LEA records, case files and electronic databases than review-focused COAs.¹⁰⁷

They may be more effective at promoting long-term, systemic change in police departments because they can focus on broader trends and patterns in complaints and make public recommendations for how the LEA can improve.¹⁰⁸ They also have the ability to track whether LEAs have implemented their

⁹⁷ Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X, pp. 31- 39.

⁹⁸ Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X, pp. 31- 39.

⁹⁹ Ali, M. U., & Nicholson-Crotty, S., *Examining the Accountability-Performance Link: The Case of Citizen Oversight of Police*, *Public Performance & Management Review*, 44(3) (2020), <https://doi.org/10.1080/15309576.2020.1806086>.

¹⁰⁰ *Ibid.*

¹⁰¹ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, *supra*, fn. X, p. 30.

¹⁰² NACOLE, *Models of Civilian Oversight of Law Enforcement*, *supra*, fn. X; De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, *supra*, fn. X, p. 29.

¹⁰³ NACOLE, *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. .

¹⁰⁴ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, *supra*, fn. X, pp. 30-31.

¹⁰⁵ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, *supra*, fn. X, p. 30.

¹⁰⁶ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. 30.

¹⁰⁷ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. 30.

¹⁰⁸ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. 31.

recommendations and whether those recommendations have resulted in organizational improvement over time.¹⁰⁹

Auditor/monitor-focused COAs are also often less expensive than full investigative COAs, but more expensive than review-focused COAs.¹¹⁰

(3) Potential Key Limitations

Because auditor/monitor-focused COAs focus on examining broad patterns in complaints rather than individual complaints, some local civil rights activists who want discipline to be imposed in specific cases of officer misconduct may oppose this model of civilian oversight.¹¹¹ Additionally, to achieve long-term reform, an auditor/monitor COA may reach compromises on individual cases with LEA officials to ensure a long-term relationship is developed between agencies.¹¹² In some cases, an auditor/monitor COA may choose to allow the LEA executive to take credit for the reform initiative to maintain long term relationships with LEA leadership.¹¹³ While these actions may support positive reform, there may be a lack of understanding by the community as to the effectiveness of the oversight.¹¹⁴

Like other models of oversight, auditor/monitor COAs can only make recommendations but cannot require LEAs to make changes.¹¹⁵ However, in cases where an LEA does not implement the COA's recommendations, the auditor/monitor COA can use its public reporting function to inform the public and policy makers about the LEA's decision.¹¹⁶

Another potential limitation of auditor/monitor models is that conducting broad, systematic policy evaluations requires significant expertise and their effectiveness is dependent on the quality of staff hired to do the work.¹¹⁷

(4) Auditor/Monitor Model's Impact on Racial Disparities

The 2019 study previously referenced found that monitoring COAs, which focus on analyzing trends in police misconduct, and recommending changes in police policies, procedures, and training, were found to be associated with a reduction in racial disparity in disorderly conduct arrest rates.¹¹⁸ As with review-focused COAs, the study found that monitoring-focused COAs did not reduce racial disparities in police homicides of civilians.¹¹⁹

¹⁰⁹ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. 31.

¹¹⁰ NACOLE, *Models of Civilian Oversight of Law Enforcement*, *supra*, fn. X.

¹¹¹ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. 31.

¹¹² De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. 31.

¹¹³ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. 31.

¹¹⁴ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. 31.

¹¹⁵ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. 32.

¹¹⁶ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. 32.

¹¹⁷ De Angelis, et al., *Civilian Oversight of Law Enforcement, Accessing the Evidence*, p. 32.

¹¹⁸ Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X, p. 3.

¹¹⁹ *Id.* at p. 31.

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c. Review Model

(1) Defining the Review Model

Review-focused COAs are the most common type of COAs in the United States.¹²⁰ COAs that fall within the review model often focus their work on reviewing the quality of the LEA's internal investigations.¹²¹ These COAs provide community members outside of and unaffiliated with the law enforcement agency an opportunity to review the quality of misconduct investigations performed by the LEA.¹²² These COAs may make recommendations to law enforcement executives regarding findings or request that further investigation be conducted.¹²³ They are commonly headed by a review board composed of citizen volunteers, and they often hold public meetings to collect community input and facilitate law enforcement-community communication.¹²⁴

(2) Potential Key Strengths

Review-focused COAs have a number of key strengths, including ensuring that the community has the ability to provide input into the complaint investigation process.¹²⁵ Community review of complaint investigations may increase public trust in the complaint process.¹²⁶ Review-focused COAs are also generally the least expensive form of civilian oversight since they typically rely on the work of volunteers rather than paid staff members.¹²⁷

(3) Potential Key Limitations

Review-focused COAs have certain limitations. They tend to have limited authority and few organizational resources.¹²⁸ They also typically focus on individual case investigations so their ability to promote broad systemic organizational changes may be limited.¹²⁹ Review board volunteers may have significantly less expertise in law enforcement issues and limited time to perform their work.¹³⁰ These COAs may be less independent from other forms of oversight and tend to report to the head of the LEA.¹³¹ Review-focused COAs also tend to have a smaller budget and may be more appropriate for smaller jurisdictions with a small budget.¹³²

(4) Review Model's Impact on Racial Disparities

The 2019 study previously referenced found that COAs with a board of composed of citizens appointed by a municipal district reduces the racial disparity in disorderly conduct arrests by around 41% (200.28/487.5) relative to the average pretreatment disparity in such arrests.¹³³ This outcome is relative to COAs that either (a) do not have a board, or (b) have a board whose members are not appointed by a

¹²⁰ NACOLE, Models of Civilian Oversight of Law Enforcement, https://www.nacole.org/models_of_oversight.

¹²¹ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, supra, fn. X, pp. 27-28.

¹²² NACOLE, Models of Civilian Oversight of Law Enforcement, supra, fn. X.

¹²³ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, p. 27.

¹²⁴ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, pp. 27-28.

¹²⁵ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, p. 28.

¹²⁶ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, p. 28.

¹²⁷ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, pp. 28-29.

¹²⁸ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, pp. 28-29.

¹²⁹ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, p. 29.

¹³⁰ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, pp. 28-29.

¹³¹ De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, pp. 28-29.

¹³² De Angelis, et al., *Civilian Oversight of Law Enforcement, Assessing the Evidence*, pp. 28-29.

¹³³ Ali, Mir and Pirog, Maureen, *Social Accountability, and Institutional Change: The Case of Citizen Oversight of Police*, supra, fn. X, p. 33.

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municipal district. The study found that the governance of COAs likely has major implications in terms of reducing racial disparity in policing outcomes. The study found however that review focused COAs did not reduce racial disparity in police homicides of citizens to a statistically significant level.¹³⁴

d. Hybrid Model

(1) Defining the Hybrid Model

COAs are increasingly adopting hybrid forms of oversight that combine the functions of several models.¹³⁵ Hybrid COAs may consist of hybrid agencies or hybrid systems. In the first case, the CoA may primarily focus on one oversight function while also performing other functions. In the latter case, a single jurisdiction may have multiple agencies overseeing the same LEA, such as an independent investigative agency and an inspector general.¹³⁶

C. Impacts of COAs on Racial and Identity Profiling and Public Safety

The core factors of an effective oversight body (discussed above in **Section 2**) gauge success in relation to public safety, public trust, and officer accountability for misconduct, generally. These metrics do not expressly measure whether COAs decrease racial disparity in policing.

1. Cross Section Between Core Factors of Effective COAs and Decrease in Racial Profiling

Recent literature shows there is overlap between the factors that promote effective COAs generally and a reduction in racial disparities, supporting the thesis that robust COAs increase public and officer safety *and* decrease racial disparities in policing. The degree to which a COA reduces racial disparities in policing outcomes depends on its scope of authority, as well as the degree of discretion afforded by existing institutions to police officers. In general, the wider the scope of authority and the broader the discretion afforded by existing institutions, the greater the likelihood of change in institutional outcomes.¹³⁷

2. All COAs Reduce Racial Disparities in High Discretionary Situations, but More Aggressive COAs Reduce Racial Disparities in Homicides

A 2019 study found that, while all COAs, regardless of type, reduce racial disparities in disorderly conduct arrests (high discretionary situations) by around 20.7 arrests per 100,000 adults per year, only the more robust COAs reduced police homicides of citizens (less discretionary situations).¹³⁸

The study also found that less aggressive forms of oversight, such as monitoring and review COAs, are sufficient to reduce the racial disparity in high discretion enforcement actions such as disorderly conduct arrests. However, more aggressive forms of oversight, such as investigative COAs, are needed to reduce racial disparities in enforcement actions such as police homicides of citizens, where institutions afford

¹³⁴ Ali, Mir and Pirog, Maureen, *Social Accountability, and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X, p. 31.

¹³⁵ NACOLE, Models of Civilian Oversight, *supra*, fn. X.

¹³⁶ Vitorolous, et al., *The Evolution and Growth of Civilian Oversight*, *supra*, fn. X, p. 33.

¹³⁷ Ali, Mir Usman and Priog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X at p. X.

¹³⁸ Ali, Mir Usman and Priog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X at pp. 33-34.

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DRAFT RIPA REPORT 2026

officer low discretion, and the citizen-police encounters pose danger.¹³⁹ Investigative COAs, which typically have a greater scope of authority, such as the authority to conduct independent investigations into officer misconduct and recommend discipline, and are more likely to have paid full-time staff, are considered more aggressive forms of oversight.¹⁴⁰ By contrast, monitoring COAs and review COAs are less likely to recommend officer discipline or have paid full-time staff.¹⁴¹

The study further found that a reduction in the racial disparity of disorderly conduct arrests was observed for each additional year of a COA's existence, regardless of the type of COA that was in place (i.e., 20.7 fewer disorderly conduct arrests per 100,000 adults per year).¹⁴² On the other hand, only investigative COAs reduced racial disparity in police homicides of citizens (by 6% per year) for each additional year of existence of the COA.¹⁴³ This finding shows that the impact of COAs on the racial disparity in disorderly conduct arrests are much more broad-based than the impact on racial disparity in police homicides of citizens.

D. Civilian Oversight in California

[Analysis of civilian oversight of Wave 1 and Wave 2 law enforcement agencies forthcoming]

1. Wave 1 Agencies

Los Angeles County Sheriff's Department

- Civilian Oversight Commission – *Hybrid Model*
 - Works with Office of Inspector General provide to process complaints against LASD and conduct investigations
 - Can subpoena witnesses and documents

Riverside County Sheriff's Department

- No formal civilian oversight body

San Bernardino County Sheriff's Department

- No formal civilian oversight body

San Diego County Sheriff's Department

- Citizens Law Enforcement Review Board – *Investigative Model*
 - Investigates specified citizen complaints and investigate deaths arising out of or in connection with the activities of peace officers and custodial officers
 - Has power to subpoena documents and witnesses

¹³⁹ Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X at p. 32.

¹⁴⁰ Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X at p. 32.

¹⁴¹ Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X at p. 32.

¹⁴² Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X at p. 32.

¹⁴³ Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police*, *supra*, fn. X at p. 31.

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DRAFT RIPA REPORT 2026

- Full time staff
- Makes advisory findings and recommendations for policy and procedure changes. Focus is fact-finding.
- Cannot decide policies or impose discipline against officers or employees of the Sheriff's Department or the Probation Department

San Diego Police Department

- Commission on Police Practices – *Investigative Model*
 - Has some paid staff
 - Reviews and evaluates serious complaints from the public
 - Has investigatory, review, and auditing powers, including the power to make factual determinations about investigated matters and make advisory recommendations regarding the officer's actions and the department's procedures, policies, and practices
 - Has the power to conduct investigatory proceedings and subpoena witnesses and documents
 - Reviews and evaluates all factual findings and evidentiary conclusions of the Police Department arising from investigations of police misconduct and disciplinary decisions.
 - Can make recommendations on the discipline of individual officers

San Francisco Police Department (two oversight agencies)

- San Francisco Police Commission – *Review Model*
 - Oversees the SFPD and the Department of Police Accountability (DPA)
 - Staffed by volunteers
 - Sets policy for SFPD, adjudicates cases of officer discipline, can impose discipline, hears police officer's appeals from discipline, and assesses the performance of the Chief of Police
- Department of Police Accountability (DPA) – *Investigative Model*
 - Investigates complaints about SFPD officers and officer-involved shootings, and audits SFPD practices.
 - Recommends new policies and policy changes to the Police Commission and SFPD and disciplinary action against officers
 - Conducts performance audits of police officer use of force and how SFPD has handled claims of officer misconduct
 - Has full-time civilian staff
 - Reports to the Police Commission

2. Wave 2 Agencies

Fresno Police Department

- Office of Independent Review – *Monitoring/Auditing Model*
 - Entire office has one auditor.

Long Beach Police Department

- Office of Police Oversight – *Monitoring/Auditing Model*
 - Is staffed with employees.

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DRAFT RIPA REPORT 2026

- Police Oversight Director, two investigators, one clerk.

Oakland Police Department

- Oakland Police Commission – *Review Model*
 - Civilian Staff, Volunteers

Orange County Sherriff's Department

- Orange County Office of Independent Review – *Review Model*
 - Mission is to identify and address high risk and potential liability issues in five County departments, including the sheriff's department.
 - Review systemic issues.

Sacramento Sherriff's Department

- Sacramento Sheriff Community Review Commission – *Review Model*
 - Consist of eleven (11) members of the public, with two (2) members appointed by each member of the Board of Supervisors and one (1) member of staff from the County of Sacramento appointed by the County Executive.

Sacramento Police Department

- Sacramento Office of Public Safety Accountability – *Monitoring/Auditing Model*
 - OPSA is charged with receiving complaints from the community, auditing departmental investigation results, and independently conducting investigations into allegations of police or fire employee misconduct.
 - OPSA issues recommendations concerning community relations outreach, public safety departments' policies, procedures, training, and investigation resolution.

San Jose Police Department

- San Jose Independent Police Auditor – *Auditing Model*
 - Consists of one auditor
 - The office does mainly three things:
 - (1) Takes in complaints from members of the public about San Jose police officers;
 - (2) Makes sure that the Department of the SJPD investigates those complaints thoroughly and fairly, and
 - (3) Recommends improvements to SJPD's policies and procedures.

E. Recommendations for Civilian Oversight

(Content in development)

III. SB 2 PEACE OFFICER DECERTIFICATION

A. Updated Decertification Data

[Updated analysis of SB 2 data since publication of the 2025 RIPA Report forthcoming.]

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B. Geographic Analysis of SB 2 Data/Outcomes

[Analysis of regional differences in SB 2 data and outcomes in California (e.g., Northern vs. Southern California) forthcoming]

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DRAFT RIPA REPORT 2026

STATE AND LOCAL POLICIES

I. INTRODUCTION

Ten years into the work directed by the Racial and Identity Profiling Act (RIPA), the Racial and Identity Profiling Advisory Board (the Board) reflects on its mission and the need to address the inadvertent effects of presenting evidence about persistent racial disparities. For every year data has been available, the Board has made empirical findings demonstrating that racial and identity profiling continue to persist in California, and that there remain significant racial, ethnic, and identity disparities in law enforcement stops. It is the intent of the Board to present this evidence, and to make recommendations based on this evidence and the available research, in an effort to reduce or eliminate racial and identity profiling in the long term. Each report issued by the Board builds upon the last, corroborating and substantiating the data and the need for effective change.

In 2026 RIPA Report (the Report), the Board considers how the reduction or elimination of racial and identity profiling by law enforcement contributes to public safety. Recognizing the general public's conflation of public safety with policing,¹⁴⁴ the Board aims to further its mission of "eliminating racial and identity profiling" and improving "racial and identity sensitivity in law enforcement"¹⁴⁵ by illuminating how policing strategies rooted in racial and identity profiling are a detriment to public safety. This chapter provides an in-depth analysis of the diverse negative social impacts of racial and identity profiling by considering the issue through different lenses, followed by recommendations inspired by state and local policies from across the nation.

This chapter begins by highlighting a selection of factors that contribute to public safety (subsection B.1) before assessing the impact that racial and identity profiling has on public safety (subsection B.2). Racial and identity profiling has public health and civic engagement consequences, including the erosion of public trust in law enforcement and decreases in the perceived legitimacy of police.

This chapter then provides an analysis of pretextual stops, one of the primary drivers and manifestations of racial and identity profiling in policing and its negative impact on public safety (subsection C). While disparities in enforcement and who is stopped or searched by police is well documented, the negative effects to public safety of pretextual stops are less so. The Board discusses the growing number of studies acknowledging these impacts and implementing policy solutions and provides a data-driven analysis of successful policy changes at state and local levels in California and other states.

Pretextual stops are not the only policing strategy that implicates racial and identity profiling, however. Subsection D discusses the common police practice known as "oversaturation," in which a particular form of law enforcement is concentrated in marginalized communities. Although pretextual policing and oversaturation are two distinct policing strategies, oversaturation strategies often rely on pretextual policing sometimes with a focus on a particular problem (i.e. gun violence) to exclusion of multidisciplinary policing strategies that engage communities as partners in problem solving (i.e. crisis intervention strategies). Oversaturation often stems from overreliance on crime data by law enforcement agencies obtained through biased policing systems that were already in place. This practice not only harms residents of these communities by exposing them to disproportionately high amounts of policing and surveillance, eroding public trust and civic engagement, but also often fails to incorporate nonpunitive intervention strategies or other multidisciplinary approaches to law enforcement. Subsection

¹⁴⁴ Friedman, *Are Police the Key to Public Safety?: The Case of the Unhoused*, (2022) 59 Am. Crim.L.Rev. 1597, 1607 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4112522> [as of XX, 2025]; Catherine Vitro, et al, *Attitudes About Police and Race in the United States 2020-2021: Mean-level Trends and Associations with Political Attitudes, Psychiatric Problems, and COVID-19 Outcomes*, (2022). 17 PLoS ONE 7 <<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0271954>> [as of XX, 2025]

¹⁴⁵ Pen. Code, § 13519.4, subd. (j)(1).

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D also examines “alternative enforcement technologies” and their impacts on public safety through their contribution to oversaturation police practices. Finally, this section reviews the 2024 RIPA data to evaluate the extent to which police officer interactions are influenced by the perceived demographics of the individuals they encounter.

Lastly, this chapter synthesizes the above analysis to demonstrate how ending police practices that result in racial and identity profiling increases public safety and recommends particular policy changes that incorporate earlier considerations and the most current research and data (subsection E). Based on current trends, without concrete policy changes to the approaches of law enforcement, the negative impacts to public safety from racial and identity policing are likely to continue and develop.

II. RACIAL AND IDENTITY PROFILING IS A PUBLIC SAFETY ISSUE

This year’s report demonstrates how reductions in racial and identity profiling in policing create safer communities for all. Recognizing that “profiling” and “safety” are broad terms with a range of connotations, in this section the Board aims to contextualize these terms by discussing and defining public safety holistically and delve into the historical underpinnings of racial and identity profiling in the United States. The Board then considers impacts of racial and identity profiling on public safety, demonstrating that racially biased policing hurts public safety in a multitude of ways.

In recent decades, the population of the United States that is incarcerated has increased dramatically.¹⁴⁶ The negative societal impacts of this “tremendous expansion” of the U.S. prison population have been well documented by scholars, many of whom are concerned not only with the increasingly long sentences given to Black and brown people convicted of a crime but also with the increases in interaction residents of select neighborhoods have with law enforcement.¹⁴⁷ Private interests encouraging such growth in prison time and surveillance of marginalized communities—such as private prison companies and weapons manufacturers—have not escaped scrutiny.¹⁴⁸

As the incarcerated population increases annually, our social safety nets receive nowhere near the same levels of funding and public confidence.¹⁴⁹ This disparity reflects the general understanding of “public safety” in the United States, in which achieving public safety is equated to heavy policing and punitive law enforcement models. Achieving public safe, however, requires recognition that our current policing strategies and tactics, formed out of the legacy of slavery and racial segregation, inflict significant violence upon Black and brown communities, causing diverse harms at the local, state and national levels.¹⁵⁰ In addition, racialized policing impairs civic engagement and has concrete negative economic and public health consequences. This section aims to analyze these consequences in detail, providing a thorough evaluation of the societal costs of racial and identity profiling in policing.

A. Understanding Public Safety

The Board defines public safety broadly and does not limit this definition to crime statistics or perceptions regarding crime. The Universal Declaration of Human Rights recognizes that everyone has a

¹⁴⁶ Weaver and Lerman, *Political Consequences of the Carceral State* (2010) Am. Pol. Science Rev. 1.

¹⁴⁷ Weaver and Lerman, *Political Consequences of the Carceral State* (2010) Am. Pol. Science Rev. 1.

¹⁴⁸ Committee on Causes and Consequences of High Rates of Incarceration, et al., *The Growth of Incarceration in the United States* (2014) p. 126 <<https://nap.nationalacademies.org/read/18613/chapter/6#121>> [as of XX, 2025].

¹⁴⁹ Committee on Causes and Consequences of High Rates of Incarceration, et al., *The Growth of Incarceration in the United States* (2014) p. 126 <<https://nap.nationalacademies.org/read/18613/chapter/6#121>> [as of XX, 2025].

¹⁵⁰ *Beyond Policing* (2020) The Opportunity Agenda <https://opportunityagenda.org/messaging_reports/beyond-policing/> [as of XX, 2025].

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DRAFT RIPA REPORT 2026

right to life, liberty, and security of person.¹⁵¹ Public safety is the collective experience of being and feeling safeguarded or protected from threats to one's life or wellbeing. The Board recognizes that there are many ways communities, including both governmental and non-governmental actors, try to achieve public safety. The Board's work focuses on the role of government, particularly law enforcement resources and capacity to further the safety of all residents of California, the use of government resources and capacity to safeguard or protect.

Individuals within all communities seek genuine safety and well-being, desiring to live free from harm and with dignity,¹⁵² with equal access to housing, education, healthcare, and employment—all conditions that support well-being and reduce reliance on policing.¹⁵³ However, public safety manifests differently across racial, ethnic, and identity lines.¹⁵⁴ A review of the research finds that marginalized groups define public safety based on their unequal access to life opportunities as well as harmful experiences with law enforcement including racial and identity profiling, surveillance, and violence.¹⁵⁵ For Black, Brown, LGBTQ, and marginalized communities, public safety includes the freedom to exist without fear of

¹⁵¹ United Nations General Assembly. (1948). *Universal Declaration of Human Rights*. Article 3. <[eng.pdf](#)> [As of June 19, 2025].

¹⁵² California Planning Roundtable-Healthy Communities Work Group <<https://tinyurl.com/26ssy6ry>> [as of XX, 2025] (“A healthy community is one that strives to meet the basic needs of all residents; it is guided by health equity principles in the decision-making process; it empowers organizations and individuals through collaboration, civic and cultural engagement for the creation of safe and sustainable environments. Vibrant, livable and inclusive communities provide ample choices and opportunities to thrive economically, environmentally and culturally, but must begin with health”).

¹⁵³ Hargarten, S. W., Pollack, K. M., & Sleet, D. A. (2018). “Violence Prevention: A Public Health Model.” *Annual Review of Public Health*, 39, 171–186. See also Friedman, *What is Public Safety?* (2022) 102 B.U. L. Rev. p. 740 <<https://tinyurl.com/42emtspn>> [as of XX, 2025], citing Maslow, *A Theory of Human Motivation*, 50 Psych Rev. 373 (1943) (explaining physiological needs supersede safety needs), <<http://dx.doi.org/10.1037/h0054346>> (noting that “safety is second on Maslow’s list, behind what he calls ‘physiological needs,’ or what we might think of as basic subsistence”).

¹⁵⁴ When safety for you means danger for me: the racial politics of carceral public safety discourse Verónica Caridad Rabelo, et al. *Front. Psychol.*, 03 July 2024, Sec. Personality and Social Psychology, p. 5, Volume 15 - 2024 <<https://tinyurl.com/je85fhjd>> [as of XX, 2025] (A third factor contributing to one’s sense of public safety involves the politics of ideal victimhood, which determine who is deserving of protection, and from whom. Ideal victims must be law-abiding with no criminal history, strangers to their perpetrators, and demonstrably nonthreatening, whether very old or very young, weak, and/or disabled), citing Christie, N. (1986). “The ideal victim” in *From crime policy to victim policy*. ed. E. A. Fattah (London, England: Palgrave Macmillan), pp. 17–30 and See Long, L. J. (2018). *Perpetual suspects: A critical race theory of black and mixed-race experiences of policing*. Cham, Switzerland: Palgrave. And See Phipps, A. (2021). *White tears, white rage: victimhood and (as) violence in mainstream feminism*. *Eur. J. Cult. Stud.* 24, pp. 81–93.<[doi: 10.1177/1367549420985852](https://doi.org/10.1177/1367549420985852)> public safety is a social construct, with hegemonic public safety discourses privileging the dominant capital-owning classes, whiteness, and women—which ultimately strengthens the intersecting structural violence “of capitalism, white supremacy, and heteropatriarchy”

¹⁵⁵ Brandon Hasbrouck, *Reimagining Public Safety*, 117 NW. U. L. REV. p. 685 (2022) <<https://tinyurl.com/2t5tbknb>> [as of XX, 2025] (“Simply ending carceral violence would be an inadequate solution because it would not redress private violence, and the public would still support violent responses when private violence rears its head in the community. In the absence of criminal tribunals, our culture of racist and retributive violence would likely lead to calls to jail Black and other marginalized people who exercised their rights in response to violence against them”); see also Gilman & Green, *The Surveillance Gap: The Harms of Extreme Privacy and Data Marginalization*, 42 N.Y.U. Review of Law and Social Change p. 253 (2018) <<https://tinyurl.com/3nvs587b>> [as of XX, 2025] citing Torin Monahan, *Regulating Belonging: Surveillance, Inequality, and the Cultural Production of Abjections*, 10 J. CULT. ECON. pp. 191, 192 (2017) (the surveillance gap can also serve as a social control mechanism, when it comes to oppressed populations, “surveillance plays an important role in policing bodies and maintaining boundaries between inside and outside, self and other.” In other words, careful watching plays a social sorting function).

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violence, both privately and publicly sanctioned violence, and structural neglect.¹⁵⁶ To be sure, individuals in these communities advocate for the presence of law enforcement to protect them from crime, particularly in underserved areas where murder clearance rates are low despite high police presence.¹⁵⁷ However, for many in these communities, safety is not defined by the presence of police but by the absence of state violence and structural neglect.¹⁵⁸

The literature suggests that this tension is at the heart of public safety in America and reveals a pressing need for systemic change as well as a reconceptualization of public safety.¹⁵⁹ Researchers and practitioners recognize that public safety must be reimaged in collaboration with those most affected by racial and identity profiling from law enforcement.¹⁶⁰ Community-based alternatives—such as violence interruption programs, mental health crisis teams, and neighborhood safety councils—offer viable, humane approaches to safety, and emphasize prevention, de-escalation, and community empowerment over punishment and control.¹⁶¹

¹⁵⁶ 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/yk6zdxzx>> [as of XX, 2025]; Seguin 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. Ultimately, these stops can be dehumanizing, as they send the message to the stopped individuals – particularly people of color – that they are at risk of being stopped pretextually at any time without repercussion, even if the stop is racially motivated).

¹⁵⁷ Clear, T. R., Frost, N. A., & Carr, D. A. (2019). *American Corrections*. Cengage Learning.

¹⁵⁸ Sandy Hudson, Building a World without Police, 69 UCLA L. REV. pp. 1665, 1670 (September 2023). <<https://www.uclalawreview.org/building-a-world-without-police/>>

For example, consider the horrific police killing of 16-year-old child, Ma'Khia Bryant. Ma'Khia Bryant's sister called the police for support in fear for Ma'Khia's safety and her own safety during an argument with two adults The project of creating safe, secure societies demands that we spend our time proactively developing the conditions of safety and institutions of security rather than punishing those who fail to uphold their responsibility in the social contract.

¹⁵⁹ Catalyst California: Racial Bias in Policing: An In-Depth Analysis of Stopping Practices by the Long Beach Police Department, (2023) <https://www.catalystcalifornia.org/campaign-tools/maps-and-data/racial-bias-in-policing-an-in-depth-analysis-of-stopping>

The goal is to meaningfully engage the community in finding alternatives to traditional policing approaches. By shifting the focus towards investing in upstream services and fostering thriving communities, we collectively aspire to create a safer and more equitable future for all residents of Long Beach.

¹⁶⁰ John Jay College Research Advisory Group on Preventing and Reducing Community Violence, New York, NY: Research and Evaluation Center, John Jay College of Crim. Just., City Univ. of NY (2020) <https://johnjayrec.nyc/2020/11/09/av2020/>

If deterrence were entirely sufficient to prevent violence and ensure public safety, the United States would undoubtedly enjoy one of the lowest rates of community violence in the world. Citing Platt, (2018). [Beyond these walls: Rethinking crime and punishment in the United States](#). New York: St. Martin's Press, The U.S. drastically expanded its already substantial investments in policing and prisons during the past 50 years. Effective violence prevention, however, involves strategies beyond deterrence. It requires investments in communities and organizations other than police and the justice system. Non-policing approaches to violence prevention can produce significant benefits without the attendant harms of policing and punishment. Funding organizations should invest in a broad range of research to build a strong evidence base for communities seeking effective approaches to reduce violence.

¹⁶¹ DeAngelis, J. (2022). “Community-Based Public Safety Strategies: Evidence and Promising Practices.” *Urban Institute*. And See Chaterjee, New Law Creates 988 Hotline for Mental Health Emergencies, NPR (Oct. 19, 2020) [as of XX, 2025] <<https://tinyurl.com/5425u2ca>> (The 988 lifeline is a joint effort by the U.S. Department of Health and Human Services, SAMHSA, and the U.S. Department of Veteran Affairs to provide a safer alternative than a police response for behavioral health emergencies. The goal in creating the lifeline “is to ultimately reduce [deadly] confrontations with law enforcement and connect people in crisis to help right away).

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Advocates for change demand the end of racial and identity profiling, and a halt to oversaturation policing, and a realignment of law enforcement priorities. Researchers, practitioners and advocates all recognize that by including the voices of those historically excluded from safety discourse, we can build systems that reduce racial and identity profiling while, at the same time, increasing public safety for all community members.

B. Assessing The Impact of Racial and Identity Profiling on Public Safety

Stress, isolation, disillusionment, depression, and anger—together, these represent just five of the many serious and concerning consequences of experiencing negative interaction with law enforcement growing up or as an adult.¹⁶² For residents of communities targeted by police, which in the United States (and California) are almost always low-income Black and brown neighborhoods, oversaturation policing can be a threat to public safety as opposed to a preventive measure. As a matter of direct potential harm, Black, Latine(x) and Native Americans all experience heightened risk of being killed by police as opposed to their White counterparts because of dynamics such as implicit bias.¹⁶³ In addition, these groups may also experience symptoms of PTSD, anxiety, emotional avoidance, fear, and stress due to frequent stops by police and comparatively aggressive treatment by officers engaged in oversaturation policing.¹⁶⁴ Outside of being harmful to the individual's health and wellbeing, these consequences also have significant societal impacts, as they erode trust in law enforcement and political institutions broadly.¹⁶⁵ As stated in one study, racialized police practices have severe negative outcomes for community safety, “disrupt[ing] . . . community problem-solving, reduc[ing] trust in the government and engagement with law enforcement and the community at large.”¹⁶⁶ Public safety is more than policing; racial and identity profiling only enables its decline.

To dive deeper into an evaluation of the negative impacts of racial and identity profiling on public safety, in this section the Board breaks them down into three categories: erosion of public trust, diminished civic engagement, and worsened public health outcomes. The Board then concludes the discussion of the negative correlation between racial and identity profiling and public safety by revisiting pre-textual stops as a case study highlighting this relationship before considering potential solutions at the state and local level.

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

Research shows that negative encounters with law enforcement—both direct and vicarious—fuel mistrust.¹⁶⁷ The research has shown that trust between marginalized communities and law enforcement

¹⁶² Geller, et al., *Police Contact and Mental Health* (2017) Columbia Public Law Research Paper No. 14-571 <https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3079&context=faculty_scholarship> [as of June 18, 2025]; Stagoff-Belfort, et al., *The Social Costs of Policing* (Nov. 2022) Vera Inst. p. 1 <[the-social-costs-of-policing.pdf](#)> [as of Mar. 28, 2025].

¹⁶³ Edwards, et al., *Risk of Being Killed by Police Use of Force in the United States by Age, Race-Ethnicity, and Sex* (2019) 116 Proc. Natl. Acad. Sci. USA 16793 <<https://www.pnas.org/doi/epdf/10.1073/pnas.1821204116>> [as of June 18, 2025].

¹⁶⁴ Muentner, et al., *Patterns of Vicarious Police Contact and Youths' Stress and Attitudes About the Police* (2024) Child and Adolesc. Soc. Work J. p. 1; Geller, *Youth-Police Contact: Burdens and Inequities in an Adverse Childhood Experience, 2014-2017* (2021) 111 Am. J. Public Health 1300.

¹⁶⁵ Weaver and Lerman, *Political Consequences of the Carceral State* (2010) Am. Pol. Science Rev. 1.

¹⁶⁶ Stagoff-Belfort, et al., *The Social Costs of Policing* (Nov. 2022) Vera Inst. p. 14 <[the-social-costs-of-policing.pdf](#)> [as of Mar. 28, 2025].

¹⁶⁷ 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

DRAFT RIPA REPORT 2026

has been systematically undermined by decades of discriminatory policing, use of excessive force, and lack of accountability.¹⁶⁸

Mistrust in law enforcement can impair communication with law enforcement and lead to reluctance to seek help or cooperate in investigations. These impacts come not only from direct encounters but also from the exposures someone may experience from living in a neighborhood where street stops are common. Researchers studying law enforcement mistrust found that law enforcement mistrust was higher among Black respondents than among other racial groups.¹⁶⁹ 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.”¹⁷⁰

For youth of color residing in urban areas, elevated risks of vicarious police contact can intensify feelings of fear, anger, and cynicism toward law enforcement.¹⁷¹ The research also shows that knowing more individuals who were stopped by law enforcement was associated with increased avoidance and stress and was linked to decreased perceptions of police legitimacy.¹⁷² “Inconsistency in aggressive low-level policing across community groups undermines police legitimacy, which erodes cooperation with law enforcement.”¹⁷³ Research shows that, when trust between law enforcement and the communities they serve is broken, restoring that trust requires a fundamental shift—not merely in policy, but in practice and culture.¹⁷⁴

al. (2024). *Patterns of Vicarious Police Contact and Youths’ Stress and Attitudes About the Police*. Child and Adolescent Social Work J. p. 2.

¹⁶⁸ Hegney, M., The “Stop Snitching” Phenomenon: Violence, Justice, & Policy Implications. Voices: On Difference, Grad. Social Work Dept, West Chester Univ. (Tennille edit, 2015) p. 7

<<https://www.wcupa.edu/education-socialWork/gradSocialWork/documents/VoicesVolume3Issue1.pdf#page=6>> [As of June 27, 2025]. At the core of the “stop snitching” standpoint is an enduring issue in impoverished, black neighborhoods – police mistrust. and See Natapoff, A. (2009). *Snitching: Criminal informants and the erosion of American Justice*. New York: New York University Press. p. 126 Within this broader context of inequality, community members are averse to relying on a system that is understood as apathetic to or antagonistic towards the needs of the black community.

¹⁶⁹ 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. 1.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC9166459/pdf/12954_2022_Article_635.pdf> [as of April 24, 2025].

¹⁷⁰ 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. 6-7.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC9166459/pdf/12954_2022_Article_635.pdf> [as of April 24, 2025].

¹⁷¹ 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.

¹⁷² 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.

¹⁷³ Sullivan and O’Keefe. (2017). *Evidence that curtailing proactive policing can reduce major crime*. Nature Human Behavior. <

¹⁷⁴ Shaphan Roberts, *Rebuilding Trust in a Divided Community: An Integrated Approach*, 24 PEPP. DISP. RESOL. L.J. 461 (2024). <<https://heinonline.org/HOL/P?h=hein.journals/pepds24&i=466>

citing Charles Fombrun & Mark Nevis, *The Advice Business: Essential Tools and Models For Management Consulting* (2003)

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2. Diminished Civic Engagement as a Social Cost of Racial and Identity Profiling

Many residents in highly policed areas conclude that political power is “best achieved by strategically distancing from state institutions in the short term while building community power in the long term.”¹⁷⁵ “[I]nvoluntary police interventions incentivize strategic retreat from engagement with the state.”¹⁷⁶ “This is because people tend to engage the state only when they have a basic trust that it will not dominate them, humiliate them, or physically assault them.”¹⁷⁷ Researchers found that residents in highly policed areas respond to oppression in the criminal legal system “through temporary, strategic withdrawal from formal political institutions while simultaneously advocating for deep community engagement, consciousness, and power-building.”¹⁷⁸

3. The Public Health Costs of Racial and Identity Profiling

[This section is under development]

In 2017, the American Public Health Association issued a policy statement, *Addressing Law Enforcement Violence as Public Health Issue*.¹⁷⁹ Fear of or mistrust in law enforcement is a significant driver of public health outcomes.¹⁸⁰ Disproportionate exposure to physically invasive law enforcement surveillance tactics, including frisking, can undermine the health of residents.¹⁸¹ Research links persistent and

The stakeholder model is a conceptual framework that prioritizes identifying and involving all parties interested that are either involved with or affected by a particular decision, project, or policy. This framework ensures a community's diverse perspectives and needs are considered, leading to more equitable and effective solutions.

For example, based on the stakeholder model, intervention outcomes derived from the sectors model might include public-private partnerships to support local entrepreneurship, offering incentives for businesses that provide job opportunities to the homeless or economically disadvantaged, thereby addressing both economic and social challenges concurrently. Roberts, p. 466.

¹⁷⁵ Weaver, et al. (2020). *Withdrawing and Drawing In: Political discourse in policed communities*. J. of Race, Ethnicity, and Politics, 5, p. 604. < <https://www.cambridge.org/core/journals/journal-of-race-ethnicity-and-politics/article/withdrawing-and-drawing-in-political-discourse-in-policed-communities/549AAD2D2B60269595166BD55409AB60> > [As of June 16, 2025].

¹⁷⁶ Weaver, et al. (2020). *Withdrawing and Drawing In: Political discourse in policed communities*. J. of Race, Ethnicity, and Politics, 5, p. 606. < <https://www.cambridge.org/core/journals/journal-of-race-ethnicity-and-politics/article/withdrawing-and-drawing-in-political-discourse-in-policed-communities/549AAD2D2B60269595166BD55409AB60> > [As of June 16, 2025].

¹⁷⁷ Weaver, et al. (2020). *Withdrawing and Drawing In: Political discourse in policed communities*. J. of Race, Ethnicity, and Politics, 5, p. 606. < <https://www.cambridge.org/core/journals/journal-of-race-ethnicity-and-politics/article/withdrawing-and-drawing-in-political-discourse-in-policed-communities/549AAD2D2B60269595166BD55409AB60> > [As of June 16, 2025].

¹⁷⁸ Weaver, et al. (2020). *Withdrawing and Drawing In: Political discourse in policed communities*. J. of Race, Ethnicity, and Politics, 5, pp. 606-607. < <https://www.cambridge.org/core/journals/journal-of-race-ethnicity-and-politics/article/withdrawing-and-drawing-in-political-discourse-in-policed-communities/549AAD2D2B60269595166BD55409AB60> > [As of June 16, 2025].

¹⁷⁹ Hirschtick, et al. (2019). *Persistent and Aggressive Interactions with the Police: Potential mental health implications*. Epidemiology and Psychiatric Sciences p. 2. < <https://pmc.ncbi.nlm.nih.gov/articles/PMC30714560/> > [As of May 7, 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.

¹⁸⁰ 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://pmc.ncbi.nlm.nih.gov/articles/PMC9166459/pdf/12954_2022_Article_635.pdf > [as of April 24, 2025].

¹⁸¹ Sewell. (2017). *The Illness Associations of Police Violence: Differential relationships by ethnoracial composition*. Sociological Forum. p. 2. < https://www.researchgate.net/profile/Alyasah-Sewell/publication/319346298_The_Illness_Associations_of_Police_Violence_Differential_Relationships_by_Ethnoracial_Composition/links/59d3acdbaca2721f436cdad9/The-Illness-Associations-of-Police-Violence-Differential-Relationships-by-

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DRAFT RIPA REPORT 2026

aggressive policing tactics, such as frequent police stops or police-perpetrated violence, to symptoms of depression, anxiety and post-traumatic stress disorder (PTSD), psychological distress and suicide attempts.¹⁸²

Communities of color experience a disproportionate burden of routine “[a]ggressive policing tactics, such as stop-and-frisk and excessive use of force”¹⁸³ A high number of lifetime law enforcement stops, persistent law enforcement exposure, is strongly associated with current PTSD symptoms among men.¹⁸⁴ Men who experience persistent law enforcement exposure are three times more likely to experience PTSD symptoms compared with men who did not experience persistent law enforcement exposure.¹⁸⁵

“Adolescents and young adults in specific neighborhoods of urban areas are likely to experience assertive contemporary police practices.”¹⁸⁶ “The stress of knowing someone stopped by police can evoke and exacerbate a shared sense of anxiety and unease among a wider circle of people beyond the individual.”¹⁸⁷ “[A]dolescents exposed to vicarious police contact experience significantly higher levels of depressive symptoms, with these mental health impacts being particularly pronounced among Black adolescents and girls.”¹⁸⁸ “Once stopped, Black (60%) and Hispanic (62%) youth are three times as likely as White (21%) youth to experience acts of police aggression, contributing to adverse health outcomes and exacerbating health disparities.”¹⁸⁹ For youth and young adults, recent encounters with law enforcement are linked to increased anxiety and both the quantity and intensity of recent stop experience are associated with increased PTSD symptoms.¹⁹⁰

a. Additional Sources That May Be Included in Sections B.1-3

- **Committee on Causes and Consequences of High Rates of Incarceration. (2014). *Consequences for Communities in The Growth of Incarceration in the United States*. p. 284-2XX. <<https://nap.nationalacademies.org/read/18613/chapter/6#121>> [As of May 9, 2025].**
- **Committee on Causes and Consequences of High Rates of Incarceration. (2014). *The Underlying Causes of Rising Incarceration: Crime, politics, and social change in The Growth of Incarceration in the United States*. p. 122-1XX. <<https://nap.nationalacademies.org/read/18613/chapter/6#121>> [As of May 9, 2025].**

[Ethnoracial-Composition.pdf? tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIn19>](#) [As of June 19, 2025].

¹⁸² Hirschtick, et al. (2019). *Persistent and Aggressive Interactions with the Police: Potential mental health implications*. Epidemiology and Psychiatric Sciences p. 2. < <https://pmc.ncbi.nlm.nih.gov/articles/30714560/>> [As of May 7, 2025].

¹⁸³ Hirschtick, et al. (2019). *Persistent and Aggressive Interactions with the Police: Potential mental health implications*. Epidemiology and Psychiatric Sciences p. 1. < <https://pmc.ncbi.nlm.nih.gov/articles/30714560/>> [As of May 7, 2025].

¹⁸⁴ Hirschtick, et al. (2019). *Persistent and Aggressive Interactions with the Police: Potential mental health implications*. Epidemiology and Psychiatric Sciences p. 4 < <https://pmc.ncbi.nlm.nih.gov/articles/30714560/>> [As of May 7, 2025].

¹⁸⁵ Hirschtick, et al. (2019). *Persistent and Aggressive Interactions with the Police: Potential mental health implications*. Epidemiology and Psychiatric Sciences p. 1 < <https://pmc.ncbi.nlm.nih.gov/articles/30714560/>> [As of May 7, 2025].

¹⁸⁶ Geller, et al. (2017). *Police Contact and Mental Health*. Colombia Public Law Research Paper No. 14-571 < https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3079&context=faculty_scholarship> [As of May 7, 2025].

¹⁸⁷ 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.

¹⁸⁸ 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.

¹⁸⁹ 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.

¹⁹⁰ Geller, et al. (2017). *Police Contact and Mental Health*. Colombia Public Law Research Paper No. 14-571 < https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3079&context=faculty_scholarship> [As of May 7, 2025].

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DRAFT RIPA REPORT 2026

- **Edwards, et al. (2019).** *Risk of Being Killed by Police Use of Force in the United States by Age, Race-Ethnicity, and Sex.* Proc. Natl. Acad. Sci. USA 116(34). <<https://www.pnas.org/doi/epdf/10.1073/pnas.1821204116>> [As of May 5, 2025]. Black men and women, Native American men and women, and Latino men face higher lifetime risk of being killed by police than do their white peers. Risk is highest for Black men.
- **Geller. (2021).** *Youth-Police Contact: Burdens and inequities in an adverse childhood experience, 2014-2017.* Am. J. Public Health. <<https://pmc.ncbi.nlm.nih.gov/articles/PMC8493138/pdf/AJPH.2021.306259.pdf>> [As of May 5, 2025]. Adolescents' personal experiences with police contact were racially disparate and patterned by class. These findings—particularly the robust disparities in critical stop intrusion—suggest that police encounters with non-White adolescents are qualitatively different, substantially more aggressive than those with White adolescents, and potentially traumatic.
- **Gottlieb, et al. (2024).** *Does the State Impact Hope? The impact of direct and vicarious police contact on the optimism of youth in large cities.* Child Adolesc. Social Work J. 41(2). <<https://pmc.ncbi.nlm.nih.gov/articles/PMC11114084/pdf/nihms-1822205.pdf>> [As of May 5, 2025]. Stops among youth were racially disparate and those who experienced police stops without an arrest were less optimistic in general and with respect to college graduation. The findings are the same for youth who experienced vicarious police contact.
- **Jackson, et al. (2021).** *Adolescent Police Stops, Self-Harm, and Attempted Suicide: Findings from the UK millennium cohort study, 2012-2019.* Am. J. Public Health. Youth in the United Kingdom who had experienced police stops by 14 years of age reported higher rates of self-harm and higher likelihood of attempted suicide at age 17. “These patterns were largely consistent across examined features of police stops and generally did not vary by sociodemographic factors.” “Police initiated encounters are associated with youth self-harm and attempted suicide.”
- **Jackson, et al. (2019).** *Police Stops among At-Risk Youth: Repercussions for mental health.* J. of Adolescent Health. <<https://www.jahonline.org/action/showPdf?pii=S1054-139X%2819%2930334-9>> [As of May 5, 2025].
- “youth stopped by police more frequently were more likely to report heightened emotional distress and post-traumatic stress symptoms.” The most common form of officer intrusiveness among youth stopped by police was searching, followed by frisking. **Kyprianides and Bradford (2024).** *Intersections between Policing and Mental Health at the Neighborhood Level: Evidence from England.* International J. of Police Science & Management. <https://scholar.google.com/scholar_url?url=https://journals.sagepub.com/doi/pdf/10.1177/14613557241293004&hl=en&sa=T&oi=ucasa&ct=ufr&ei=1NobaO6JAoeK6rQPwPLHwAk&scisig=AAZF9b_hD0shm-2gz2768R7UDI6r> [As of May 7, 2025]. Stagoff-Belfort, et al. *The Social Costs of Policing* (Nov. 2022) Vera Inst. <the-social-costs-of-policing.pdf> [as of Mar. 28, 2025]. There are numerous social costs of policing for communities who serve as the focus of police contact. Negative public safety outcomes include disruption of informal community problem-solving, reduced trust in the government and engagement with law enforcement and the community at large. “These effects stem not only from violent interactions with the police, but also from indirect exposure to routine policing activities; for instance, living in a neighborhood where police stop many people on the street.”
- **The Opportunity Agenda. (2020).** *Beyond Policing.* <https://opportunityagenda.org/messaging_reports/beyond-policing/> [As of April 23, 2025]. “We all deserve to live in communities where we feel safe.”
- Violence that police inflict upon Black and Brown communities is often overlooked in crime statistics that police officials use to argue that we should rely on police to redress community harms. These disparities in statistics and data stem from systemic obstacles to equal opportunity

DRAFT REPORT – PENDING EDITING AND REVIEW

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and equal justice. The report provides a list of programs and organizations that look beyond policing to promote true safety in these communities. It aims to assist advocates seeking alternatives to policing. Ubiera, J. (2020). *Testimony of Jennifer Ubiera to Policing Roundtable*. <https://www.google.com/url?client=internal-element-cse&cx=008355105946167973810:21jp5_vk6si&q=https://www.law.georgetown.edu/wp-content/uploads/2020/12/Alternatives-to-Policing-testimony-2020.12.17-revised.docx.pdf&sa=U&ved=2ahUKEwjSw6il1OmMAxUtC0QIHdpJNWAQFnoECAUQA&usg=AOvVaw1nfYApiGSKC0RjHuKSE4RJ> [As of April 21, 2025].

“As a result of the NEAR Act, the Metropolitan Police Department published a Stop and Frisk data report that showed 79 out of every 100 traffic stops are for non-criminal matters and that 3 out of 4 stops are resolved within 15 minutes.”

“[P]unitive encounters with the state foster mistrust of political institutions and a weakened attachment to the political process.” The “carceral state” is the spatially concentrated, surveillance and punishment-oriented system of governance.

III. RESEARCH SHOWS ELIMINATING PRETEXTUAL STOPS IMPROVES PUBLIC SAFETY

This year, the Board continues the discussion of how, and to what extent, pretextual stops contribute to racial and identity profiling in California through the lens of public safety. The Board will advance its call for eliminating pretextual stops by assessing this year’s data of traffic stops for effectiveness in reducing crime and eliminating disparities in policing. The Board will also continue to assess and analyze the growing number of jurisdictions that have made data-driven decisions to eliminate or restrict pretextual stops and how those changes have improved public safety.

A. How Ending Pretextual Stop Can Improve Public Safety and Reduce Racial Identity Profiling.

An average of roughly 50,000 drivers a day and nearly 20 million drivers each year are stopped for traffic violations.¹⁹¹ In California, traffic stops constituted 83.7%¹⁹² of stops in the 2025 Reporting period, 82.1%¹⁹³ of stops in 2024 Reporting period and 86.8%¹⁹⁴ of stops in 2023 Reporting period.¹⁹⁵ This year’s data shows a continuing trend of policing based heavily through traffic enforcement. (2025 data from research services pending) The focus of over 80% of law enforcement efforts are not aimed at ensuring registrations are up to date, license plates are observable or other low level traffic infractions are followed, rather, the vast majority of stops are pretextual stops initiated to pursue police hunches of other criminal activity afoot.¹⁹⁶

¹⁹¹ Stanford Open Policing Project, *Findings* at <<https://openpolicing.stanford.edu/findings/>> [as of June 2, 2025].

¹⁹² 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].

¹⁹³ 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].

¹⁹⁴ Racial and Identity Profiling Board 2023 Annual Report Appendix, pg.5. <<https://oag.ca.gov/system/files/media/ripa-appendix-2023.pdf>>

¹⁹⁵ Racial and Identity Profiling Advisory Board, Annual Report (2024 Report) (2024) pg. 7 <<https://oag.ca.gov/system/files/ri006Ces/media/ripa-board-report-2024.pdf>> [as of Jun. 20, 2025]; Racial and Identity Profiling Advisory Board, Annual Report (2023 Report) (2023) pg. 39 <[2023 RIPA Board Annual Report - Racial and Identity Profiling Advisory Board - California Department of Justice](https://oag.ca.gov/system/files/ri006Ces/media/ripa-board-report-2023.pdf)> [as of Jun. 20, 2025]

¹⁹⁶ See 2024 RIPA Board Annual Report, pg. 57 pp. 71-106. <<https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>> [as of May 1, 2025]. (Identifying pretextual stops by comparing the stop against law enforcement actions taken after the stop in resisting arrest cases, the use of field interview cards, specialized police forces, and drug enforcement.)

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DRAFT RIPA REPORT 2026

As such, when the Board looks to improve public safety and reduce disparities in policing, the Board must look primarily to the most statistically significant contacts – pretextual traffic stops. Indeed, pretextual stops will continue to be a large focus of any analysis of public safety racial and identity profiling and if it continues to comprise 80% of all law enforcement contacts.

Data collection and analysis shows pretextual stops decrease public safety in several important aspects, including the impact on community engagement in marginalized communities discussed above, wasting public resources, and actual physical harm and death to motorists.¹⁹⁷ While section B (2) above addresses the community-based impacts of racial profiling, this section will discuss how pretextual traffic stops continue to contribute to disparate policing and derail attempts to improve public safety.

1. Ending Disparate Consent Searches Conducted During Pretextual Stops Will Result in More Successful Searches

“[L]ess than one half of 1% of all traffic stops result in deputies uncovering any weapons of any kind.”¹⁹⁸

RIPA data has consistently shown disparate use of consent searches results in targeting Black and Latine(x) drivers at a much higher rate than their share of the population.¹⁹⁹ Despite their higher percentage of targeting for consent searches, analyses of traffic stop searches in the 2023 Report found the rate of contraband discovery during traffic stops where officers performed a search based only on consent rather than probable cause was lowest among individuals perceived to be Black (6.8%), Pacific Islander (9.1%), or Hispanic/Latine(x) (10.3%).²⁰⁰ On the other hand, White civilians are targeted for consent searches at a smaller portion than their percentage of the population, yet the discovery rate was highest amongst individuals perceived to be White (19.1%), Multiracial (18.4%), Native American (15.0%), Asian (14.3%), and Middle Eastern/South Asian (12.2%).²⁰¹ The 2023 data, consistent with the Board’s data findings from 2019, 2020 and 2021, shows that law enforcement conducting consent searches of individuals perceived to be Black have the lowest rates of discovery of contraband, even though that group is statistically most often targeted for consent searches.²⁰² This data shows not only are there disparities in search requests, the disparate requests are resulting in less findings of contraband and thus are less likely to improve public safety. On the other hand, the 2023 Report showed searches conducted when officers had “Consent Plus Basis” for the search resulted in significantly higher discovery rates of contraband, from only 9.1 percent of success in consent only searches, to 26.5 percent of success in consent plus basis for Black civilians.²⁰³ Overall discovery rates of success in searches, regardless of identity group further show requiring some basis for a search would lead to a greater discovery of weapons, as overall consent only searches results in a 14.5 percent discovery rate and

¹⁹⁷ Racial and Identity Profiling Board 2023 Annual Report < <https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf> > [as of Mar. 6, 2025].

¹⁹⁸ Catalyst California and ACLU of Southern California. Reimagining Community Safety in California: Los Angeles County (Oct. 2022) pg. 16 < https://www.aclusocal.org/sites/default/files/lasd_ripa_report_final.pdf > [as of June 30, 2025].

¹⁹⁹ 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. 6, 2025]. Racial and Identity Profiling Board 2024 RIPA Report < [2024 - RIPA Board - Annual Report - AB 953 - Racial and Identity and Profiling Advisory Board](#) > [as of Mar. 6, 2025].

²⁰⁰ 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. 6, 2025].

²⁰¹ 2023 RIPA Report

²⁰² 2023 RIPA Report.

²⁰³ Racial and Identity Profiling Board 2023 Annual Report Appendix, A.18, pg.36. < <https://oag.ca.gov/system/files/media/ripa-appendix-2023.pdf> >

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consent plus basis searches nearly doubled the discovery rate to a 27.5 percent discovery rate.²⁰⁴ This year, [insert 2025 Report Data]

2. Reducing Time Consuming and Ineffective Pretextual Stops Allows Re-allocation of Public Resources to Address More Serious Offenses

Emphasizing or prioritizing pretextual stops in police work necessarily comes at a cost, directing a portion of a law enforcement agency's resources towards such stops and away from other work that communities value in law enforcement. As noted above, individuals in marginalized communities often advocate for the presence of law enforcement to protect them from crime, particularly in underserved areas where murder clearance rates are low despite high police presence,²⁰⁵ even when their relationship with law enforcement can be perceived as negative. When law enforcement prioritizes pretextual stops over crime prevention or clearance rates, it decreases public safety within that community. In its 2023 and 2024 Reports, the Board discussed numerous areas where traffic enforcement focused law enforcement is ineffective at crime prevention and contributes to racial and identity profiling.²⁰⁶

An analysis of 2019 RIPA data by the Public Policy Institute of California showed an astounding 80,000 hours of law enforcement time on 211,086 traffic stops reported in California that did not result in any enforcement of any kind, including warnings, or contraband found.²⁰⁷ A recent study in de-policing in Missouri found a reduction of 67,000 fewer in traffic stops, searches and arrests in primarily African American communities from 2014 to 2015 did not have an “appreciable effect on total, violent, or property crimes.”²⁰⁸

“\$776 Million Dollars of Los Angeles County’s Budget is Spent on Los Angeles Sheriff Department Traffic Enforcement.”²⁰⁹

Catalyst California’s review of time allocation by the Los Angeles Sheriff’s Department, found, they found of LASD’s time, “nearly 89% is spent on deputy-initiated interactions with members of the public, and only 11.2% of their time is spent on stops arising from calls for service.”²¹⁰ Of the 89 percent of deputy-initiated interactions, 80 percent of those stops were based on traffic violations.

“Of the total 188,380 reported stops that LASD deputies made in 2019, only 4,344 or approximately 2% of stops—were for suspicion of a crime that is classified as a felony.”²¹¹ These results led Catalyst to conclude the reliance on pretextual stops to reduce crime and improve public safety is a “failed strategy”²¹² that ultimately costs approximately \$776 million dollars a year of county funds to for LASD

²⁰⁴ Racial and Identity Profiling Board 2023 Annual Report Appendix, A.18, pg.36. <
<https://oag.ca.gov/system/files/media/ripa-appendix-2023.pdf>>

²⁰⁵ Clear, T. R., Frost, N. A., & Carr, D. A. (2019). *American Corrections*. Cengage Learning.

²⁰⁶ Racial and Identity Profiling Board 2023 Annual Report, Racial and Identity Profiling Board 2024 Annual Report

²⁰⁷ Lofstrom, Magnus et al. *Racial Disparities in Law Enforcement Stops* (Oct. 2021) Public Policy Inst. of Cal. (PPIC) <
Racial Disparities in Law Enforcement Stops - Public Policy Institute of California> [as of May 1, 2025]

²⁰⁸ Shjarback, et al, *De-policing and Crime in the Wake of Ferguson: Radicalized Changes in the Quantity and Quality of Policing Among Missouri Police Departments*, (2017) J. Crim. Just. 5042-52. <
<https://www.sciencedirect.com/science/article/abs/pii/S0047235217301289?via%3Dihub>> [as of June 30, 2025].

²⁰⁹ Catalyst California and ACLU of Southern California, *Reimagining Community Safety in California: Los Angeles County* (Oct. 2022) pg. 10 <<https://tinyurl.com/uxwbxw3n>> [as of June 10, 2025].

²¹⁰ Catalyst California and ACLU of Southern California, *Reimagining Community Safety in California: Los Angeles County* (Oct. 2022) pg. 10 <<https://tinyurl.com/uxwbxw3n>> [as of June 10, 2025].

²¹¹ Catalyst California and ACLU of Southern California, *Reimagining Community Safety in California: Los Angeles County* (Oct. 2022) pg. 10 <<https://tinyurl.com/uxwbxw3n>> [as of June 10, 2025].

²¹² Catalyst California and ACLU of Southern California, *Reimagining Community Safety in California: Los Angeles County* (Oct. 2022) pg. 16 <<https://tinyurl.com/uxwbxw3n>> [as of June 10, 2025].

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traffic enforcement.”²¹³ The report urged Los Angeles County to limit deputy’s roles to non-traffic enforcement and to increase spending on improve community care and infrastructure.²¹⁴

Similar studies in other jurisdictions also demonstrate a disconnect between the use of pretextual stops and discovery of evidence of crime. A 2018 study of traffic stops in “high crime areas”²¹⁵ in Nashville, Tennessee showed only 1.6 percent of stops ended in an arrest, and those arrests were generally for license issues or drug related offenses.²¹⁶ These findings led researchers to conclude that “traffic stops—including stops for non-moving violations—had no discernible effect on serious crime rates, and only infrequently resulted in the recovery of contraband or a custodial arrest.”²¹⁷ A national study conducted by The Journal of Trauma and Acute Care Surgeons sought to answer, analyzed traffic stops and motor vehicle crash deaths from 2004 to 2016 and found no reduction in deaths in vehicle crashes in relation to the number or frequency of traffic stops.²¹⁸ The report concluded 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.”²¹⁹

3. Ending Pretextual Stops Will Reduce the Number of Deadly Police Interactions

Pretextual stops are often by their very nature stops where law enforcement acts under a heightened sense of danger, as officers are initiating the contact primarily because they sense the driver is engaged in dangerous criminal behavior.²²⁰ This heightened sense of danger leads to numerous civilian deaths every year by unarmed civilians stopped for minor traffic infractions.

Numerous studies point to law enforcement trainings and police culture creating a heightened “presumption of peril” in traffic stops, despite data analysis showing a very small statistical likelihood of

²¹³ 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].

²¹⁴ 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].

²¹⁵ 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]. As noted in the study, in Nashville, “high crime areas” are neighborhoods which “tend to have disproportionately large minority populations.” When asked why there were notably more stops of Black driving-age residents in Nashville, the Metropolitan Nashville Police Department (MNPd) “argued that such disparities resulted from higher deployment to areas with greater incidence of crime and requests for police services.”

²¹⁶ 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]. The Policy Lab chose to analyze Nashville stop data because Nashville police stop motorists more per capita than similarly sized cities, “in some cases, over ten times as many.”

²¹⁷ 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].

²¹⁸ Sarode AL, et al., *Traffic stops do not prevent traffic deaths*” (Jul 2021) 1;91(1):141-147 <<https://pmc.ncbi.nlm.nih.gov/articles/PMC8900371/>> [as of May 25, 2025].

²¹⁹ Sarode AL, et al., *Traffic stops do not prevent traffic deaths*” (Jul 2021) 1;91(1):141-147 <<https://pmc.ncbi.nlm.nih.gov/articles/PMC8900371/>> [as of May 25, 2025].

²²⁰ Kirkpatrick, et. Al, *Why Many Police Traffic Stops Turn Deadly* (Oct. 2021) NYT <<https://tinyurl.com/49957swk>> [as of June 10, 2025] (quoting criminologist and former Georgia police officer Kalfani Ture, “Police think ‘vehicle stops are dangerous’ and Black people are dangerous’ and the combination is volatile” . . . “The problem is especially acute at so-called pretextual stops, he argued, where officers seek out minor violations . . . to search a car they consider suspicious.”)

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DRAFT RIPA REPORT 2026

harm to law enforcement conducting the stops.²²¹ In 2019, a review of 10 years of traffic stops in Florida by 200 law enforcement agencies showed little statistical risk of serious harm to officers, specifically finding “violence against officers was rare” and incidence of violence were “typically low risk and do not involve weapons.”²²² The author described the review as “the largest and most comprehensive study to date” assessing officer safety in traffic stops. The review found officers have 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.²²³

In contrast to very little statistical risk of serious harm to officers conducting stops, the risks to drivers and passengers in traffic stops are much higher. An analysis of data in 2024 accounting for police killings found 154 people were killed through the course of a traffic stop, accounting for roughly 12% of officer caused deaths nationwide.²²⁴ Racial disparities are prevalent in police killings, as Black individuals are 2.7 times more likely than White individuals to be killed by police and Hispanic/Latine(x) individuals are 1.6 times as likely to be killed by police when analyzing data from 2013 to 2023.²²⁵ Though Black individuals are only 12% of the population in 2024, they were more than 25% of the population to be killed by police.²²⁶ Further, the number of Americans killed by police during a traffic stop rose significantly in 2024 compared to prior years, with 89 deaths in 2017²²⁷, 120 in 2020,²²⁸ 117 in 2021²²⁹, 87 in 2022²³⁰ and 109 in 2023.²³¹ In California,

From 2015 to 2024, The Washington Post, Mapping Police Violence and Fatal Encounters collected data of 10,429 civilians who have been shot and killed by on duty police officers.²³² The New York Times analyzed data from 2016 to 2021 to identify and further research 400 instances of police killings in traffic

²²¹ See Levenson, Michael, *Pulled Over: What to Know About Deadly Police Traffic Stops* (Oct. 2021) NYT < <https://www.nytimes.com/2021/10/31/us/police-killings-traffic-stops-takeaways.html> > [as of June 10, 2025] (quoting West Palm Beach Assistant Police Chief Sarah Mooney, “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, Jordan, *Policing, Danger Narratives, And Routine Traffic Stops* (2019) Mich. Law Rev. Vol 117, Iss. 4. < <https://michiganlawreview.org/journal/policing-danger-narratives-and-routine-traffic-stops/> > [as of June 18, 2025]

²²² Woods, Jordan, *Policing, Danger Narratives, And Routine Traffic Stops* (2019) Mich. Law Rev. Vol 117, Iss. 4, pg. 635 < <https://michiganlawreview.org/journal/policing-danger-narratives-and-routine-traffic-stops/> > [as of June 18, 2025]

²²³ Woods, Jordan, *Policing, Danger Narratives, And Routine Traffic Stops* (2019) Mich. Law Rev. Vol 117, Iss. 4, pg. ____ < <https://michiganlawreview.org/journal/policing-danger-narratives-and-routine-traffic-stops/> > [as of June 18, 2025]

²²⁴ Mapping Police Violence, *2024 Police Violence Report*, < <https://policeviolencereport.org/2024/> > [as of June 17, 2025]

²²⁵ See Police Scorecard < <https://policescorecard.org/> > [as of June 30, 2025] (The Police Scorecard project is composed of data scientists Allie Monck, Olivia Orta, Ritesh Ramchandani, Peter Schmalfeldt, Ariel Matos, Kirby Phares, Emily Biondo, and Mary Hammond, as well as Research advisors Bocar Ba, Assistant Professor of Economics, UC Irvine and Jeffrey Fagan, Professor of Law, Columbia University.

²²⁶ Police Scorecard < <https://policescorecard.org/> > [as of June 30, 2025] (The Police Scorecard project is composed of data scientists Allie Monck, Olivia Orta, Ritesh Ramchandani, Peter Schmalfeldt, Ariel Matos, Kirby Phares, Emily Biondo, and Mary Hammond, as well as Research advisors Bocar Ba, Assistant Professor of Economics, UC Irvine and Jeffrey Fagan, Professor of Law, Columbia University.

²²⁷ Mapping Police Violence, *2017 Police Violence Report*

²²⁸ Mapping Police Violence, *2020 Police Violence Report*

²²⁹ Mapping Police Violence, *2021 Police Violence Report*, < <https://policeviolencereport.org/policeviolencereport2021.pdf> > [as of June 17, 2025]

²³⁰ Mapping Police Violence, *2022 Police Violence Report*

²³¹ Governor Newsom Signs Policing Reform Legislation < <https://www.gov.ca.gov/2021/09/30/governor-newsom-signs-policing-reform-legislation> > [as of Jun. 9, 2025]

²³² Fatal Force Database, The Washington Post < <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/> > [as of June 27, 2025]

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stops where the civilians “were not wielding a gun or knife” and “were not under pursuit for a violent crime.”²³³ In those 400 cases, the investigation found police officer’s perception of harm created a tense and overstated sense of risk, further resulting in officers acting upon those perceived threats with physical violence and shootings of civilians. In 12 percent of civilian deaths reviewed, officers had fired on motorists, believing the driver had or was reaching for a weapon.²³⁴ The investigation suggested many officer threats were a result of officers standing in front of fleeing vehicles, reaching inside windows, aggression in response to disrespect or disobedience.²³⁵ 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.”²³⁶ In the review, pretextual stops were highlighted as an “especially acute” cause of increased perceptions of risk, due to the officer’s hunches and the known racial disparities that occur when stops are based on perceptions rather than articulable facts to warrant police intrusion.

The California Legislature and Governor Newsom have supported other legislative efforts to reduce police violence which disparately impacts minority communities in reform efforts at investigating and suspending peace officers’ certifications after proven serious misconduct (SB2) and increased transparency of officer misconduct records (SB16). In addressing the reform efforts, Governor Newsom acknowledged the heightened application of violence on minority communities in declaring, “[T]oo many lives have been lost due to racial profiling and excessive use of force. We cannot change what is past, but we can build accountability, root out racial injustice and fight systemic racism. We are all indebted to the families who have persevered through their grief to continue this fight and work toward a more just future.”²³⁷

The Board recommends further action to reduce violence by ending pretextual police contacts that have been shown to cause disparate harm to minority drivers.

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 overwhelming data reflecting racial disparities in traffic stops and the ineffectiveness in 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.²³⁸ In Addition to the RIPA

²³³ Kirkpatrick, et. Al, *Why Many Police Traffic Stops Turn Deadly* (Oct. 2021) NYT <<https://tinyurl.com/49957swk>> [as of June 10, 2025].

²³⁴ Kirkpatrick, et. Al, *Why Many Police Traffic Stops Turn Deadly* (Oct. 2021) NYT <<https://tinyurl.com/49957swk>> [as of June 10, 2025].

²³⁵ Kirkpatrick, et. Al, *Why Many Police Traffic Stops Turn Deadly* (Oct. 2021) NYT <<https://tinyurl.com/49957swk>> [as of June 10, 2025].

²³⁶ Kirkpatrick, et. Al, *Why Many Police Traffic Stops Turn Deadly* (Oct. 2021) NYT <<https://tinyurl.com/49957swk>> [as of June 10, 2025].

²³⁷ Office of the Governor, *Governor Newsom Signs Policing Reform Legislation* (Sept. 30, 2021) <<https://tinyurl.com/34jah44a>> [as of June 26, 2025].

²³⁸ 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]. ((1) Identifying and taking action to limit enforcement of traffic laws and minor offenses that pose a low risk to public safety²⁷¹ and show significant disparities in the rate of enforcement. (2) Limit armed law enforcement responses with respect to traffic enforcement by allowing for stops only if there is a concern for public safety and explore amending the vehicle code to more broadly move traffic enforcement out of law enforcement’s purview (e.g., to a civilian traffic unit), (3) Prohibiting certain searches, such as consent searches or supervision searches, during traffic stops and instead requiring probable cause for any search.

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DRAFT RIPA REPORT 2026

Board's recommendations, the 2022 California Committee on Revision of the Penal Code recommended California "prohibit stops for technical traffic infractions."²³⁹ The Committee describes their recommendation to end stops for technical traffic infractions 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." The specific recommendations of 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."²⁴⁰

Though Board and California Committee on Revision of the Penal Code recommendations have yet to be implemented state-wide in California, several local jurisdictions have enacted policies implementing some reductions and eliminations of certain traffic citation offenses, and many of those policies are discussed below.

Outside of California, the concept of policing without pretextual traffic stops has gained traction from police departments,²⁴¹ sheriff departments,²⁴² district attorney's offices,²⁴³ cities,²⁴⁴ and states.²⁴⁵ These

(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).

²³⁹ Committee on Revision of the Penal Code, 2022 Annual Report, pg. 33. <
https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2022.pdf> [as of June 26, 2025].

²⁴⁰ Committee on Revision of the Penal Code, 2022 Annual Report, pg 33. <
https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2022.pdf> [as of June 26, 2025].

²⁴¹ See Chapel Hill Police Dep't, Policy No. 2-17 (2020). <
<https://public.powerdms.com/CHAPELHILLNC/tree/documents/30990>> [As of June 27, 2025]; Minnesota Police Dep't, *Policy and Procedure Manual*, No. 7-601 (2021). <
<https://www.minneapolismn.gov/media/-www-content-assets/documents/MPD-Policy-and-Procedure-Manual.pdf>> [As of June 27, 2025]; Lansing Police Dep't, *Memorandum from Chief of Police Daryl Green* (2020). [As of June 27, 2025]; Los Angeles Police Dep't, *Department Manual*, Policy No. 240.06 (2022) <
https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2022/03/3_9_22_SO_No._3_Policy_Limitation_on_Use_of_Pretextual_Stops_Established.pdf> [As of June 27, 2025]; San Francisco Police Dep't, *General Order*, Policy No. 9.07.04(A) (2023). <Policy link> [As of June 27, 2025]; Seattle Police Dep't, *Policy Manual*, Policy No. 16.232 (2023). <Policy link> [As of June 27, 2025]; Denver Police Dep't, *Executive Director of Safety's Operations Manual*, Policy No. 202.00(2) (2024). <Policy link> [As of June 27, 2025]; Carrboro Police Dep't, *Chapter 42: Traffic Enforcement Policy*, Policy No. 42.0 (2020). <Policy link> [As of June 27, 2025].

²⁴² See Mecklenburg Cnty Sheriff's Office, Gen. Order No. 20 (2020). <Policy link> [As of June 27, 2025].

²⁴³ See Ramsey Cnty Prosecutor's Office, Directive No. 2021- 09 (2021). <Policy link> [As of June 27, 2025]; Ingham Cnty Prosecutor's Office, Directive No. 2021- 07 (2021). <Policy link> [As of June 27, 2025]; Chittenden Cnty State's Att'y Office, Directive No. 2021-12 (2021). <Policy link> [As of June 27, 2025]; Washtenaw Cnty Prosecutor's Office, Directive No. 2021-09 (2021). <Policy link> [As of June 27, 2025].

²⁴⁴ Phila., Pa., Mayor's Exec. Order No. 6-21 (2021). <Policy link> [As of June 27, 2025]; *Report and Recommendations From Mayor's Fair and Impartial Policing Working Group*, adopted by Berkeley City Council (2021). <Policy link> [As of June 27, 2025]; Ann Arbor, Mich., Ordinance Title XI, Ch. 124 (2023). <Policy link> [As of June 27, 2025]; Phila., Pa., Bill No. 210636-A (2021). <Policy link> [As of June 27, 2025]; Chapel Hill, N.C., Res. No. 1 (2020). <Policy link> [As of June 27, 2025]; Shaker Heights City Council, Res. No. 23-67, *Maintaining a Safe and Just Shaker Heights* (2023) <Policy link> [As of June 27, 2025]; West Hollywood City Council, Res. No. 22-5516 (2022). <Policy link> [As of June 27, 2025]; Ypsilanti City Council, Res. No. 2024- 046 (2024). <Policy link> [As of June 27, 2025]; East Lansing, Mich., Ordinance No. 1541 (2024). <Policy link> [As of June 27, 2025].

²⁴⁵ Assemb. Bill No. 256 (2023-24 Reg. Sess.). <Policy link> [As of June 27, 2025]; Or. Senate Bill No. 1510 (81st Leg. Assemb., Reg. Sess. 2022). <Policy link> [As of June 27, 2025]; Va. House Bill No. 5058, Spec. Sess. I. (2020). <Policy link> [As of June 27, 2025]; Va. Senate Bill No. 5029, Spec. Sess. I. (2020). <Policy link> [As of June 27, 2025]; Ill. House Bill No. 2389, 103rd Gen. Assemb. (2023). <Policy link> [As of June 27, 2025]; N.Y. Assemb. Bill No. A7599 (2023-24 Reg. Sess.).

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DRAFT RIPA REPORT 2026

agencies and jurisdictions have acknowledging the negative impact of pretextual stops on public safety, and, in response to that impact, have limited or stopped the ability of law enforcement to use traffic stops as a pretext to suspicion less investigations.²⁴⁶ 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 to reduce the amount of pretextual stops and improve public safety in California.²⁴⁷

<Policy link> [As of June 27, 2025]; NJ Rev Stat § 39:3-76.2n & 76.2f (2024). <Policy link> [As of June 27, 2025]; Md. Transp. Code § 13-411(c) (2024). <Policy link> [As of June 27, 2025]; Oh. Rev. Code § 4511.043 (2024). <Policy link> [As of June 27, 2025]; Conn. Public Act No. 25-19 (2025). <Policy link> [As of June 27, 2025]; 23 Vt. Stat. Ann. § 615(b) (2024). <Policy link> [As of June 27, 2025].

²⁴⁶ Kirkpatrick, et al., *Cities Try to Turn the Tide on Police Traffic Stops* (Apr. 2022) NYT. <<https://www.nytimes.com/2022/04/15/us/police-traffic-stops.html?partner=slack&smid=sl-share>> [as of May 1, 2025].

²⁴⁷ Vera Institute, *Police Are Stopping Fewer Drivers – And It's Increasing Safety*. (Jan. 11, 2024) <<https://www.vera.org/news/police-are-stopping-fewer-drivers-and-its-increasing-safety>> [as of Mar. 25, 2025]

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DRAFT RIPA REPORT 2026

The Progress of Policies to Limit Non-Safety Related Traffic Stops²⁴⁸

| Policy Type | Jurisdictions | Policy Summary |
|-------------------------------------|--|--|
| Legislation – State | California ²⁴⁹ , Connecticut, Illinois, Maryland, New Jersey, New York, Ohio, Oregon, Vermont, Virginia | State legislatures passed laws limiting or prohibiting non-safety related traffic stops. Examples include California (2025) allowing a 30-day grace period on registration expiration, and Oregon (2022) allowing 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 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. |
| Law enforcement directive | Berkeley, CA 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 directing Philadelphia Police Department to only conduct vehicle stops in circumstances where the violations create a risk of danger. |

As noted in the 2023 RIPA report, some jurisdictions— police agencies, municipalities, and even states— have begun to accept the racially disparate impact of pretextual stops and its reduction in public safety, and have enacted policies to limit the use of these policing tactics.²⁵⁰ In its 2023 Report, the Board noted

²⁴⁸ Data compiled from Vera Institute of Justice, Redefining Public Safety Initiative: Sensible Traffic Ordinances for Public Safety (June 2025), <<https://www.vera.org/ending-mass-incarceration/criminalization-racial-disparities/public-safety/redefining-public-safety-initiative/sensible-traffic-ordinances-for-public-safety/stops-map>> [as of June 27, 2025].

²⁴⁹ Assemb. Bill No. 256 (2023-24 Reg. Sess.). < <https://legiscan.com/CA/text/AB256/id/2841765> > [As of June 27, 2025].

²⁵⁰ Racial and Identity Profiling Board 2023 Annual Report < <https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf> > [as of Mar. 6, 2025].

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its interest in pursuing a data-driven analysis of the reduction in racial profiling and increase in public safety when pretextual stops are limited by policy changes.²⁵¹ In the 2026 Annual Report, the Board seeks to further this data analysis, as more data is now available to assess policy limitations on racially disparate police practices. The following policy changes will be analyzed for their reductions in racially disparate stops and positive impacts on public safety.

1. Early Steps Taken: 2013 Fayetteville, North Carolina

a. The Policy

Early into his appointment as police chief in Fayetteville, North Carolina, newly installed Chief of Police Harold Medlock sought to reduce high crash rates and improve community concerns of racial profiling.²⁵² His predecessor resigned in light of stop data showing 75 percent of all civilians stopped by law enforcement were Black.²⁵³ Before making any policy changes, Chief Medlock sought out a review of his Department by the US Department of Justice Office of Community Oriented Policing Services' and Collaborative Reform Initiative for Technical Assistance.²⁵⁴ What he learned was that empirical evidence supported residents' concerns of racial profiling in pretextual traffic stops.²⁵⁵ He listened to community organizations including the local chair of the NAACP, the Pastor's Coalition and the Fayetteville Cumberland County Ministerial Council, who expressed concerns of Black residents being singled out by law enforcement for "driving while black."²⁵⁶ As a result of statistical connections between pretextual stops and racial and identity profiling and community concerns of lived racial profiling from pretextual stops, he imposed restrictions on officer discretion to stop drivers for pretextual traffic citations and instead prioritized safety related stops.²⁵⁷ He also mandated the use of GPS data on all traffic stops to further assess the results of his policy directives.²⁵⁸

b. The Results

Chief Medlock described the successes of the changes as instrumental in increasing public safety, reducing racial and identity profiling and mending community relations.²⁵⁹

²⁵¹ Racial and Identity Profiling Board 2023 Annual Report, < <https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf> > [as of Mar. 6, 2025].

²⁵² Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*. (Apr. 2022) NYT, <<https://tinyurl.com/3bb9hxur>> [as of as of May 30, 2025].

²⁵³ Barnes, Greg, *Medlock at Peace with Decision to Step Down as Chief*, (2016) The Fayetteville Observer < <https://www.fayobserver.com/story/news/crime/2016/08/27/medlock-at-peace-with-decision/22395851007/> > [as of June 30, 2025].

²⁵⁴ Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*. (Apr. 2022) NYT, <<https://tinyurl.com/3bb9hxur>> [as of as of May 30, 2025].

²⁵⁵ Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*. (Apr. 2022) NYT, <<https://tinyurl.com/3bb9hxur>> [as of as of May 30, 2025].

²⁵⁶ Pitts, Myron, *Fayetteville Police Chief Who Drew National Attention for Reform is Still at it*, (Feb. 2021) The Fayetteville Observer. < <https://www.fayobserver.com/story/news/2021/02/25/fayetteville-police-chief-who-drew-national-attention-reform-still/6808151002/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epit=z119032e002200v119032b00xxxxd11xx65&gca-ft=8&gca-ds=sophi> > [as of June 30, 2025].

²⁵⁷ Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*. (Apr. 2022) NYT, <<https://tinyurl.com/3bb9hxur>> [as of as of May 30, 2025].

²⁵⁸ Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*. (Apr. 2022) NYT, <<https://tinyurl.com/3bb9hxur>> [as of as of May 30, 2025].

²⁵⁹ Pitts, Myron, *Fayetteville Police Chief Who Drew National Attention for Reform is Still at it*, (Feb. 2021) The Fayetteville Observer. < <https://www.fayobserver.com/story/news/2021/02/25/fayetteville-police-chief-who-drew-national-attention-reform-still/6808151002/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epit=z119032e002200v119032b00xxxxd11xx65&gca-ft=8&gca-ds=sophi> >

DRAFT RIPA REPORT 2026

“Everything good that could happen, did happen.”²⁶⁰

Chief Medlock explained, “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.”²⁶¹

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 8 other North Carolina police agencies to further examine the effects of Medlock’s policy directives on crashes and racial profiling.²⁶² The study found Chief Medlock’s restrictions on pretextual stops and focus on safety related stops to be a success.²⁶³

The increase in safety related stops decreased the percentage of motor vehicle deaths, while the decrease in officer discretion related to non-safety stops also reduced the percentage of racially disparate stops. The ultimate conclusion of the report found, “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.”²⁶⁴ Law enforcement officers in Fayetteville’s department also echoed successful changes in the community. Chief Medlock’s 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.”²⁶⁵

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 or new leadership brings differing goals and oversight.²⁶⁶ In 2023, the Fayetteville’s crime statistics showed a 53 percent increase in traffic stops and at a disproportionate rate of traffic stops, with Black drivers being stopped and searched at

[reform-still/6808151002/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epit=z119032e002200v119032b00xxxxd11xx65&gca-ft=8&gca-ds=sophi](https://www.fayobserver.com/story/news/2021/02/25/fayetteville-police-chief-who-drew-national-attention-reform-still/6808151002/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epit=z119032e002200v119032b00xxxxd11xx65&gca-ft=8&gca-ds=sophi)> [as of June 30, 2025].

²⁶⁰ Kirkpatrick, et al. *Cities Try to Turn the Tide on Police Traffic Stops*. (Apr. 2022) NYT, <<https://tinyurl.com/3bb9hxur>> [as of as of May 30, 2025].

²⁶¹ Pitts, Myron, *Fayetteville Police Chief Who Drew National Attention for Reform is Still at it*, (Feb. 2021) The Fayetteville Observer. <<https://www.fayobserver.com/story/news/2021/02/25/fayetteville-police-chief-who-drew-national-attention-reform-still/6808151002/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epit=z119032e002200v119032b00xxxxd11xx65&gca-ft=8&gca-ds=sophi>> [as of June 30, 2025].

²⁶² 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].

²⁶³ 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].

²⁶⁴ 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 as of May 30, 2025].

²⁶⁵ Raim, Sam, *Police are Stopping Fewer Drivers – and It’s Increasing Safety* (Jan. 2024) Vanguard Newsgroup. <<https://davisvanguard.org/2024/01/guest-commentary-police-are-stopping-fewer-drivers-and-its-increasing-safety/>> [as of June 30, 2025].

²⁶⁶ Riley, Rachel, *National groups say Fayetteville is stopping more Black drivers than it was a decade ago*, (Nov. 2024) The Fayetteville Observer <<https://www.fayobserver.com/story/news/local/2024/11/11/do-fayetteville-nc-police-stop-more-black-drivers/76013472007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epit=z11----p002271c002271e005100v115132o11----b0096xxd119665&gca-ft=11&gca-ds=sophi>> [as of June 30, 2025].

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twice the rate of White drivers in the city.²⁶⁷ The new statistics drew comparisons from pre-2013 reforms, when disparate stop and search rates created the impetus for Chief Medlock’s policies that proved successful from 2013-2016 under his leadership.²⁶⁸ With Chief Medlock’s retirement and numerous subsequent police chiefs ushering in new priorities and policies, Fayetteville North Carolina’s racial disparity rate is even higher than in 2012 when reforms ushered in a new era.²⁶⁹ In 2024, the city council was briefed on the successes of the prior policies by the Vera Institute of Justice, a program involved in the original reforms instituted by Chief Medlock. Hamilton Brooks of Vera 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.²⁷⁰ The group advised the council 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.”²⁷¹ Whether Fayetteville is currently willing to make similar changes that proved successful under Chief Medlock’s tenure remains to be seen.

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

a. The Policy

As first discussed in the 2023 Report, Virginia became the first state to enact a state-wide limitation on pretext stops.²⁷² The Virginia policy created a two-tier traffic enforcement system, limiting officer discretion 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, including evidence obtained with the person’s consent, at any trial, hearing, or other proceeding.²⁷³ Virginia’s data reporting requirements for law enforcement agencies requires critical data points to assess racial

²⁶⁷ Weisblat, Evey, *Council Votes Against Motion for Committee to Address Traffic Stop Racial Disparities*, (Mar. 2024) City View, < <https://www.cityviewnc.com/stories/council-votes-against-having-committee-review-traffic-stop-disparity-solutions/> > [as of June 30, 2025].

²⁶⁸ Riley, Rachel, *National groups say Fayetteville is stopping more Black drivers than it was a decade ago*, (Nov. 2024) The Fayetteville Observer < <https://www.fayobserver.com/story/news/local/2024/11/11/do-fayetteville-nc-police-stop-more-black-drivers/76013472007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epi=z11----p002271c002271e005100v115132o11----b0096xxd119665&gca-ft=11&gca-ds=sophi> > [as of June 30, 2025].

²⁶⁹ Riley, Rachel, *National groups say Fayetteville is stopping more Black drivers than it was a decade ago*, (Nov. 2024) The Fayetteville Observer < <https://www.fayobserver.com/story/news/local/2024/11/11/do-fayetteville-nc-police-stop-more-black-drivers/76013472007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epi=z11----p002271c002271e005100v115132o11----b0096xxd119665&gca-ft=11&gca-ds=sophi> > [as of June 30, 2025]

²⁷⁰ Riley, Rachel, *National groups say Fayetteville is stopping more Black drivers than it was a decade ago*, (Nov. 2024) The Fayetteville Observer < <https://www.fayobserver.com/story/news/local/2024/11/11/do-fayetteville-nc-police-stop-more-black-drivers/76013472007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epi=z11----p002271c002271e005100v115132o11----b0096xxd119665&gca-ft=11&gca-ds=sophi> > [as of June 30, 2025]

²⁷¹ Riley, Rachel, *National groups say Fayetteville is stopping more Black drivers than it was a decade ago*, (Nov. 2024) The Fayetteville Observer < <https://www.fayobserver.com/story/news/local/2024/11/11/do-fayetteville-nc-police-stop-more-black-drivers/76013472007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epi=z11----p002271c002271e005100v115132o11----b0096xxd119665&gca-ft=11&gca-ds=sophi> > [as of June 30, 2025]

²⁷² 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://static1.squarespace.com/static/58afc5861b631bb7fa6729f6/t/609325f4e3157f0a949d8c45/1620256244752/legp604.exe-14.pdf> > [as of Nov. 29, 2021]

²⁷³ H 5058, Va. Acts of Assembly (2020 Special Sess.)

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DRAFT RIPA REPORT 2026

disparities, including perceived “race, ethnicity, age, and gender” of the person subject to police contact.²⁷⁴

b. The Results

Though data gathered in 2023 data showed continued disparities in stops for Black and Latine(x) drivers, with disparities for Black drivers being the most statistically significant, initial analysis showed searches “plummeted” as a result of the limitation on pretextual stops.²⁷⁵

More recently, the Julian organization published a report in the fall of 2024 which analyzed stop data for disparate impact for individual counties in Virginia.²⁷⁶ Arrest and search rates continue to show disparities in Virginia, with Black individuals being more than 350% more likely to face arrest and 500% more likely to be searched than White individuals in the state.²⁷⁷ While stressing a continuing need to reduce high disparities in policing particularly with Black drivers, the Report found a decline in three areas of policing, the search rate failure, vehicle failure rate, and traffic outcome failure rates.²⁷⁸ The results of this study indicate that racial disparities in “person searches” during police stops have declined since the implementation of the law.²⁷⁹ While the report acknowledged improvements in racial disparities, the report made a number of additional policy recommendations for consideration, including 1) improving data collection, 2) reliance on the data by: defense attorneys for litigation, the Attorney General of Virginia to conduct pattern and practice investigations and legislators to further reform efforts, 3) continued research in disparate impacts of policing.²⁸⁰

3. Los Angeles

a. The Impetus

Amid growing community dissatisfaction with policing and calls for the disbandment of the Metro Task Force, the Los Angeles Police Commission requested the Los Angeles Inspector General to conduct a review of law enforcement stops conducted by the Los Angeles Police Department in 2019.²⁸¹ The inspector general’s comparison of LAPD’s 2019 RIPA stop data submission against a sample of video recordings from officer’s bodycam footage showed significant racial disparities in stops, with Black individuals overrepresented in stops, while White or Asian individuals were “significantly underrepresented,” even when taking into consideration the stops occurring in areas where Black individuals make up a larger portion of and searches reviewed proved to be, “of limited effectiveness in

²⁷⁴ HB 1250, Virginia Traffic Stop Data Collection, Section 52-30.2 Collection of Data < <https://law.lis.virginia.gov/vacode/title52/chapter6.1/section52-30.2/> > [as of June 30, 2025].

²⁷⁵ Paviour, Black Drivers in Virginia Still More Likely to Be Stopped as Searches Drop, NPR (Aug. 3, 2023) < <https://www.vpm.org/news/2023-08-03/black-hispanic-drivers-traffic-stops-policing-virginia-dcjs> > [as of June 30, 2025]

²⁷⁶ Miere and De Silva, *Disparate Impact: A Statistical Analysis of Virginia Police Stop Outcomes*, Julian, Sept. 2024 < <https://tinyurl.com/595dsaxd> > [as of June 16, 2025].

²⁷⁷ 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].

²⁷⁸ 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].

²⁷⁹ 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].

²⁸⁰ 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].

²⁸¹ Jany, et al. *Minor Police Encounters Plummet After LAPD Puts Limits on Stopping Drivers and Pedestrians*, (Nov. 2022) LA Times < <https://www.latimes.com/california/story/2022-11-14/minor-traffic-stops-plummet-in-months-after-lapd-policy-change> > [as of May 29, 2025].

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DRAFT RIPA REPORT 2026

identifying evidence of illegal firearms or other serious crimes.”²⁸² The greatest driver of racially disparate policing was by specialized units such as “crime suppression, such as gang units,” and the highest disparities in stops were related to non-safety stops, such as “equipment or regulatory violations.” The report recommended the LAPD reduce disparities by taking actions to “refocus its crime-fighting strategies away from the use of pretextual stops -- particularly those pretextual stops based on minor equipment or regulatory violations, which more heavily impact low-income communities.”²⁸³ The report suggested the Department limit “stops or actions involving a high level of discretion” and specifically called for the shift away from “pretextual stops based on minor equipment or regulatory violations, which more heavily impact low-income communities.” Instead, the Department was urged to focus its resources to “directly related to increasing public safety.”²⁸⁴

Video review of the stops also showed officers did not document 23% of stops and searches seen on video reviews for mandated RIPA reporting, further leading the inspector general to estimate LAPD’s stop and search data to be significantly underreported.²⁸⁵

b. 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 unless there is a public safety concern.²⁸⁶ If conducting a pretextual stop, officers must first record the specific reasons for the stop on their body worn camera before making contact.²⁸⁷ The policy defines a pretextual stop as 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.²⁸⁸ 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.”²⁸⁹

c. The Results of Los Angeles’s Policy

Stops

Once Los Angeles limited the scope of stops, the corresponding decline in the number of total stops declined 21% in 2022 between the months of March and December compared to the comparable period in 2021.

²⁸² 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/mbv4uv>> [as of May 30, 2025].

²⁸³ 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/mbv4uv>> [as of May 30, 2025].

²⁸⁴ 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/mbv4uv>> [as of May 30, 2025].

²⁸⁵ 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/mbv4uv>> [as of May 30, 2025].

²⁸⁶ Policy No. 240.06 Los Angeles Board of Police Commissioners, Policy 240.06, *Policy – Limitation on Use of Pretextual Stops*

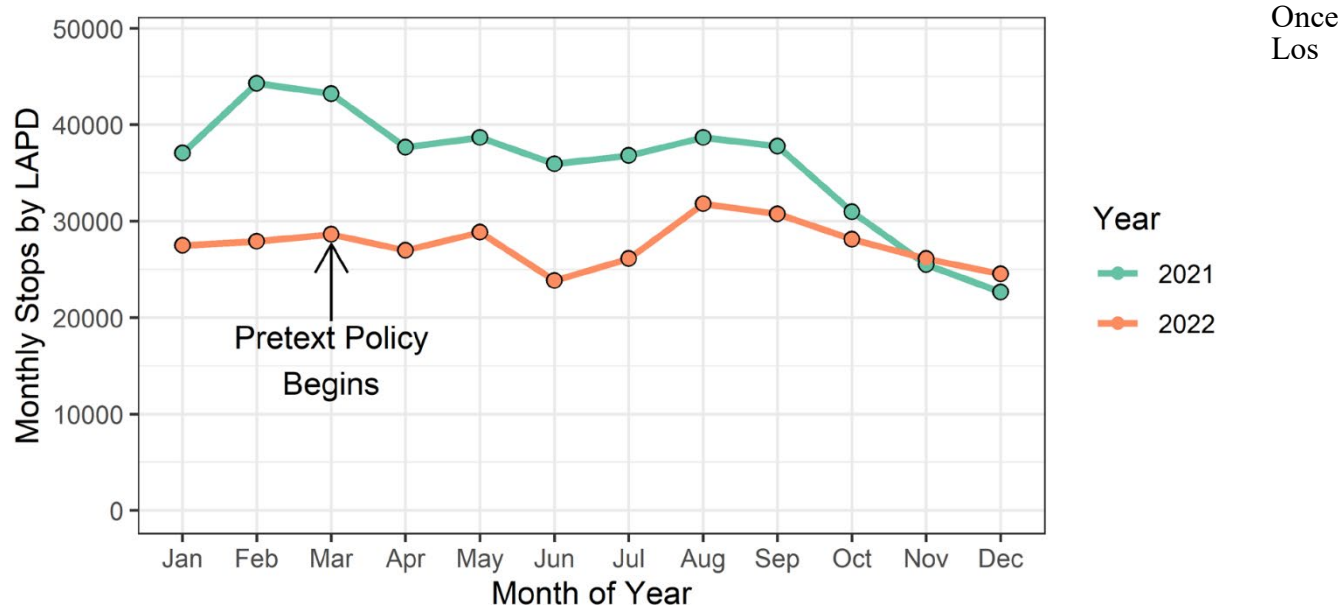
²⁸⁷ Los Angeles Board of Police Commissioners, Policy 240.06, *Policy – Limitation on Use of Pretextual Stops* <https://www.lapdpolicy.com.lacity.org/030122/BPC_22-042.pdf> [as of May 30, 2025].

²⁸⁸ Los Angeles Board of Police Commissioners, Policy 240.06, *Policy – Limitation on Use of Pretextual Stops*

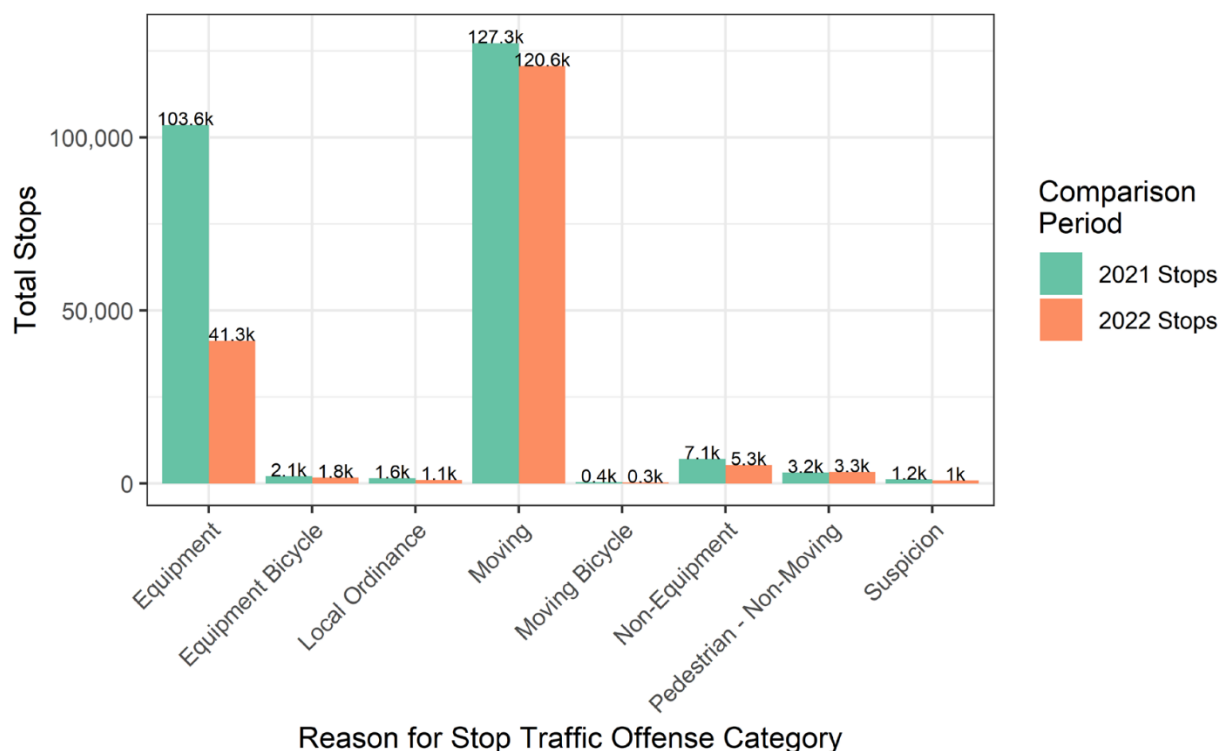
²⁸⁹ Kirkpatrick, et. Al, *Cities Try to Turn the Tide on Police Traffic Stops* (Apr. 2022) NYT <<https://www.nytimes.com/2022/04/15/us/police-traffic-stops.html?partner=slack&smid=sl-share>> [as of June 18, 2025] [supra]

DRAFT RIPA REPORT 2026

[The below chart serves as a visual of what the new chart will show once we have updated data]



Angeles limited the scope of stops, the corresponding decline in the number of inefficient traffic stops like equipment related stops substantially decreased, with 60% fewer stops in 2022 than the year previous. Currently, *[insert new analysis based on data services data for 2024]*.



Searches

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DRAFT RIPA REPORT 2026

[will expand on searches charts and data shown on page 60 and 61 of the 2024 RIPA Report]

Specifically with respect to Los Angeles County, the 2024 RIPA report found, “[T]he LAPD discovered contraband during a higher percentage of RIPA reported stops with searches after the pretext policy was in place from March through December 2022 (37.9% discovery rate) compared to the same time period in 2021, before the pretext policy was in place (36.0% discovery rate).”²⁹⁰ Currently, *[insert new analysis based on data services data for 2024]*.

d. Calls for More

Though the changes to Los Angeles’ pretextual stops policy did show *some* reduction in disparate police contact, the Los Angeles City Council created a “Alternatives to Traffic Enforcement and Community Task Force” which analyzed how the changes to pretextual stops have resulted in changes to the city of Los Angeles and how the city can do more.²⁹¹ In 2023, the Task Force presented their report with three key findings, 1) though stops are reduced, traffic stops remain concentrated to three neighborhoods, 2) disparate stops and elevated police responses to racial minorities continue to be reflected in the data, 3) though the nature moving violations have increased, the drivers targeted for moving violations continues to disparately impact racial minorities – particularly Black drivers.²⁹² The Task force suggested a number of steps for the city to take to continue its goals of public safety and reducing racial and identity policing. The Report suggested 1) increasing investments in infrastructure, 2) further limitation law enforcements use of pretextual stops, 3) alternatives to fines and fees, 4) identify obstacles that “limit officer accountability and reduce the ability of the Chief of Police to discipline officers for misconduct (e.g., excessive use of force, racial profiling, and other violations); and identify strategies to overcome these obstacles, 5) create non-law enforcement response to “unarmed civilians, who are focused exclusively on road safety, to enforce safety-related traffic violations (e.g., speeding). Create care-based teams responsible for responding to traffic- related calls for service.”

4. Additional Changes 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)²⁹³

In response to several high-profile incidents of racial bias in its police force, the mayor of San Francisco and its former police chief requested analysis by the US Department of Justice to assess community concerns regarding racial disparities in its policing.²⁹⁴ The result was a 68-page report which addressed five objectives, made 94 findings and 272 recommendations.²⁹⁵ The report recommended robust data

²⁹⁰ 2024 RIPA Board Annual Report, pg. 57 <<https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>>,[as of May 1, 2025]<<https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>> [as of May 1, 2025]<<https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>>2024 RIPA report,[as of May 1, 2025] pg. 57.

²⁹¹ 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>

²⁹² LA DOT report: Traffic Enforcement Alternatives Project Report (Nov. 2023)

²⁹³ San Francisco Police Dep't, *General Order*, Policy No. 9.07.04(A) (2023). < [Policy link](#)> [As of June 27, 2025]

²⁹⁴ Collaborative Reform Initiative, *An Assessment of the San Francisco Police Department*, (Oct. 2016) US DOJ <<https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-w0818-pub.pdf>> [As of May 1, 2025]

²⁹⁵ Collaborative Reform Initiative, *An Assessment of the San Francisco Police Department*, (Oct. 2016) US DOJ <<https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-w0818-pub.pdf>> [As of May 1, 2025]

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DRAFT RIPA REPORT 2026

collection and analysis, community focused engagement on policing and feedback and a change to policies which show disparate impact on police practices.

The Department followed recommendations for a data driven approach by further engaging in data analysts to determine how the city can reduce racial disparities in police contacts.²⁹⁶ The 2023 report analyzed 60,000 stops in San Francisco and further confirmed Black and Latinx drivers were disproportionately stopped by law enforcement, specifically finding pre-text stops “drive much of the racial disparity in traffic enforcement.”²⁹⁷ 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.²⁹⁸

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, break lights, and rear-view mirror obstruction.²⁹⁹ The purpose listed in the restriction cited the fact that “Pretext 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” to the community of prior pretextual stops. Litigation with the Police Officer’s Association delayed the implementation of policy 9.07 until its passage in 2024.³⁰⁰

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.³⁰¹ 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.³⁰² Conversely, officers are instructed to minimize or deemphasize other forms of traffic related stops that did not have statistically significant correlations to crashes and fatalities.³⁰³

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

²⁹⁶ Denney, Jacob, *Putting an End to Biased Traffic Stops in San Francisco* (Feb. 2023) Spur < <https://www.spur.org/news/2023-02-21/putting-end-biased-traffic-stops-san-francisco> > [as of May 1, 2025].

²⁹⁷ Denney, Jacob, *Putting an End to Biased Traffic Stops in San Francisco* (Feb. 2023) Spur < <https://www.spur.org/news/2023-02-21/putting-end-biased-traffic-stops-san-francisco> > [as of May 1, 2025].

²⁹⁸ Denney, Jacob, *Putting an End to Biased Traffic Stops in San Francisco* (Feb. 2023) Spur < <https://www.spur.org/news/2023-02-21/putting-end-biased-traffic-stops-san-francisco> > [as of May 1, 2025].

²⁹⁹ San Francisco Police Dep’t, *General Order*, Policy No. 9.07.04(A) (2023). < [Policy link](#) > [As of June 27, 2025]

³⁰⁰ Balakrishnan, Eleni, *SF Police Commission Restricts Pretext Stops Over Union Objections* (Feb. 2024) Mission Local < <https://missionlocal.org/2024/02/sf-police-commission-restricts-pretext-stops-union-objections/> >

³⁰¹ 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 Mar. 25, 2025].

³⁰² 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 Mar. 25, 2025].

³⁰³ 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 Mar. 25, 2025].

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DRAFT RIPA REPORT 2026

stops to be considered low priority.³⁰⁴ As such, law enforcement was directed to focus resources away from these low-level stops.

C. Eliminating Pretextual Stops Will Reduce the Number of Dangerous High-Speed Chases

This section, currently under development, will provide an analysis of the 2024 RIPA data examining whether, and how many, pretextual stops contribute to chases, by analyzing data with respect to charges for evading under Vehicle Code Section 2800 et sec. Below illustrates the current discussion on the public safety impact of high-speed chases.

Unsurprisingly, high-speed vehicle pursuits carry a significant risk of severe injury and death for officers, passengers, drivers, and bystanders.³⁰⁵ Although a high-speed chase may conjure up images of law enforcement officers risking life and limb to capture hardened, career criminals fleeing the scene of a deadly crime, researchers since the 1980s have found that, in reality, most high-speed pursuits stem from traffic violations, not serious felony offenses.³⁰⁶

Because of this reality—that high-speed pursuits are highly dangerous, and that most high-speed pursuits begin as low-level traffic offenses—researchers recommend implementing pursuit policies to limit police-initiated pursuits to reduce the likelihood of accidents and injuries, and potentially lower rates of excessive force by curbing highly tense encounters with the public.³⁰⁷

Policing experts suggest that given how often officers stop individuals for minor infractions, limiting pretextual stops could help reduce chases and the resulting deaths and injuries.³⁰⁸ A 2023 report by the United States Department of Justice and the Police Executive Research Forum assessed 48 law enforcement agencies' policies and data from police-involved crashes and collisions, and the report issued 65 separate recommendations for law enforcement agencies to further protect public safety from deadly high-speed chases.³⁰⁹ Many recommendations focused on reducing the situations where high speed chases were considered necessary or warranted, and one recommendation focused on authorizing pursuits only for a suspect wanted for a violent crime.

The USDOJ report referenced data from agencies like the California Highway Patrol and the Harris County Sheriff's Office to conclude that if an officer is engaged in a pursuit, there is a much higher chance that the suspect is fleeing because of a minor offense than a serious crime.³¹⁰ The California Highway Patrol's report on 2020 police pursuits found that the most common charges upon apprehension were related to stolen vehicles, driving under the influence, resisting arrest, and driving with a suspended or no license.³¹¹ The most serious charge upon apprehension, attempted murder, constituted less than 1

³⁰⁴ West Hollywood City Council, Res. No. 22-5516 (2022). <

https://weho.granicus.com/MetaViewer.php?view_id=22&clip_id=3779&meta_id=230717> [As of June 27, 2025].

³⁰⁵ Alpert, Geoffrey P., and Anderson, Patrick R., *The Most Deadly Force: Police Pursuits* (1986) 3 Justice Q. 1, at p. 10.

³⁰⁶ Alpert, Geoffrey P., and Anderson, Patrick R., *The Most Deadly Force: Police Pursuits* (1986) 3 Justice Q. 1, at p. 10.

³⁰⁷ Alpert, Geoffrey P., and Dunham, R. G., *Policing Hot Pursuits: The Discovery of Aleatory Elements* (1989) 80 J. Crim. L. & Criminology, at pp. 521-539.

³⁰⁸ Neilson, Susie & Gollan, Jennifer, "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].

³⁰⁹ 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) <[Vehicular Pursuits: A Guide for Law Enforcement Executives on Managing the Associated Risks](#)> [as of Mar. 28, 2025].

³¹⁰ *Id.* at 16.

³¹¹ California Highway Patrol, Report to the Legislature – 2020 Police Pursuits (2021). <[SB 719 Police Pursuit Report 2020](#)> [as of June 19, 2025].

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DRAFT RIPA REPORT 2026

percent of all apprehensions and less than 0.5 percent of pursuits. Furthermore, voluntary and limited data collected by the International Association of Chiefs of Police, representing 116 law enforcement agencies and 4,865 pursuits from 2016 to 2018, showed that 66 percent of reported pursuits began with a traffic violation while only 6 percent were for a violent felony.³¹² This data reveals that the majority of high-speed chases are not driven by the urgent need to apprehend violent criminals, but rather involve individuals suspected of minor infractions – ones that are more likely to be pretextual in nature.

Because of the significant racial, ethnic, and identity disparities in police stops, including pretextual stops and other minor traffic violations, policies limiting pursuits can serve to both reduce the significant dangers inherent in those pursuits and improve public safety for communities of color specifically. Traffic stops can act as the initial encounter that escalates into violent and deadly confrontations between police and civilians.³¹³ Many fatal encounters involving young men of color begin with minor infractions, often a pretextual stop, and involve the driver or passenger fleeing.³¹⁴ Black people died at four times the rate of white people in police chases during 2017 to 2022, and a San Francisco Chronicle investigation found that Black people made up more than one in four bystanders killed as a result of police pursuits. In light of the more than 1000 civilian deaths annually that disproportionately affect men of color, flight may reflect a natural, instinctive response to being pulled over by police.³¹⁵ Furthermore, false assumptions about the dangers of traffic stops can contribute to situations where implicit racial biases and anxieties can escalate encounters, increasing the likelihood of violence.³¹⁶

Researchers have shown how police officers' implicit biases can influence their interactions with civilians: for example, when officers believe that an individual sees them as racist, they are more likely to assume that the individual will neither respect their authority nor recognize their legitimacy.³¹⁷ This perception, in turn, heightens the likelihood that officers will feel unsafe and view the individual as dangerous.³¹⁸ Any sign of resistance is more likely to be perceived as threatening.

The Policing Project at New York University School of Law found that Roanoke County Police Department's decision to restrict police pursuit policies led to shorter, safer, and less costly pursuits.³¹⁹ Before 2013, the Roanoke County Police Department allowed individual officers to exercise their own discretion for pursuit decisions.³²⁰ In December 2013, the County adopted a restrictive pursuit decision-making matrix that limited the conditions under which an officer may initiate a pursuit, including prohibiting pursuing a fleeing person who committed only a low-level offense. In Roanoke County, the average duration of vehicle pursuits decreased from 5.2 to 2.9 minutes after the implementation of the more restrictive policies.³²¹ Longer pursuits are generally more dangerous because the longer a pursuit

³¹² International Association of Chiefs of Police Law Enforcement Policy Center, *Vehicular Pursuits* (2019). < [Vehicular Pursuits - 2019.pdf](#) > [as of June 19, 2025].

³¹³ Rushin, Stephen & Edwards, Griffin S., *An Empirical Assessment of Pretextual Stops and Racial Profiling* (2021). 73 Stan. L. Rev. 637, at p. 700.

³¹⁴ Blum, Katie & Paperno, Jill, *Stop the Stops: The Disparate Use and Impact of Police Pretext Stops on Individuals and Communities of Color* (2023) Empire Justice Center Police Reform Project, at p. 41.

³¹⁵ See *id.*

³¹⁶ Woods, Jordan Blair, *Policing, Danger Narratives, and Routine Traffic Stops* (2019) 117 Mich. L. Rev. 635, at p. 701.

³¹⁷ Richardson, L. Song, *Implicit Racial Bias and Racial Anxiety: Implications for Stops and Frisks*, 15 Ohio St. J. Crim L. (2017) 2235, at p. 2249.

³¹⁸ Richardson, L. Song, *Implicit Racial Bias and Racial Anxiety: Implications for Stops and Frisks*, 15 Ohio St. J. Crim L. (2017) 2235, at p. 2249.

³¹⁹ Policing Project at New York University School of Law, *Measuring the Costs and Benefits Associated with Vehicle Pursuit Policies in Roanoke City and Roanoke County, VA* (2021), at p. 20.

³²⁰ See *id.* at p. 2.

³²¹ See *id.* at p. 12.

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goes on, the greater risk of injury it poses to passengers and pedestrians.³²² The decrease in pursuit duration seems to be largely due to officers ending pursuits more quickly under more restrictive policies. Furthermore, using data such as accident records in Roanoke County, the Policing Project estimated the external costs of an officer's decision to pursue a fleeing individual by considering the probabilistic fatality risk for drivers, passengers, and officers, as well as the probabilistic risk of a fatal pedestrian accident. After the restrictive policies were implemented, the number of total pursuits decreased by more than half; accordingly, the average expected risks to passengers, pedestrians, and officers also fell. Total expected costs were reduced from \$22,087 to \$4,597.³²³ Finally, regarding the reasons for vehicle stops that preceded pursuits, limiting officer discretion with stricter pursuit policies decreased the frequency of officers initiating stops for moving violations.³²⁴

Recently, the state of Washington has identified the safety risks that police chases create and as a result has implemented legislation limiting police pursuits unless certain exigent circumstances support engaging in a chase.³²⁵ Preliminary data showed that vehicular deaths from police pursuits in Washington declined by more than 80 percent in the year after the 2021 Washington law was enacted.³²⁶ A Seattle Times op-ed written by John Urquhart, former Sheriff's Deputy at the King County Sheriff's Department, argued in favor of the changes and need for the restrictions to continue.³²⁷ In explaining his decision to revise departmental policy to prohibit pursuits for property crimes and other low-level offenses, Urquhart wrote, "There are many other ways to identify and bring the law breakers to justice, and high-speed chases are usually not the right tactic."³²⁸

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

In this section, the Board examines how practices which concentrate law enforcement presence in marginalized communities—a practice known as “oversaturation”—impact those communities and reduce public safety.

Because law enforcement is disproportionately concentrated in particular communities, where an individual lives, where they spend their time, and what they look like will largely determine how often they will encounter law enforcement in their everyday lives. In certain areas, community members may experience that law enforcement is “everywhere when surveilling people’s everyday activity.”³²⁹

In one study, community members reported their perceptions of police to be “extremely attentive to small infractions,” “hound[ing] people for minor quibbles,” and “overly aggressive” for “minor infractions and seemingly innocuous inquiries.”³³⁰ What these community members are perceiving is a practice known as “broken-windows policing” in action.³³¹ The practice is based on the theory that “the smallest

³²² See *id.*

³²³ See *id.* at p. 17.

³²⁴ See *id.* at p. 11.

³²⁵ Wash. Code § 10.116.060 (2024).

³²⁶ University of Washington Department of Sociology, “Data Shows Fewer Deaths After Restrictions on Police Pursuits.” (2022). <[Data shows fewer deaths after restrictions on police pursuits | Department of Sociology | University of Washington](#)> [as of June 19, 2025].

³²⁷ Urquhart, John. *Police-chase law is saving lives — it would be a mistake to roll it back.* (2022) Seattle Times. <[Police-chase law is saving lives — it would be a mistake to roll it back | The Seattle Times](#)> [as of Mar. 25, 2025].

³²⁸ *Ibid.*

³²⁹ Prowse, et al. (2019). *The State from Below: Distorted responsiveness in policed communities.* Urban Affairs Review at p.1. <[the-state-from-below.pdf](#)> [As of June 4, 2025]

³³⁰ *Id.* at p.13-14.

³³¹ See Soss and Weaver. (2017). *Police Are Our Government: Politics, political science, and the policing of race-class subjugated communities.* Annu. Rev. Polit. Sci. <<https://tinyurl.com/yd2xx3wr>> [as of XX, 2025].

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DRAFT RIPA REPORT 2026

degradations of public order (metaphorically, ‘broken windows’) would encourage social disarray and violence . . . as community members would perceive disorder as a sign that the law could be flagrantly abused.”³³² Law enforcement policies built around “broken windows policing” encourage officers to crack down against minor, even seemingly innocuous infractions.³³³

In rooting out danger, law enforcement officers “act on implicit stereotypes of who looks suspicious.”³³⁴ Because of individual unconscious bias and systemic racism, this often results in members of marginalized communities being subject to investigatory stops by law enforcement at a disproportionately high rate. The 2023 RIPA stop data, which included over 4.7 million stops by 539 law enforcement agencies in California, found that individuals perceived to be Native American were twice as likely to be searched as individuals perceived to be White and individuals perceived to be Black were nearly twice as likely to be searched as individuals perceived to be White.³³⁵ People perceived to be Black or Native American were more likely than individuals perceived to be White or Asian to experience intrusive actions, such as handcuffing, being detained curbside, or being ordered to exit a vehicle.³³⁶ Officers reported handcuffing Native American individuals at the highest rate.³³⁷ They reported detaining Black individuals curbside or in a patrol car or ordering them to exit a vehicle during stops at the highest rate compared to other racial/ethnic groups.³³⁸

Despite the fact that Native American, Black, Hispanic/Latine(x) individuals are searched more frequently than White individuals, the data do not show officers discover more evidence of criminal conduct when stopping them.³³⁹ Searches of individuals perceived to be of any racialized group were less likely to yield contraband and evidence than searches of White individuals.³⁴⁰ Similarly, individuals perceived to be Native American, Black, Multiracial, Hispanic/Latine(x), or Pacific Islander are overrepresented in stops that ultimately do not lead to enforcement actions.³⁴¹ Additionally, one study of three cities in Los Angeles County—Glendale, South Pasadena, and Pasadena— found that the sheer number of stopped individuals perceived to be Black or Hispanic/Latine(x) means they are arrested more frequently than their White counterparts; the ratio of individuals arrested to residents in those three cities is more than four times higher for Black individuals than White individuals, and twice as high for Hispanic/Latine(x) individuals.³⁴²

³³² Soss and Weaver. (2017). *Police Are Our Government: Politics, political science, and the policing of race-class subjugated communities*. Annu. Rev. Polit. Sci. <<https://tinyurl.com/yd2xx3wr>> [as of XX, 2025].

³³³ Soss and Weaver. (2017). *Police Are Our Government: Politics, political science, and the policing of race-class subjugated communities*. Annu. Rev. Polit. Sci. <<https://tinyurl.com/yd2xx3wr>> [as of XX, 2025].

³³⁴ Epp, et al., *Pulled Over: How Police Stops Define Race and Citizenship*, 2014) at p.xv.

³³⁵ Racial and Identity Profiling Advisory Board. (2025). *2025 Annual Report*. p. 28 <<https://oag.ca.gov/system/files/media/ripa-board-report-2025.pdf>> [as of XX, 2025].

³³⁶ Racial and Identity Profiling Advisory Board. (2025). *2025 Annual Report*. p. 28 <<https://oag.ca.gov/system/files/media/ripa-board-report-2025.pdf>> [as of XX, 2025].

³³⁷ Racial and Identity Profiling Advisory Board. (2025). *2025 Annual Report*. p. 28 <<https://oag.ca.gov/system/files/media/ripa-board-report-2025.pdf>> [as of XX, 2025].

³³⁸ Racial and Identity Profiling Advisory Board. (2025). *2025 Annual Report*. p. 28 <<https://oag.ca.gov/system/files/media/ripa-board-report-2025.pdf>> [as of XX, 2025].

³³⁹ Racial and Identity Profiling Advisory Board. (2025). *2025 Annual Report*. p. 28 <<https://oag.ca.gov/system/files/media/ripa-board-report-2025.pdf>> [as of XX, 2025].

³⁴⁰ Racial and Identity Profiling Advisory Board. (2025). *2025 Annual Report*. p. 28 <<https://oag.ca.gov/system/files/media/ripa-board-report-2025.pdf>> [as of XX, 2025].

³⁴¹ Racial and Identity Profiling Advisory Board. (2025). *2025 Annual Report*. p. 32 <<https://oag.ca.gov/system/files/media/ripa-board-report-2025.pdf>> [as of XX, 2025].

³⁴² Harris and Rodnyansky. An Analysis of Suburban Policing Activity in Glendale, Pasadena, and South Pasadena (Feb. 2024) at p. 7 <<https://tinyurl.com/3zsxpbx5>> [as of XX, 2025].

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The extent to which police attention is focused on marginalized populations independent of crime is well established.³⁴³ “Carceral contact is not randomly distributed, but is both spatially and racially concentrated.”³⁴⁴ “This facet of the ‘distribution’ of policing is most commonly identified in relation to race and ethnicity.”³⁴⁵ “[I]ncarceration and police surveillance are largely concentrated in certain cities, particular communities within those cities, and even specific neighborhoods.”³⁴⁶ In these police-saturated neighborhoods, these interactions hurt the individuals. “[D]ay-to-day experiences of policing foster conceptions of identity and practices of social valuation.”³⁴⁷ Individuals in these communities 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.³⁴⁸ Further, “police–citizen encounters routinely feature derogatory remarks and bodily contact, and citizens forced to do humiliating things.”³⁴⁹ Even without contact, the presence of oversaturation policing can do damage; policing in general has been found to create “potent images of the state ‘assigning worth’” to individuals and communities being policed, and 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.”³⁵⁰

Despite all of this, marginalized communities increasingly rely on law enforcement police when they encounter actual threats. South Los Angeles, for example, saw a steady increase in 911 emergency calls between 2011 to 2018.³⁵¹ However, calls for service do not always translate into responsiveness nor public trust. Interviewed about their interactions with the police, citizens “wondered aloud why police seemed to be there at a moment’s notice to check them for insignificant, technically unlawful things, but withdrawn and reluctant to protect them when actual threats to their person arose.”³⁵² 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.”³⁵³

Oversaturation policing and distorted responsiveness sews mistrusts and suffocates an individual’s financial, political, and social power. Researchers have concluded that, “[l]ike welfare and social security, criminal justice policies structure individual choices by altering the availability of time and money. However, unlike redistributive policies that provide resources and promote participation, punitive encounters are likely to depress political action by limiting and diminishing resources. For many, a

³⁴³ Kyprianides and Bradford (2024). *Intersections between Policing and Mental Health at the Neighborhood Level: Evidence from England*. International J. of Police Science & Management <<https://tinyurl.com/3j26numh>> [as of XX, 2025].

³⁴⁴ Weaver and Lerman. (2010) *Political Consequences of the Carceral State*. Am. Pol. Science Review <<https://tinyurl.com/55e9epbs>> [as of XX, 2025].

³⁴⁵ Kyprianides and Bradford (2024). *Intersections between Policing and Mental Health at the Neighborhood Level: Evidence from England*. International J. of Police Science & Management <<https://tinyurl.com/3j26numh>> [as of XX, 2025].

³⁴⁶ Weaver and Lerman. (2010) *Political Consequences of the Carceral State*. Am. Pol. Science Review <<https://tinyurl.com/55e9epbs>> [as of XX, 2025].

³⁴⁷ *Ibid.*

³⁴⁸ *Ibid.*

³⁴⁹ Weaver and Lerman, *supra* n.1 at p. 3.

³⁵⁰ Soss and Weaver, *supra* n. 4.

³⁵¹ Miller, Jenesse, *Study: L.A. communities of color rely on police yet are stopped and arrested at higher rates* (Oct. 7, 2020) <<https://today.usc.edu/study-l-a-communities-of-color-rely-on-police-yet-are-stopped-and-arrested-at-higher-rates/#:~:text=Black%20Angelenos%20were%20stopped%20and,over%20the%20seven%2Dyear%20period.>>

³⁵² *Id.* at p.14.

³⁵³ *Id.* at p.20.

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criminal record results in considerable financial penalties and limited job prospects, diminishing the material resources available for participation in politics.”³⁵⁴ Citizens who have adversarial interactions with law enforcement become less likely to seek out government of any kind—including through engagement in the political process.³⁵⁵

A. The Oversaturation/concentration of Policing in Historically Marginalized Communities Reinforces Systemic Inequalities in Justice, Safety, and Community Well-Being

[Content under development]

1. Additional Sources That May Be Included in This Section

- **National Academies of Sciences, Engineering, and Medicine. (2018). *Proactive Policing: Effects on Crime and Communities*. Washington, DC: The National Academies Press. <<https://doi.org/10.17226/24928>> [As of June 20, 2025].**
- **Sullivan and O’Keefe. (2017). *Evidence that curtailing proactive policing can reduce major crime*. *Nature Human Behavior*. <[10.1038/s41562-017-0211-5](https://doi.org/10.1038/s41562-017-0211-5)> [As of June 12, 2025].**
Analyzing several years of data obtained from the New York Police Department, researchers found that civilian complaints of major crimes (such as burglary, felony assault, and grand larceny) decreased during and shortly after sharp reductions in proactive policing. “In the midst of a political fight ... the NYPD held a work ‘slowdown’ for approximately seven weeks in late 2014 and early 2015.” During this time, “[o]fficers were ordered to respond to calls only in pairs, leave their squad cars only if they felt compelled, and perform only the most necessary duties.” “[C]rime complaints decreased, rather than increased, during a slowdown in proactive policing, contrary to deterrence theory.” “During the first four weeks of the slowdown, rates of major crime complaints were nearly 20% lower as compared with the same period the following year.” Each week during the 2014–2015 slowdown, researchers estimated that “43 fewer felony assaults, 40 fewer burglaries and 40 fewer acts of grand larceny were reported.” The researchers estimate that the slowdown resulted in “roughly 2,100 fewer major crime complaints.” “The researchers’ findings “refute arguments that the decline in major crime complaints could have been affected by other factors emerging prior to the slowdown.”

The researchers also tested “whether the slowdown’s effect on crime complaints extended past its publicly announced end.” These analyses show reductions in major crime complaints occurred even fourteen weeks after sharp declines in proactive policing. “While the study cannot address a principle concern of the law enforcement community—that reductions in proactive policing could increase criminality years later—it demonstrates substantial short-term reductions in crime that should prompt reflection on the mechanisms linking proactive policing to deterrence.” Analyses indicate that as NYPD tactics returned to normal, the city’s crime rate eventually reverted to the pre-slowdown baseline. “In their efforts to increase civilian compliance, certain policing tactics may inadvertently contribute to serious criminal activity.” The “results imply not only that these tactics fail at their stated objective of reducing major legal violations, but also that the initial deployment of proactive policing can inspire additional crimes that later provide justification for further increasing police stops, summonses and so on. The vicious feedback between proactive policing and major crime can exacerbate political and economic inequality across communities. In the absence of reliable evidence of the effectiveness of proactive policing, it is time to consider how proactive policing reform might reduce crime and increase well-being in the most heavily policed communities.”

³⁵⁴ *Ibid.*

³⁵⁵ See *ibid.*

“In the last few decades, proactive policing has become a centerpiece of ‘new policing’ strategies across the globe. The logic, commonly associated with the broader theory of order maintenance policing (OMP; also known as broken windows), is that rather than wait for citizens to report criminal conduct, law enforcement should proactively patrol communities, maintaining order through systematic and aggressive low-level policing.” “CompStat (short for computer statistics) was introduced in New York as part of a series of reforms to target proactive policing at ‘hotspots’ in which crime was most concentrated.”

B. Deployment of Alternative Enforcement Technologies in Oversaturation Policing

Law enforcement agencies use a wide range of technologies in their daily work. Alternative enforcement technologies have been presented as a means to reduce racial disparities in stops and the harms that flow from stops by reducing the frequency of officer-effectuated stops. 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. Critics, on the other hand, raise concerns about the privacy rights of individuals subject to surveillance and the potential for these technologies to exacerbate existing problems of bias in policing. They also raise questions about the cost of the technologies, their ties to the private companies that distribute them, and their true efficacy at achieving their stated goals. The Board will examine the role of racial and identity profiling in the deployment of alternative enforcement technologies and how these technologies may contribute to oversaturation policing.

1. Alternative Enforcement Technologies

| Technology | What is it? | Usage/Examples |
|---|--|---|
| Automated License Plate Readers (ALPRs) | An Automated License Plate Reader (ALPR) system collects and stores license plate images of vehicles passing in its view and corresponding data and enables law enforcement to track a vehicle’s movements over time. ALPR is both a real-time tool and an archive of historical images. | The majority of California law enforcement agencies collect and use images captured by automated license plate readers. As of 2019, the State Auditor found that 230 police and sheriff agencies in California used ALPR systems and an additional 36 agencies had plans to begin using one. ³⁵⁶ |
| Body-Worn Camera (BWC) | A body-worn camera is an audio and/or video recording device that an officer can clip onto their uniform or wear as a headset. ³⁵⁷ | As of 2025, EFF’s Atlas of Surveillance has documented 292 Californian law enforcement agencies using body-worn cameras. ³⁵⁸ |

³⁵⁶ California State Auditor, *Automated License Plate Readers: To Better Protect Individuals’ Privacy, Law Enforcement Must Increase Its Safeguards for the Data It Collects* (Feb 2020) p.7. <https://information.auditor.ca.gov/pdfs/reports/2019-118.pdf>

³⁵⁷ Body-Worn Cameras. Electronic Frontier Foundation. (2023). Street Level Surveillance: Body-Worn Cameras. <<https://sls.eff.org/technologies/body-worn-cameras>> [as of June 19, 2025].

³⁵⁸ Electronic Frontier Foundation and Reynolds School of Journalism. Atlas of Surveillance (filtered for California and Body-worn Cameras) <<https://atlasofsurveillance.org/search?location=California&technologies%5Bbody-worn-cameras%5D=on&sort=>>> [as of June 19, 2025].

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DRAFT RIPA REPORT 2026

| | | |
|---|---|---|
| Camera Registry | A camera registry consolidates private security camera footage voluntarily shared with local law enforcement. ³⁵⁹ | At least 85 local law enforcement agencies across California maintain a camera registry. ³⁶⁰ |
| Cell Site Simulators (CSS) (including “stringrays” and “IMSI-catchers”) | Cell site simulators mimic a cell phone tower to gather information from mobile phone use. Various types of CSS collect device identifiers, like IMSI (International Mobile Subscriber Identity), for tracking purposes; metadata that can reveal the recipient and duration of calls made on the device; the content of calls and SMS messages; and data usage, including websites visited. ³⁶¹ | EFF’s Atlas of Surveillance has found that major law enforcement agencies in California use CSS, including San Francisco, Los Angeles, and San Diego. ³⁶² Notably, the San Bernardino County Sheriff’s Office used their cell-site simulator over 300 times in a little over a year. ³⁶³ |
| Community Surveillance Apps | Community surveillance apps give their users a platform to communicate about crime and safety in their neighborhoods through crowdsourced information and/or police activity, like 911 calls. ³⁶⁴ | Ring, Inc, an Amazon subsidiary, has created an app called “Neighbors” where users can share videos and incident reports. ³⁶⁵ According to Ring, as of 2019, 405 agencies across the U.S. were using an extension of the app that allows law enforcement to engage directly with communities. ³⁶⁶ |
| Drones (Unmanned Aerial Vehicles, or UAV) | Drones are remotely controlled flying devices that law enforcement can use to surveil in | At least 1,578 state and local law enforcement agencies across the country use drones. ³⁶⁸ California is |

³⁵⁹ Electronic Frontier Foundation and Reynolds School of Journalism. Atlas of Surveillance: Glossary - Camera Registry <<https://atlasofsurveillance.org/glossary#camera-registry>> [as of June 19, 2025].

³⁶⁰ Electronic Frontier Foundation and Reynolds School of Journalism. Atlas of Surveillance (filtered for California and Camera Registry) <<https://atlasofsurveillance.org/search?location=California&technologies%5Bcamera-registry%5D=on&sort=>> [as of June 19, 2025].

³⁶¹ Electronic Frontier Foundation. (2023). Street Level Surveillance: Cell-Site Simulators/IMSI Catchers. <<https://sls.eff.org/technologies/cell-site-simulators-imsi-catchers>> [as of June 19, 2025].

³⁶² Electronic Frontier Foundation and Reynolds School of Journalism. Atlas of Surveillance (filtered for California and Cell-site Simulator) <<https://atlasofsurveillance.org/search?location=California&technologies%5Bcell-site-simulator%5D=on&sort=>> [as of June 19, 2025].

³⁶³ Farivar, C., *Why does one California county sheriff have the highest rate of stingray use?* ARSTechnica.com (Oct 24, 2018) <<https://arstechnica.com/tech-policy/2018/10/eff-sues-county-sheriff-claims-agency-wont-give-up-stingray-related-records/>> [as of June 19, 2025].

³⁶⁴ Electronic Frontier Foundation. (2023). Street Level Surveillance: Community Surveillance Apps. <<https://sls.eff.org/technologies/community-surveillance-apps>> [as of June 19, 2025].

³⁶⁵ Electronic Frontier Foundation and Reynolds School of Journalism. Atlas of Surveillance: Glossary - Ring/Neighbors Partnership <<https://atlasofsurveillance.org/glossary#ring-neighbors-partnership>> [as of June 19, 2025].

³⁶⁶ Siminoff, J. (2019). Working Together for Safer Neighborhoods: Introducing the neighbors active law enforcement map. Ring. <<https://blog.ring.com/2019/08/28/working-together-for-safer-neighborhoods-introducing-the-neighbors-active-law-enforcement-map/>> [as of June 19, 2025]

³⁶⁸ Gettinger, D. (2020). Public Safety Drones, 3rd Edition. Center for the Study of the Drone at Bard College, p.1.

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DRAFT RIPA REPORT 2026

| | | |
|-----------------------------------|---|---|
| | contexts in which on-the-ground presence would be difficult or unsafe for officers, such as in large crowds or near a suspected explosive device. ³⁶⁷ | the state with the highest number of public safety agencies that use drones. ³⁶⁹ See, as an example, the Chula Vista Police Department's drone program. ³⁷⁰ |
| Face Recognition Technology (FRT) | Face recognition technology uses algorithms trained on databases of individuals' faces to identify (or verify the identity of) someone by an image of their face. ³⁷¹ Law enforcement uses this technology to generate potential suspects and identify victims in criminal investigations (among other purposes). ³⁷² | In 2021, GAO surveyed 24 federal agencies and found that 18 used FRT in some capacity. ³⁷³ According to the Atlas of Surveillance, almost 900 municipal, county, and state agencies use face recognition. ³⁷⁴ California enacted a moratorium on the use of FRT on body-worn cameras in 2019 but allowed it to expire without replacement in 2023. ³⁷⁵ |
| Gunshot Detection | Gunshot detection technology is a system of sensors which can detect and locate the sound of gun fire and notify law enforcement. ³⁷⁶ | The Atlas of Surveillance has documented 27 law enforcement agencies in California that use gunshot detection. ³⁷⁷ |
| Mobile Device Forensic Tools | Mobile device forensic tools allow law enforcement to extract and copy the entire (or select) contents of a cellphone for analysis. ³⁷⁸ | More than 2,000 local law enforcement agencies across the |

³⁶⁷ Electronic Frontier Foundation. (2023). Street Level Surveillance: Drones and Robots. < <https://sls.eff.org/technologies/drones-and-robots> > [as of June 19, 2025].

³⁶⁹ Gettinger, D. (2020). Public Safety Drones, 3rd Edition. Center for the Study of the Drone at Bard College, p.3.

³⁷⁰ City of Chula Vista. (2025). Drone Program. < <https://www.chulavistaca.gov/departments/police-department/programs/uas-drone-program> > [as of June 19, 2025].

³⁷¹ Electronic Frontier Foundation. (2023). Street Level Surveillance: Face Recognition. < <https://sls.eff.org/technologies/face-recognition> > [as of June 19, 2025].

³⁷² 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].

³⁷³ 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].

³⁷⁴ Electronic Frontier Foundation. (2023). Street Level Surveillance: Face Recognition. < <https://sls.eff.org/technologies/face-recognition> > [as of June 19, 2025].

³⁷⁵ Electronic Frontier Foundation. (2023). Street Level Surveillance: Face Recognition. < <https://sls.eff.org/technologies/face-recognition> > [as of June 19, 2025].

³⁷⁶ Electronic Frontier Foundation. (2023). Street Level Surveillance: Gunshot Detection. < <https://sls.eff.org/technologies/gunshot-detection> > [as of June 19, 2025].

³⁷⁷ Electronic Frontier Foundation and Reynolds School of Journalism. Atlas of Surveillance (filtered for California and Predictive Policing) < <https://atlasofsurveillance.org/search?location=California&technologies%5Bgunshot-detection%5D=on&sort=> > [as of June 19, 2025].

³⁷⁸ Koepke, L. et al. (2020) *Mass Extraction: The widespread power of U.S. law enforcement to search mobile phones*, Upturn Toward Justice in Technology, < <https://www.upturn.org/static/reports/2020/mass-extraction/files/Upturn%20-%20Mass%20Extraction.pdf> > [as of June 19, 2025], p. 6.

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DRAFT RIPA REPORT 2026

| | | |
|---------------------------------|---|--|
| | | country have access to mobile device forensic technology. ³⁷⁹ |
| Predictive Policing | Predictive policing software uses algorithms to predict where crime is likely to occur and direct law enforcement to particular neighborhoods for investigation. ³⁸⁰ | The Atlas of Surveillance has identified 21 law enforcement agencies in California that use or have used predictive policing technology. ³⁸¹ |
| Social Media Monitoring | Law enforcement agencies may track social media posts to gather information related (but not limited) to criminal activity, security threats, and protest activity. ³⁸² To do so, law enforcement agencies may employ software for larger datasets, and on occasion, fake accounts. ³⁸³ | A 2015 survey by the International Association of Chiefs of Police (IACP) found that more than 96 percent of the 553 departments who responded “reported that they used social media in some capacity.” ³⁸⁴ |
| Video Analytics/Computer Vision | Video analytics or “computer vision” software is applied to video feeds to analyze patterns in the movement of people and objects. ³⁸⁵ | The Sacramento Police Department uses Vintra software and the Inglewood Police Department, Beverly Hills Police Department, and L.A. Metro Transit Security use Briefcam video analytics, as examples. ³⁸⁶ |

While each of the above technologies has the potential to exacerbate existing bias or to be deployed in oversaturation policing, critics have raised particular concern around three technologies in this respect: face recognition, gunshot detection, and predictive policing technology.

³⁷⁹ Koepke, L. et al (2020) *Mass Extraction: The widespread power of U.S. law enforcement to search mobile phones*, Upturn Toward Justice in Technology. < <https://www.upturn.org/static/reports/2020/mass-extraction/files/Upturn%20-%20Mass%20Extraction.pdf> > [as of June 19, 2025], p. 32.

³⁸⁰ Electronic Frontier Foundation and Reynolds School of Journalism. Atlas of Surveillance: Glossary – Predictive Policing < <https://atlasofsurveillance.org/glossary#predictive-policing> > [as of June 19, 2025].

³⁸¹ Electronic Frontier Foundation and Reynolds School of Journalism. Atlas of Surveillance (filtered for California and Gunshot Detection) < <https://atlasofsurveillance.org/search?location=California&technologies%5Bpredictive-policing%5D=on&sort=> > [as of June 19, 2025].

³⁸² Electronic Frontier Foundation. (2023). Street Level Surveillance: Social Media Monitoring. < <https://sls.eff.org/technologies/social-media-monitoring> > [as of June 19, 2025].

³⁸³ Electronic Frontier Foundation. (2023). Street Level Surveillance: Social Media Monitoring. < <https://sls.eff.org/technologies/social-media-monitoring> > [as of June 19, 2025].

³⁸⁴ Rachel Levinson-Waldman, *Private Eyes, They're Watching You: Law Enforcement's Monitoring of Social Media*, (2019) 71 Okla. L. Rev. 997, 998, citing 2015 Social Media Survey Results, Int'l Ass'n of Chiefs of Police (2015) <http://www.iacpsocialmedia.org/wp-content/uploads/2017/01/FULL-2015-Social-Media-Survey-Results.compressed.pdf>.

³⁸⁵ Electronic Frontier Foundation and Reynolds School of Journalism. Atlas of Surveillance: Glossary – Video Analytics/Computer Vision < <https://atlasofsurveillance.org/glossary#video-analytics-computer-vision> > [as of June 19, 2025]

³⁸⁶ Electronic Frontier Foundation and Reynolds School of Journalism. Atlas of Surveillance (filtered for California and Video Analytics) < <https://atlasofsurveillance.org/search?location=California&technologies%5Bvideo-analytics%5D=on&sort=> > [as of June 19, 2025].

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2. Face Recognition (FRT)

Face recognition technology uses algorithms to identify someone by an image of their face.³⁸⁷ Critics have raised concerns about the use of Face Recognition Technology (FRT) and bias. Studies have consistently found that FRT has higher error rates when identifying individuals with darker skin tones.³⁸⁸ 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—while transgender people experience “significant bias” in these algorithms as well.³⁸⁹ There are likely multiple factors that 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.³⁹⁰ As a result, FRT reflects systemic biases against people of color, women, and transgender individuals, contributing to their over-policing. In 2019, citing concerns that FRT would “exacerbate racial injustice and threaten our ability to live free of continuous government monitoring,” San Francisco became the first city to ban the use of FRT by police and other agencies.³⁹¹

Some also object to collaboration between local law enforcement and federal agencies in the use of face recognition technologies. For instance, the Government Accountability Office found in 2021 that the Department of Homeland Security “had access to at least 24 state, local, and commercial FRT systems for domestic law enforcement, for border and transportation security, and for national security and defense purposes.”³⁹² Federal law enforcement access to local agencies’ face recognition systems could expose communities at increased risk of false positive results to heightened surveillance at the national level.

3. Gunshot Detection

Gunshot detection technology uses auditory sensors to identify and alert law enforcement to the 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.³⁹³ In

³⁸⁷ Electronic Frontier Foundation. (2023). Street Level Surveillance: Face Recognition. < <https://sls.eff.org/technologies/face-recognition> > [as of June 19, 2025].

³⁸⁸ 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.

³⁸⁹ 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.

³⁹⁰ Ball, *Facial Recognition in the Eyes of the Law* (2023) B.C. Intell. Prop. & Tech. F., 1 at p. 10-11.

³⁹¹ Conger et al, *San Francisco Bans Facial Recognition Technology*, The New York Times (2019) <https://www.nytimes.com/2019/05/14/us/facial-recognition-ban-san-francisco.html>; Admin. Code - Acquisition of Surveillance Technology, no. 0107-19, Section 1(d), <https://sfbos.org/sites/default/files/o0107-19.pdf>

³⁹² 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].

³⁹³ 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, N. (2024). How Chicago Organizers Managed to Rid the City of Shotspotter. Prism. < <https://prismreports.org/2024/12/02/how-chicago-organizers-rid-the-city-of->

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.”³⁹⁴ 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 deployment of excessive force in highly surveilled neighborhoods.

As explained by anti-gunshot detection technology activist Freddy Martinez, “[p]olice respond assuming that someone is armed [which] leads to really confrontational types of policing.”³⁹⁵

Finally, though this technology might facilitate the rapid transport of gunshot victims to emergency care,³⁹⁶ research has not shown that its use is “associated with longer-term reductions in crime.”³⁹⁷ 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.³⁹⁸ 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 2023.³⁹⁹ Besides compounding problems of hyper surveillance of marginalized communities, false positive rates can divert a police response from an actual emergency, which Hofer says might be a contributing factor in Oakland’s poor 911 response times.⁴⁰⁰

4. Predictive Policing

Predictive policing software uses algorithms to predict where crime is likely to occur and direct law enforcement to particular neighborhoods for investigation. Advocates 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

shotspotter/#:~:text=The%20effort%20to%20remove%20ShotSpotter,commit%20to%20canceling%20the%20contract > [as of June 19, 2025].

³⁹⁴ Electronic Frontier Foundation. (2023). Street Level Surveillance: Gunshot Detection. <
<https://sls.eff.org/technologies/gunshot-detection> > [as of June 19, 2025].

³⁹⁵ Berlatsky, N. (2024). How Chicago Organizers Managed to Rid the City of Shotspotter. Prism. <
<https://prismreports.org/2024/12/02/how-chicago-organizers-rid-the-city-of-shotspotter/#:~:text=The%20effort%20to%20remove%20ShotSpotter,commit%20to%20canceling%20the%20contract> > [as of June 19, 2025].

³⁹⁶ Henning, et al. (2025). Reporting Gunshots: Prevalence, correlates, and obstacles to calling the Police. Police Practice and Research. 26(1). pp. 42-45. <https://pdxscholar.library.pdx.edu/ccj_fac/122> [as of June 19, 2025].

³⁹⁷ Henning, et al. (2025). Reporting Gunshots: Prevalence, correlates, and obstacles to calling the Police. Police Practice and Research. 26(1). pp. 42-45. <https://pdxscholar.library.pdx.edu/ccj_fac/122> [as of June 19, 2025].

³⁹⁸ Henning, et al. (2025). Reporting Gunshots: Prevalence, correlates, and obstacles to calling the Police. Police Practice and Research. 26(1). pp. 42-45. <https://pdxscholar.library.pdx.edu/ccj_fac/122> [as of June 19, 2025].

³⁹⁹ Berlatsky, N. (2024). How Chicago Organizers Managed to Rid the City of Shotspotter. Prism. <
<https://prismreports.org/2024/12/02/how-chicago-organizers-rid-the-city-of-shotspotter/#:~:text=The%20effort%20to%20remove%20ShotSpotter,commit%20to%20canceling%20the%20contract> > [as of June 19, 2025].

⁴⁰⁰ Berlatsky, N. (2024). How Chicago Organizers Managed to Rid the City of Shotspotter. Prism. <
<https://prismreports.org/2024/12/02/how-chicago-organizers-rid-the-city-of-shotspotter/#:~:text=The%20effort%20to%20remove%20ShotSpotter,commit%20to%20canceling%20the%20contract> > [as of June 19, 2025].

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the algorithm considers the next time that police use it to predict where crime is likely to occur.⁴⁰¹ 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.”⁴⁰² As a result, predictive policing software has the potential to legitimize existing patterns of oversaturation policing. 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 2021.⁴⁰³

C. 2024 RIPA Data Showing Disparities in Particular Perceived Demographics, Including Perceived English Proficiency

This section, currently under development, will provide an analysis of the 2024 RIPA data examining whether police interactions are influenced by the perceived demographics of the individuals they encounter. The analysis will help identify whether any patterns or disparities exist in how individuals are treated by law enforcement based on perceived characteristics. These findings will contribute to a broader understanding of policing practices and may offer data-based policy recommendations to support improvements in law enforcement practices across California's richly diverse communities.

V. POLICY RECOMMENDATIONS

A. Potential Board Recommendations

The State of California should expand on policy restrictions in place in San Francisco, West Hollywood and Los Angeles and adopt a state-wide limitation on pretextual stops similar to the State of Virginia.

“[A]mend the Penal Code to clarify and confirm decriminalization of transit and other public disorder offenses.”⁴⁰⁴

The ways in which marginalized communities have been policed and perceptions of police among these groups should be considered in relation to efforts to integrate public health and policing.⁴⁰⁵

⁴⁰¹ Electronic Frontier Foundation. (2023). Street Level Surveillance: Predictive Policing. <<https://sls.eff.org/technologies/predictive-policing>> [as of June 19, 2025].

⁴⁰² Electronic Frontier Foundation. (2023). Street Level Surveillance: Predictive Policing. <<https://sls.eff.org/technologies/predictive-policing>> [as of June 19, 2025].

⁴⁰³ Li, C. (2024). Artificial Intelligence and Racial Profiling: Emerging challenges for the European Court of Human Rights. <https://www.researchgate.net/profile/Li-Chunhuan/publication/385620385_Artificial_Intelligence_and_Racial_Profiling_-_Emerging_Challenges_for_the_European_Court_of_Human_Rights/links/672cbef2ecbbde716b5f44fe/Artificial-Intelligence-and-Racial-Profiling-Emerging-Challenges-for-the-European-Court-of-Human-Rights.pdf?_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIn9> [as of June 19, 2025].

⁴⁰⁴ Task Force to Study and Develop Reparation Proposals for African Americans. Policies Addressing the *Unjust Legal System*. California Department of Justice. < <https://oag.ca.gov/system/files/media/ch28-ca-reparations.pdf> > [as of April 21, 2025].

⁴⁰⁵ 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. 10.
<https://pmc.ncbi.nlm.nih.gov/articles/PMC9166459/pdf/12954_2022_Article_635.pdf> [as of April 24, 2025].

DRAFT RIPA REPORT 2026

POST TRAINING AND RECRUITMENT

I. INTRODUCTION AND SECTION ROADMAP

RIPA directs the Commission on Peace Officers Standards and Training (POST) to consult with the RIPA Board regarding the development of training for all peace officers that “prescribes evidence-based patterns, practices, and protocols that prevent racial or identity profiling.”⁴⁰⁶ Since RIPA’s enactment, the Board has reviewed seven POST-certified courses and POST’s Guidelines on Racial and Identity Profiling, and has made recommendations to align those courses with the Board’s goal of eliminating racial and identity profiling.

| Name of Course | Course Type/Length | Year of Board Review |
|--|--|-----------------------|
| Basic Academy Learning Domain #3 Principled Policing in the Community | Academy – 26 hrs. | 2022 Report |
| Basic Academy Learning Domain #42 Cultural Diversity and Discrimination | Academy – 16 hrs. * MOT training required to facilitate this course | 2023 Report |
| Principled Policing: Implicit Bias and Procedural Justice | In-Service Officers – 8 hrs. | 2020 Report |
| Bias and Racial Profiling Video | In-Service Officers – 2 hrs. *MOT training required to facilitate this course | 2021 Report |
| Beyond Bias Racial and Identity Profiling Online | Supervisors – 2 hrs. | 2021 and 2022 Reports |
| PSP: Strategic Communications | In-Service Officers – 3 hrs. | 2021 and 2022 Reports |
| MOT – Racial Profiling Train-the-Trainer | In-Service Officers – 24 hrs. | 2023 Report |

⁴⁰⁶ Pen. Code, § 13519.4, subd. (h).

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DRAFT RIPA REPORT 2026

| | | |
|---|-----------------|---|
| Guidelines on Racial and Identity Profiling | Optional Course | 2024 Report |
| Field Training | | 2025 Report and 2026 Report (forthcoming) |

The POST section of this year’s report discusses the Board’s ongoing collaboration with POST, and is broken down into four primary sections:

First, it details POST’s response to prior RIPA recommendations from the 2025 report, as well as POST’s implementation of these recommendations (Section II.). The Board’s recommendations to POST, and POST’s consideration of those recommendations in carrying out its work, is consistent with POST’s statutory requirements to consult with the Board in creating evidence-based curricula to train law enforcement officers on issues relating to racial or identity profiling, including implicit bias.⁴⁰⁷

Second, it provides an overview of the Board’s participation in two POST-sponsored workshops: 1) AB 953 Workshop on Guidelines on Racial and Identity Profiling, and 2) AB 443 Workshop to develop a definition of “biased conduct.” As discussed below, these workshops are important first steps to effective training on the law’s prohibition on racial and identity profiling in police work going forward.

Third, the Board begins its two-year review of POST’s Field Training Program. POST has represented that junior officer bias is currently measured and tested through its Field Training Program. During the first-year review, the Board begins with a discussion of what the Field Training Program entails, the role of the Field Training Officer during field training, and related research on field training and its effectiveness in preventing or reducing racial and identity profiling. The Board plans to develop explicit recommendations for the Field Training Program next year, based on evidence-based research and interventions.

Lastly, the Board provides recommendations to POST and the Legislature related to RIPA’s mandate to eliminate racial and identity profiling.

II. POST RESPONSE TO PRIOR RECOMMENDATIONS

During the POST Commission meeting on March 5, 2025, POST discussed its Response to the 2025 RIPA Report recommendations. The Response was presented during the “Consent Agenda” portion of the meeting for information purposes only, meaning that, although there was a presentation and discussion, no votes were held during the Commission meeting with regards to particular RIPA recommendations.⁴⁰⁸

POST partially supported two recommendations in the 2025 RIPA Report and provided the following response:

- 1. Formally evaluate Learning Domain (LD) 3: Principled Policing in the Community and LD 42: Cultural Diversity/Discrimination in the Regular Basic Course comprehensive module tests.**⁴⁰⁹

⁴⁰⁷ Pen. Code, § 13519.4, subd. (h).

⁴⁰⁸ POST Commission, *March 5, 2025 Agenda*, p. 3 <https://post.ca.gov/Portals/0/post_docs/commissionmeetings/2025/2025-03-5_POST_Commission.pdf> [as of June 30, 2025].

⁴⁰⁹ POST has explained that officer training and guidelines on racial and identity profiling are scattered across various LDs, including LD 42: Cultural Diversity/Discrimination, a 16-hour course, and LD 3: Principled Policing in the Community, a 26-

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POST Response: Partially Support. POST is researching and exploring how comprehensive testing could be included in LD 42. Objectives for LD 3 are tested in LDs 15 (Laws of Arrest), 16 (Search and Seizure) and 25 (Domestic Violence). LD 3 previously included comprehensive tests but was found to be redundant to other areas, and thus removed in July 2018. POST’s opinion is that the topic of bias is currently measured and tested in the Field Training Program.

2. **Develop guidelines to assist LEA’s in developing procedures to conduct adequate investigations into complaints alleging bias and guidelines that assist law enforcement agencies with aligning their policies with Penal Code section 13510.8. The guidelines should also apprise law enforcement agencies how to educate the public ways in which a complaint could be filed. In developing guidelines for investigating complaints about demonstrating bias, POST could consult with the RIPA Board.**

POST Response: Partially Support. POST agrees in large part with this recommendation. The definition of bias conduct will be created by POST pursuant to Assembly Bill (AB) 443, by January 1, 2026. POST notes, however, that the definition of misconduct provided in Penal Code section 13510.8, subdivision (b) and further defined in Commission Regulation section 1205, subdivision (a)(5) is separate from Penal Code section 13610.6 which requires POST to guide LEA’s in determining whether an officer’s actions and motives are the result of implicit or explicit bias. Therefore, POST finds that while the actions and motives of an officer may result from underlying bias, it may not rise to the level of serious misconduct. As of January 2023, POST received 1,500 complaints of serious misconduct, including biased conduct. POST will continue to make presentations to the public and work with subject matter experts on ways to educate the public.

At the May 21, 2025, RIPA POST Subcommittee meeting, POST representatives provided updates on actions taken by POST in response to prior supported RIPA Report recommendations. POST stated it is in the process of adding guidance in their Background Investigations Manual and AB 443 guidance for local law enforcement agencies to conduct social media investigations or inquiries in the hiring of dispatchers.⁴¹⁰ POST also revised its description of racial profiling in the Learning Domain (LD) 42 student workbook and included, “Data and research show that racial profiling is not an effective means of policing.”⁴¹¹

As part of its updates, POST also informed the Board that the Museum of Tolerance (MOT) incorporated the RIPA Board’s recommendations, including adding a discussion of officer accountability in reporting and responding to biased practices observed by fellow officers.⁴¹² POST informed DOJ in June 2025 that MOT is still working on the expanded course and they expect to complete their update by July 1, 2025, and will advise when it is finalized.

III. POST WORKSHOPS

A. POST’s Guidelines on Racial and Identity Profiling (2024 Workshop)

As noted in last year’s report, in August 2023 POST agreed to the Board’s prior recommendation to develop racial and identity profiling guidelines applicable to all POST trainings related to AB 953.⁴¹³

hour course. Neither LD 3 nor LD 42 are formally evaluated in the POST-constructed comprehensive tests at the conclusion of regular basic course training. (2025 RIPA Report, page 122.)

⁴¹⁰ This addresses a 2023 RIPA Report recommendation. See p. XX

⁴¹¹ This addresses a 2023 RIPA Report recommendation. See p. XX. Student workbook available here: <https://post.ca.gov/Download-Student-Workbooks/CAv5POSTACC-Workbooks-3>

⁴¹² This addresses a 2023 and 2024 RIPA Report recommendations. See p. XX

⁴¹³ Cite to 2025 report here.

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DRAFT RIPA REPORT 2026

Such guidelines are required by statute.⁴¹⁴ POST hosted workshops for this purpose in May and October 2024 and Board members attended.

POST's Guidelines on Racial and Identity Profiling are an opportunity to align all law enforcement training to more effectively tackle barriers to eliminating racial and identity profiling by individual officers and law enforcement agencies. During an update to the RIPA Subcommittee on POST on May 21, 2025, a POST representative relayed that POST was still working to revise the guidelines so that they apply to all racial and identity profiling courses.

Despite updated training on racial and identity profiling offered through POST, and trainings offered through officers' own law enforcement agencies, disparities in who is stopped and subjected to intrusive actions during traffic and pedestrian stops persist in California. Across all years of RIPA data collection (2018-2024), RIPA data show that individuals perceived as Black, Hispanic/Latine(x), as having a disability, or as transgender are consistently treated in disparate ways. The training purports to raise cultural awareness, but there is no data demonstrating the effectiveness of the training in reducing disparities in stops and actions taken by officers. These disparities reduce public safety, particularly for individuals of marginalized communities.⁴¹⁵ [FURTHER DEVELOP AND ADD REFERENCES TO OTHER SECTIONS OF 2026 REPORT.]

Researchers recommend repeated anti-bias trainings and a shift in organizational priorities towards fair and impartial policing for sustained changes in officer behavior and field outcomes.⁴¹⁶ Anti-bias interventions should therefore be woven into the culture of police departments.

AB 953 only requires a refresher once every five years.⁴¹⁷ Further, much of the mandated training on racial and identity profiling is concentrated in the basic academy and the POST-certified refresher courses lack standardization—they vary across agencies with differing legal standards, evaluation metrics, and materials on ethical and procedural guidelines.

1. Measuring the Effectiveness of Existing Training

Consistent guidelines have the potential to better address the disparities in who is stopped and subjected to intrusive actions during traffic and pedestrian stops through broader organizational changes across law enforcement agencies in California. Such changes will help address the Board's concerns with the effectiveness of existing training in reducing racial and identity profiling.

The Board shared these concerns with POST on XX. POST's response is that, "Measuring the effectiveness of any [POST] course has proven to be difficult. POST does not collect data and lacks legal authority to collect data on individual peace officer actions and performance unless it is related to serious misconduct."⁴¹⁸

While POST does not employ individual peace officers—and does not set behavioral and performance metrics for employment purposes—it can certainly develop and issue guidance or best practices to encourage law enforcement agencies to measure the effectiveness of courses using various behavioral and performance metrics. For example, POST guidance could encourage law enforcement agencies to: 1) administer pre- and post-course assessments to evaluate individual officers' understanding of relevant

⁴¹⁴ Insert cite

⁴¹⁵ Site to other sections of the 2026 Report

⁴¹⁶ Lai and Lisnek, *The Impact of Implicit Bias-Oriented Diversity Training on Police Officers' Beliefs, Motivations, and Actions* (2023) 34 Psychological Science 1, 12 <<https://osf.io/preprints/psyarxiv/dxfq6>> [as of May 29, 2025]; See also 2025 RIPA Report, pp. 126-129.

⁴¹⁷ Pen. Code, 13519.4 subd. (i); in the 2025 RIPA Report, the Board recommended more frequent, evaluated and evidence-based training on racial and identity profiling, at a minimum of every three years. (See 2025 RIPA Report, p. 136.)

⁴¹⁸ POST Report on Recommendations Made by the RIPA Board 2025, pg. 4

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laws, implicit bias, and procedural justice before and after a course;⁴¹⁹ 2) administer attitude surveys to measure changes in attitudes toward race, identity, profiling, and bias;⁴²⁰ 3) in trainings have junior officers respond to hypothetical policing scenarios that reveal bias awareness or decision-making;⁴²¹ 4) in trainings engage in body camera footage analysis by reviewing random samples of interactions that showcase respectful language, tone, and de-escalation practices;⁴²² and/or 5) monitor for shifts in the number and nature of citizen complaints related to racial profiling and biased policing.⁴²³

2. Guidance to Support Law Enforcement Agencies

The Board acknowledges that factors beyond the existence of effective training can undermine the utility of courses since training does not operate in isolation. Structural and cultural conditions within law enforcement agencies can deeply undermine or support the effectiveness of training.⁴²⁴ Examples of structural conditions include lack of accountability mechanisms;⁴²⁵ promotion and reward structures;⁴²⁶ inadequate data collection;⁴²⁷ limited community oversight;⁴²⁸ and short-term or one-off training models.⁴²⁹ Examples of cultural conditions include an “us vs. them” mentality and workplace culture;⁴³⁰ resistance to acknowledging systemic racism;⁴³¹ peer pressure and group allegiance;⁴³² leadership tone and example;⁴³³ and the normalization of racialized policing.⁴³⁴ Other relevant factors can also include the agency’s institutional incentives to eradicate racial and identity profiling, and other partners, such as local government, that influence a law enforcement agency’s priorities and culture.⁴³⁵

Still, the Board believes that POST can support law enforcement agencies and provide a framework for supporting effective training and policies aimed at reducing racial profiling. For instance, POST guidance could encourage law enforcement agencies to: 1) engage in rigorous trainer selection and vetting so that facilitators have cultural competency, subject matter expertise, and credibility with junior officers;⁴³⁶ 2) ensure instructors are trained in adult learning theory and capable of facilitating dialogue on race, identity, and trauma-informed approaches;⁴³⁷ 3) evaluate facilitators through anonymous participant feedback and periodic peer observation;⁴³⁸ 4) normalize accountability by establishing clear expectations for behavior aligned with racial and identity profiling trainings and by communicating consequences for violations;⁴³⁹ 5) change narratives by incorporating stories of successful community policing and ethical

⁴¹⁹ Insert cite

⁴²⁰ Insert cite

⁴²¹ Insert cite

⁴²² See Hetey et al., “When the Cruiser Lights Come On:” *Using the Science of Bias & Culture to Combat Racial Disparities in Policing* (2024) 153 Daedalus 123, 125 <https://doi.org/10.1162/daed_a_02052> [as of May 29, 2025].

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DRAFT RIPA REPORT 2026

decision-making into training and communications;⁴⁴⁰ 6) remove incentives for aggressive policing that correlate with profiling and institutionalize protections for whistleblowers;⁴⁴¹ 7) make performance data (e.g. racial and identity disparities in stops) part of performance reviews;⁴⁴² 8) provide mentorship and coaching by pairing junior officers with senior officers who demonstrate equitable policing practices;⁴⁴³ and/or 9) offer periodic racial and identity profiling training refreshers, simulations, or debriefs tied to real cases.⁴⁴⁴

The Board believes that by implementing consistent guidelines and issuing guidance to law enforcement agencies, POST can help police departments create a culture intolerant of racial and identity bias, improve relationships with residents, reduce data disparities, and enhance public safety.

B. POST's Definition of Biased Conduct Under AB 443 (2025 Workshop)

Assembly Bill 443, enacted by the California Legislature in 2023, requires POST to establish a definition of “biased conduct” for purposes of law enforcement officer certification.⁴⁴⁵ The bill requires that POST, as well as state and local law enforcement agencies, use that definition in pre-employment background investigations as well as in any investigation into a bias-related complaint or an incident that involves possible indications of officer bias, and to determine if any racial profiling occurred.⁴⁴⁶ The Legislature directed POST to establish this definition by January 1, 2026.⁴⁴⁷

Government Code §1031 requires a pre-employment background investigation for peace officers and this legal requirement is further defined in Commission Regulation 1953.⁴⁴⁸ As noted by POST in its *Background Investigation Manual: Guidelines for the Investigator*, “Backgrounds are among the most important investigations that a law enforcement agency will ever conduct. The manner in which a background investigation is conducted can make the difference between hiring an individual who will truly protect and serve, versus someone who may cause harm to oneself, the agency, and society.”⁴⁴⁹ Establishing a “biased conduct” definition to use in these pre-employment background investigations that involve bias assessments will therefore play a crucial role in preventing biased conduct and promoting accountability by: 1) identifying prejudicial attitudes and behaviors; 2) promoting a culture of integrity; 3) enhancing decision-making processes such as recruitment and promotions; 4) providing documentation for accountability; 5) supporting training and development; and 6) reducing legal and reputational risks.⁴⁵⁰ Similarly, establishing a “biased conduct” definition to guide internal affairs investigations into biased conduct allegations will play a significant role in promoting accountability within LEAs by: 1) promoting thorough and objective fact-finding; 2) establishing consequences for misconduct; 3) promoting transparency and trust; 4) preventing repeat offenses; 5) informing policy and training improvements; 6) ensuring legal and ethical compliance; and 7) encouraging a culture of accountability.⁴⁵¹

⁴⁴⁰ Insert cite

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⁴⁴⁵ Assem. Bill No. 443 (2023-2024 Res. Sess.) § 1 <<https://tinyurl.com/tjkzatz>> [as of XX, 2025].

⁴⁴⁶ Assem. Bill No. 443 (2023-2024 Res. Sess.) § 1 <<https://tinyurl.com/tjkzatz>> [as of XX, 2025].

⁴⁴⁷ Assem. Bill No. 443 (2023-2024 Res. Sess.) § 1 <<https://tinyurl.com/tjkzatz>> [as of XX, 2025].

⁴⁴⁸ [Background Investigation Manual](#)

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DRAFT RIPA REPORT 2026

In March 2025, POST invited Board members and subject matter experts (SMEs) to attend its “AB 443 Workshop,” designed to assist POST with drafting a definition of “biased conduct” pursuant to its statutory obligations. A number of SMEs invited by POST represented members of the law enforcement community; in contrast, Board members who attended the AB 443 Workshop noted the lack of community representation within the organizations the SMEs represented.⁴⁵² Nevertheless, attending Board members noted that they appreciated the collaborative and consensus-building process they undertook with the other SMEs to develop this important definition pursuant to AB 443. After much discussion and deliberation over a period of two days, the Board members and other SMEs developed the following definition of “biased conduct”:

Any action or inaction by a peace officer, whether on duty or off-duty, that is motivated by bias, whether implicit or explicit, toward a person’s actual or perceived protected class or characteristic(s).

Despite the consensus of this definition reached by the working group, POST elected not to present this definition to the POST Commission for adoption at its meeting on June 4, 2025. Instead, POST provided the Commissioners with two alternate definitions of “biased conduct”: Option A defined “biased conduct” using statutory language only.⁴⁵³ Option B added some, but not all, of the language from the definition above to the statutory definition.⁴⁵⁴

The Commission engaged in some limited discussion on the main differences between the two: as noted by the Commissioners, Option B defined “biased conduct” as potentially resulting from action and inaction and potentially occurring on-duty or off-duty. The discussion included concerns related to the fact that law enforcement does not always have a duty to act and, without context, adding the word “inaction” to the “biased conduct” definition presented in Option B could potentially lead to mislabeling inaction and linking it to bias. While the Commission acknowledged that more context for any additions suggested by SMEs could be provided in future guidelines, and that the concerns related to the inaction language could be addressed with potential additional language that could help mitigate such concerns, ultimately, POST decided to adopt Option A.

While the Board is disappointed to learn that POST did not adopt Option B, it is hopeful that revamped pre-employment background investigations that involve bias assessments will help LEAs demonstrate due diligence in preventing biased conduct and will also improve their decision-making in recruitment. LEAs having an explicit definition to screen for biased conduct will also help reduce potential legal challenges and/or reputational damage resulting from hiring peace officers that then engage in such conduct. Monetary savings can be used to improve community partnerships, and preventing reputational damage can help with building stronger partnerships and community trust.

The Board also hopes consistency and transparency in internal affairs investigations involving allegations of biased conduct will send a strong message that biased conduct will not be tolerated in LEAs. In addition to improving community trust and partnerships, this will encourage officers to report biased conduct without fear of retaliation and contribute to an LEA culture of accountability and ethical behavior. Addressing biased conduct during *internal affairs investigations* could also lead to improved community trust and public safety outcomes [[link to other parts of 2026 report.](#)]

⁴⁵² Only X out of X SMEs represented community-based organizations.

⁴⁵³ Commission on Peace Officer Standards and Training, 6/4/25 Agenda Item Report: Report on Establishing a Definition of “Biased Conduct” Pursuant to Assembly Bill 443 and Penal Code 13510.6 (Approved May 13, 2025), p. 3 <<https://tinyurl.com/mrwbbzth>> [as of XX, 2025].

⁴⁵⁴ Commission on Peace Officer Standards and Training, 6/4/25 Agenda Item Report: Report on Establishing a Definition of “Biased Conduct” Pursuant to Assembly Bill 443 and Penal Code 13510.6 (Approved May 13, 2025), pp. 3-4 <<https://tinyurl.com/mrwbbzth>> [as of XX, 2025].

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DRAFT RIPA REPORT 2026

IV. FIELD TRAINING PROGRAM: FIRST YEAR REVIEW

The Board has the authority under state law to review and analyze the training courses certified by POST to assess the effectiveness of the training in eliminating racial and identity profiling by sworn officers. Effective training⁴⁵⁵ is an essential component toward eliminating the pernicious practice of racial and identity profiling by law enforcement.

In POST's 2024 guidelines workshop, subject matter experts from law enforcement identified that field training officers have a tremendous influence on shaping the behaviors of basic academy graduates.⁴⁵⁶ Evaluating the POST-certified field training course is critical to understanding the context and regulation of peace officer training in California. Field training is the only POST-identified course remaining for the Board to review before it turns back to prior courses to review any updates.

Field Training is a continuation of the Basic Academy, but is a significant proportion of an officer's training overall. The Basic Academy is 664 hours, while Field Training is 440 hours and a minimum of 10 weeks under POST regulations.⁴⁵⁷ The Field Training Program is intended to facilitate a peace officer's transition from the academic setting (or custody assignment) to the performance of general law enforcement uniformed patrol duties of the employing LEA. Newly assigned officers and deputies must receive additional training in the field to bridge the gap between Academy training and solo patrol duty. The Program covers at least 18 core "competency areas," including officer safety, use of force, report writing, search and seizure, crisis intervention, community relations, and more.⁴⁵⁸ To make the new officers' field training as effective as possible, each officer is assigned to a Field Training Officer (FTO) in order to engage in supervised field work and real-world policing scenarios through actual calls for service.⁴⁵⁹ The FTO must hold Basic POST Certification, have at least one year of patrol experience, be selected by the agency, and complete POST FTO 40-hour training in addition to 24 hours of refresher training every three years. POST also requires crisis-intervention training for FTOs.⁴⁶⁰ The trainee's performance is evaluated by the FTO and monitored by the Field Training Program Supervisor or Coordinator through daily and/or weekly reviews. FTOs typically use Daily Observation Reports (DORs) to track performance, remedial training, and formally document trainee competence.⁴⁶¹

According to the POST Field Training Program guide, field training is "the most effective influence on the future direction of a department. The law enforcement department head and their field training staff must be certain that their FTP not only develops the necessary technical skills but also reflects the policing philosophy of the department and the community that it serves."⁴⁶² *[Include LEA Board Member quotes—Content in development]*

Like many of POST's courses, POST's Field Training Program has components that relate to the training of officers about the law's prohibitions on racial and identity profiling and the reduction or elimination of bias. Pursuant to AB 953, the Board is tasked with reviewing these components to ensure this training effectively prepares law enforcement officers in their work in the community.

To accomplish this, and given the size and importance of the program, the Board will conduct its review of POST's Field Training Program over a two-year period. This year's report focuses on a) the materials comprising the Field Training Program, b) the role of the FTO as it relates to the Program, and c) the

⁴⁵⁵ The Board uses the following definition of "effective training" which is based on X.

⁴⁵⁶ Cite to prior report.

⁴⁵⁷ *Insert Cite*

⁴⁵⁸

⁴⁵⁹ *Insert Cite*

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⁴⁶¹

⁴⁶² Cite to Field Training Program Guide.

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DRAFT RIPA REPORT 2026

research related to the Program. To appreciate the influence of field training in shaping an officer's and a department's views and in eliminating policing methods that lead to racial and identity profiling, during this first year period, the Board reviewed POST training materials for both FTOs and newly graduated officers, including the "Competency" of the POST-certified field training program that focuses on potential for bias and racial and identity profiling: Competency 6: Community Relations/Professional Demeanor; Competency 6.3: Cultural Diversity; and Competency 6.4: Racial Profiling. POST directed the Board to these sections.

[Will further develop sections below—Content in development]

A. Field Training Program Materials

The Board used a Rubric developed by a CADOJ consultant to guide its review of Field Training Program materials. *[Content in development]*

B. Role of the FTO

[Content in development]

C. Field Training Research

[Content in development]

Field training as a public safety risk management tool. Effective training is an important component in reducing racial and identity profiling. Effective training in areas like racial and identity profiling reduces the risk that officers will engage in racial and identity profiling. As discussed in the Policies section of this year's RIPA report, a reduction in racial and identity profiling correlates to increased public safety for both police officers and the communities they serve.

Next year, in the 2027 Report, Board members will assess the Field Training Program and provide recommendations to improve field training and POST curriculum materials. The following questions will guide the Board's assessment and recommendations:

- A. What values does the FTP teach and do they align with the goals of AB 953?
- B. How well do the FTP materials cover potential for bias and racial and identity profiling?
 - a. How do trainees learn about bias-reducing police tactics and community engagement?
 - b. How are trainees evaluated on eliminating bias and engaging with community?
- C. How well do FTP materials and training align with academy training in LD 3 Principled Policing in the Community or LD 42 Cultural Diversity/Discrimination.

[Will further develop sections below—Content in development]

D. FTP Values and AB 953

- a. Field training: Affects the entire organization, not just the individual.
 - i. Junior officers witness and experience the agency's chain of command, leadership styles, disciplinary systems, and informal norms in action.
 - ii. Junior officers internalize unit-specific customs, rituals, language, and professional conduct.
 - iii. Mentorship they receive (or do not receive) helps shape a junior officer's identity and sense of belonging within the agency.

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DRAFT RIPA REPORT 2026

- b. Current recruitment issues and generational differences impacting field training.
- c. Difference of approach between academics and field training officers in terms of instructor responsibility/focus and learning environment.

E. FTP Materials & RIPA

d. Trainees

- i. Standardization of training – Evaluation of [POST-certified field training program](#), Competency 6- Community Relations/Professional Demeanor (attached), sections 6.3: Cultural Diversity and 6.4: Racial Profiling
 - 1. Lack of detailed rubrics, high subjectivity→ can lead to bias.
 - 2. Lack of mention of Procedural Justice and Principled Policing
 - 3. Importance of Scenario-Based and Reality-Based Training
 - a. Use of real-life simulations (e.g., active shooter drills, domestic disputes, crisis intervention).
 - b. Role-playing exercises to practice de-escalation and community engagement.
 - c. Exposure to high-pressure situations in controlled environments.
 - d. Use of virtual reality (VR) for immersive training scenarios.
 - 4. In line with PC 13519.4, it is important for the trainee to demonstrate “understanding and respect for racial, identity, and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a diverse racial, identity, and cultural environment.”

e. Field Training Officer training

- i. FTOs should be experienced, exemplary officers with strong leadership skills.
- ii. FTOs should receive specialized training in adult learning, coaching, and evaluation methods.
- iii. LEAs should engage in regular performance reviews for FTOs to ensure quality training.
- iv. Relationship between individual FTO and the new officers – official curriculum versus informal conversation, the “invisible curriculum”
 - 1. Ethical Decision-Making and Accountability
 - a. Emphasis on ethical conduct and professional responsibility.
 - b. Case studies on misconduct and legal consequences.
 - c. Clear reporting mechanisms for ethical concerns.
- v. What is the training like for field training officers? POST Training vs. LEA Training? Is it sufficient?

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DRAFT RIPA REPORT 2026

1. Training on communication, cultural sensitivity, and implicit bias. PC 13519.4: It is important that the trainee work to “foster mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups.”
 2. Building trust with the public. FTOs model for junior officers respectful communication, de-escalation, and soft skills in building rapport and relationships with community. See: Voigt et al., 2017; Rho et al., 2023; Camp et al., 2024. These empirical articles demonstrate that how police talk to people has real consequences, and that police can be trained to have more effective communication
 - a. Drawing more on the mention of “noncombative methods,” connect this section to the use of force and de-escalation. An officer being disrespectful can lead to escalation. It is the officer’s job to pre-emptively take charge of the tone of the conversation.
 3. Collaboration with community leaders and organizations.
 4. FTO’s should also have an understanding of up-to-date Basic Academy course training and materials taught to new officers.
- f. Routine observations – DORs? Other evaluations or exams? How do we know the field training is effective? How do we measure “effective?”
- i. Daily and weekly performance assessments with structured feedback.
 - ii. Remedial training for areas of weakness.
 - iii. Exit evaluations to refine future training programs.
- “Effective” could entail having a shadowing phase → Assisted performance → Independent patrol with supervision. Gradual increase in complexity and autonomy. Immersive training fosters a sense of purpose, commitment, and understanding of the officer’s role and agency’s mission. This will shape their long-term professional behavior

F. FTP Alignment with LD 3 and LD 42

[Content in development]

V. RECOMMENDATIONS

[Content in development]

- a. Other models and approaches:
 - iv. U.S.-based Models *[Content in development, possibly include international models in a footnote]*⁴⁶³

VI. VISIONS FOR FUTURE REPORTS

[Content in development]

463

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DRAFT RIPA REPORT 2026

Review Field Training Program

Continue to review RIPA course updates for inclusion in annual RIPA Reports

Continue to collaborate with POST on requests for input on guidelines, regulations and training courses being developed and updated on racial and identity profiling.

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