

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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POLICIES SUBCOMMITTEE MEETING MINUTES

March 14, 2024, 11:00 a.m. – 1:30 p.m.

Subcommittee Members Present: Chair Guerrero, Member John Dobard, Member Angela Sierra, Member Manju Kulkarni, Member Lily Khadjavi

Subcommittee Members Absent: Member Rich Randolph and Member Chad Bianco

1. INTRODUCTIONS AND OVERVIEW

Chair Guerrero called the meeting to order. Each Policies Subcommittee member (herein Subcommittee) introduced themselves. The Department of Justice (DOJ) staff introduced themselves: Deputy Attorney General (DAG) Kendal Micklethwaite, DAG Jennifer Gibson, DAG Alexander Simpson, Associate Governmental Program Analyst (AGPA) Anna Rick, and Senior Legal Analyst (SLA) Anthony Jackson. Chair Guerrero welcomed all attending the meeting.

Discussion of Outline for 2025 RIPA Report

Chair Guerrero moved to add onto the end of the agenda for DOJ staff to present a rough outline that the Subcommittee could utilize for the 2025 RIPA Report. Member Sierra seconded. There were five Ayes (Chair Guerrero, Member Sierra, Member Dobard, Member Khadjavi, Member Kulkarni), zero Nays, and zero Abstentions. The agenda item was added as presented.

2. APPROVAL OF SEPTEMBER 11, 2023 SUBCOMMITTEE MEETING MINUTES

Member Khadjavi noticed a typo at the bottom of the meeting minutes, page one. Chair Guerrero moved to approve the meeting minutes with modified corrections, of which Member Sierra seconded. There were five Ayes (Chair Guerrero, Member Sierra, Member Dobard, Member Khadjavi, Member Kulkarni), zero Nays, and zero Abstentions. The meeting minutes were passed with modification.

3. POLICY SUBCOMMITTEE CO-CHAIR NOMINATION

Chair Guerrero opened the nominations for Subcommittee Co-Chair. Member Kulkarni nominated Member Dobard for Subcommittee Co-Chair, which Dobard accepts. Member Khadjavi makes the motion to elect Member Dobard for Subcommittee Co-Chair; Member Kulkarni seconds. With five Ayes (Chair Guerrero, Member Sierra, Member Dobard, Member Khadjavi, Member Kulkarni), zero Nays, and zero Abstentions, Member Dobard is confirmed as Subcommittee Co-Chair.

4. ROUNDTABLE DISCUSSION: LIMITING OR ELIMINATING PRETEXT STOPS THROUGH POLICY

Chair Guerrero introduced the topic of pretext stops, stating that pretext stops undermine the Fourth Amendment right to security against unreasonable searches and seizures. She gave a background of how pretext stops are stops for one thing followed with questions/searches for something else and how the RIPA data and complaints from the community point show that officers disproportionately target young Black men. Chair Guerrero stated the Subcommittee has previously recommended to limit or eliminate pretext stops and the purpose of today's discussion is to learn how law enforcement agencies are already limiting pretext stops, share ideas and suggestions, and deepen and encourage solutions. The two presenters were Chris Armstrong, Assistant Chief in the CHP Enforcement and Planning Division from the California Highway Patrol (CHP), and Elizabeth Rhodes, Director of Constitutional Policing and Policy, and Commander Steven Ramos, Diversity, Equity, and Inclusion Officer, from Los Angeles Police Department (LAPD). Additionally, Commander Ramos is the Commander Officer of the Diversity, Inclusion, and Equity Group and runs LAPD's RIPA unit. CHP makes up 37% of all stops in State of California and LAPD makes up 7%. Each have sought to address pretext stops and community concerns.

California Highway Patrol's Policy on Pretext Stops and New Training on Bias

Chief Armstrong first gave a brief overview of CHP's focus on traffic enforcement efforts. . Chief Armstrong stated the CHP's responsibility is to protect life and property and they use an in view, proactive, and preventative enforcement style to reduce traffic collisions. They are limited to fatal, injury, and property only collisions. Officers shall not conduct traffic enforcement stops for primary purpose of drug intervention in absence of probable cause or reasonable suspicion to believe that the motorist or occupant of vehicle is involved in illegal drug related activity.

The officer must always have specific and articulate facts to support determination.. In the traffic enforcement manual 168, Chapter 1, Page 4, it explains "officers shall not engage in racial or identity profiling or discrimination of any kind. Racial or identity profiling and discrimination of any kind are prohibited by the department and will not be tolerated." Their acronym FREE stands for fairness, respect for others, ethical practices, and equitable treatment for all is reiterated in policy, publications, and discussions between commanders, supervisors, and trainings.

The CHP views traffic laws as safety rules designed to ensure the efficient, crash free flow of vehicles on the roads in the State. Roughly 78% of all stops made by the department are classified as moving violations. For his reference, he had a pie chart that showed the 2022 statistics and the breakdown in 2022 was that 78% of all traffic stops were for a moving violation. 14% were for non-moving violations including registration. 8% were for equipment violations

Chief Armstrong stated that the 2023 statistics were unavailable until the spring, but he was able to review the 2022 STOP statistics. He stated that CHP takes pride in the fact they utilize consent searches much less than other agencies. In 2022, only 0.04% of their stops reported having an officer ask for consent to search a person or their property. In comparison, the 534 other law enforcement agencies in the State had an average of 8.2% of their traffic stops that request consent. Chief Armstrong believes their method is working.

Chief Armstrong presented data showing that of the enforcement contacts in 2022, the subject was white 33%, Hispanic 42%, Black 10%, Asian 7%, Middle Eastern/South Asian 6%, Pacific Islander 1%, and Other 1%. This is extremely similar to the State's injury collisions. Of drivers that fault in injury crashes, White 33%, Hispanic 35%, Black 9%, Asian 6%. Unknown 10%, and Others 7%. Those statistics are similar in terms of who they contact and who are in collisions.

Chief Armstrong believes that CHP has set the standard for training. The CHP revamped its which now includes a cultural competency and explicit and implicit bias . Rolling out next year will be a more road officer centric, scenario based training. In comparison to the previous trainings, the new training will be scenario based. Officers will be brought up to speed on those topics and how it relates, specifically, to traffic enforcement stops; that will be implemented in January 2025.

Chief Armstrong finished his presentation.

Chair Guerrero stated that the CHP does 0.4% consent searches and asked Chief Armstrong on what circumstances CHP asks for consent. Chief Armstrong corrected Chief Guerrero that the percentage was 0.04%. Chief Guerrero asked about the circumstances the CHP would ask for consent.

Chief Armstrong stated that consent searches would be done when there is reasonable suspicion or probable cause that a crime has been or about to be committed. Officers do not get to just use a hunch; instead there needs to be an observation.

Chair Guerrero asked Chief Armstrong to explain protective searches so the public understands why CHP has so few consent searches.

Chief Armstrong answered that if CHP allows them into their vehicle, they do a preliminary frisk for the officer's safety. The frisk is brief and not a full search and conducted for an officer's safety while consent searches are asking individuals if they will sign a form and allow them to look into the vehicle. The level to get to a consent form depends on the officer or suspected crime; some even require a supervisor's approval. Chief Armstrong believes their consent searches are so low because their policies are very strict. They do not allow contact with a civilian and ask "will you allow us to search you." That is not within the policies or training.

Chair Guerrero noted that on the topic of supervision questioning, a pretext stop will lead to a question on whether they are on probation/parole, which triggers a Fourth amendment waiver for an ability to search the vehicle. However, the supervision stops at CHP are low (0.04%) as compared to other agencies whose supervision questioning ranges from 10% to upwards of 70%.

Chief Armstrong stated that is the difference of the thresholds of when someone goes down the road of the investigation. He stated that they do not investigate any less than or are observant to look further, but it is based on clues they see. They do not make a stop for the reason of looking for an investigation and, instead, stops vehicles for traffic violation and safety purposes.

Chair Guerrero thanked Chief Armstrong for his time and opened the floor for other subcommittee members' comments. Member Khadjavi asked about the consent form and how CHP deems consent.

Chief Armstrong stated that the consent form is to ensure that they know their rights and to receive a signature if they're willing to sign. It is to let them know the specific requirements the officer is held to if they continue with the search and the rights to withdraw. The rights are listed for them so that there is no discussion later on how they did not know or were allowing specific items. Chief Armstrong did not have the consent form at hand but could provide if needed.

Member Khadjavi stated that she would like to see copies of the consent form.

Member Sierra asked Chief Armstrong how long the CHP policy on consent searches has been in place.

Chief Armstrong replied that he did not know definitively, but that when he was in the academy in 2002, there was a similar training provided even back then. They updated the policy as the laws have changed to ensure that people are being treated appropriately and they do their best to supersede the law.

Member Sierra stated that in CHP's perspective, this has been an effective policy. Chief Armstrong agreed.

Member Sierra referred back to Chief Armstrong's presentation of how "officers will not conduct traffic enforcement stops for primary purpose of drug and addiction in the absence of probable cause or reasonable suspicion." Member Sierra asked whether the training presents this policy.

Chief Armstrong answered that a hunch or suspicion does not give an officer a reason to stop. The CHP stands on making traffic stops for the violation at hand and if the officer sees indicators for other criminal activity, then the investigation goes further.

Member Sierra asked what tools the supervisors use to carry out this policy. Chief Armstrong replied the CHP enforces this policy with direct and continual training. There are briefings before every shift, which include SROVT (scenario based examples of a situation). SROVTs change every day and are based off of concerns that the department may have, legal issues, and new situations that come to light, from search and seizure to demeanor. Supervisors do these to ensure that officers are engaged and are up to speed on the topics of the day. They also require sergeant ride-alongs, which allows them to observe the course of their day. Likewise, supervisors review the daily activities of their officers to ensure that the daily activity form is accurately depicted.

Member Dobard asked two questions: (1) how was the training revamped? Was it based on updated information in the field, a survey of officers and experts on best ways to revamp, or both? (2) What is the effectiveness of the training? Does CHP monitor effectiveness and if yes, how?

Chief Armstrong clarified that that original training going back to 2010 was labeled "cultural diversity." However, the newest one is "cultural competency, explicit and implicit bias." The new title is a little more explicit and revamped, and because they did not want just repetitive training. CHP retained Dr. Bryan T. Mars, who has experience speaking to law enforcement. The new training was not just geared to road patrol officers but all employees which ensures the training is adhered to by commanders, managers, and supervisors. The CHP has posters, screensavers, and continue to discuss it in yearly evaluations with employees. Their professional values as a

commander are discussed with each of their employees, whether it is coffee, training day, or one on one meetings. CHP reiterates its values are made clear in daily interactions.

Member Kulkarni wanted to know how much of the training is devoted to individual officer and supervisor responsibility in terms of reporting racial profiling? What are the consequences for engaging in profiling behavior? What is the content of the training? What is the understanding that officers and supervisors come away with in terms of what's required?

Chief Armstrong clarified that the training was not exclusive to officers, it is for all employees, which include non-uniform, professional staff. The main reason for the training is to clarify and define the difference between implicit and explicit biases. What is conscious and what is unconscious? Furthermore, how to guard ourselves from allowing any type of bias to affect our interactions.

Member Kulkarni clarified that she was asking what is explained in the training about responsibilities to report profiling?

Chief Armstrong answered that this specific training was not as detailed on reporting for the officers as this was broader. Reporting would come into other trainings, such as the sexual harassment training, which state that officers shall report everything, from excessive force to any misconduct.

Member Kulkarni asked if reporting could be added to the training.

Chief Armstrong answered that he would provide that as a suggestion for the Office of Equal Opportunity for future trainings, however, he stated that reporting is covered in other trainings that discuss this and other topics.

Member Kulkarni asked if the training resulted in a reduction in disparities.

Chief Armstrong replied that he wouldn't have any of that statistical analysis that would be provided for that training, but it would be a goal to reduce any type of improprieties.

Chief Armstrong thanked the subcommittee for their time and he stated he will work on two action items they have.

Los Angeles Police Department's New Policy on Pretext Stops

Director Rhodes stated that they see pretext stops differently than the Subcommittee does. LAPD does not define pretext stops as stop for one thing that follows in actions for other things. LAPD looks at *Whren v. United States* (1996) for guidance on defining a pretext stop and as Assistant Chief Armstrong says, sometimes one can stop someone for a probable cause or reasonable suspicion for speeding, but then when approaching the car, it causes further investigation for another. In their view, which is supported by Supreme Court law, that is not a pretext stop, but a stop for traffic violation that then becomes more.

Chair Guerrero stated that they defined pretext stops in the annual RIPA reports and from *Whren v. United States* (1996) and other places.

Co-Chair Guerrero explained the subcommittee invited LAPD to discuss its new policy on pretext stops. Co-Chair Guerrero asked for LAPD to explain their new policy, why they introduced it, and what has changed as a result.

Director Rhodes stated that they introduced a new policy two years ago because there was a belief that the hit rate for stops were not correct and they believed in data informed policing. They had RIPA data but it did not say which stop was pretext and which was not. The policy went hand-in-hand with how they report things to indicate if it was a pretext stop or not. They wanted to know what was in the mind as the officer pulled them over and wanted to know what the basis for that pretext was. Therefore, they talked about having articulable information and they made it so that instead of after time but at the scene an officer would have to put on body worn video or AVR to show what they were basing additional reason for that stop on. The policy also includes that their officers have to describe what the public safety reason is for pulling over a car; not just a code violation, but the public safety reason. Moreover, unless it is a wall stop, where there is a reason the officer does not want to reveal a much larger investigation, the officer is to let the driver/pedestrian know the reason.

LAPD also has a consent to search policy, which does not require probable cause. Since November 2020, LAPD's consent to search policy requires that the place to be searched is defined, whether it is their backpack, whole car, trunk, etc. The person is told that they have to right to refuse; not just withdraw later but refuse or later withdraw, so that it is an ongoing right. Director Rhodes stated that a lot of times distrust comes from a lack of understanding and LAPD wants to ensure that their officers are following their policies and law, but also giving the people with whom they interact procedural justice and an understanding with what is going on and why things are happening.

Director Rhodes stated they live in a city where traffic accidents cause far more deaths than homicides, so traffic safety is important to them as is any investigation. They perceive talking to the public and requiring their officers to talk to the public as a big positive step forward. CompStat inspections have been instituted for stops to ensure whether the pretext stop and consent to search policies are being followed. They believe stop analysis is just as important as crime analysis, so they conduct a CompStat inspection every quarter. LAPD has 21 divisions and four bureaus; each division has two captains and each bureau has one to two commanders and a deputy chief. The captains, commanders, and deputy chiefs of all the bureaus are required to go to CompStat. Prior to CompStat, they conduct audits on body worn videos from those bureaus and send them to the command for their opinion; the command is asked what their opinion is, what they're seeing, what they found to be good, and what they found needs more training. In that way, they can specifically focus training for that command. Training is not just blanket for an entire department but is specific; community safety partnership bureau may want specific training on pedestrian stops because they work in small areas while somewhere in the valley might want training on something else. When reviewing body worn video, they do not just have to look at pretext stop policy or consent to search policy, but also procedural justice – how they talk to someone, what they're saying, and interaction all go into it.

Because these are somewhat new policies, LAPD is able to do a lot of quality controls. Based on those quality controls the LAPD generates data to see what is happening. Director Rhodes admitted that in the beginning, they did not necessarily have completely trustworthy data. The LAPD is now exploring not just correlation but also causation. They want to know does one thing actually impact the other or is the sequencing just there? Director Rhodes stated that they did a lot of training when their policy first came out two years ago on pretext stops, but now they are able to do training not based on some scenarios but based on the actual scenarios that they see in body worn video in the past quarter for the particular division.

Co-Chair Guerrero thanked Director Rhodes for her time. Co-Chair Guerrero knows that their policy is new and LAPD has not had an opportunity to evaluate its effectiveness, but asked Director Rhodes to say more about what they do know, even if it's not much about any change in outcomes because of the aforementioned policy.

Director Rhodes turned it over to Commander Ramos; Director Rhodes stated that Commander Ramos has a good control over the numbers. Director Rhodes stated a caveat that they cannot say for sure one has caused the other, but will give them their numbers.

Commander Ramos stated that data accuracy was challenging in the beginning because there was different terminology that the board uses in contrast to what the officers uses. They had to educate the officers on proper terminology. When the new pretext policy was first rolled out, they spent the first year in RIPA CompStats to ensure that officers understood what they could and could not do, as well as proper documentation.

Commander Ramos noted that one of the biggest issues was the no action box.

They referenced that before that some individuals would check “no action taken,” which meant there was not a reason to stop. There was a big misunderstanding with their department in which officers were doing traffic stops and checking no action, meaning they did not cite the person or issue a citation. Instead of putting a warning, they were checking no action.

There was a different impact in terms of who was cited and who was warned, so they have been working on that and anticipate a large shift in comparison from 2023 to 2024 data.

One of the areas they can pinpoint causation is the policy that took effect in 2021, under which they started collecting data in April. They are able to see why an officer took a pretext stop, mandate they check that box, articulate on their body worn why it was a pretext stop, and if it was not they have to articulate the public safety reason is – public safety reasons are equipment violations. They observed a sizeable shift in the number of moving violations vs. non-moving/equipment violations. In 2020-2021, their non-moving violations were approximately 138,000 stops for nine movers. In 2021-2022, of which the policy took effect in April to March, it was approximately 126,000. In 2022-2023, it was approximately 62,000. There was a sharp decrease as moving violations went up.

In contrast, there was a decline in overall stops since 2019:

- 2019: 712,00 stops

- 2020: 525,000 stops
- 2021: 420,000 stops
- 2022: 330,000 stops
- 2023: 350,000 stops

LAPD is seeing traffic violations decrease and reasonable suspicions increase about a 5%. LAPD is seeing a move towards more thoughtful enforcement action and reasonable suspicion for those stops.

Commander Ramos addressed concern about COVID and decreases in car stops. Commander Ramos also noted the decrease was not due to a decrease in the patrol force since they didn't lower that number. They had to ensure that there had at least 6,600 working in field operations in their twenty-one patrol divisions. Instead, it came from other sources. During COVID they lost specialized divisions, administrative staff, and so on, but their calls to service continued to increase, traffic stops decreased, and policy shifted to focusing on radio calls, calls to service, and moving violations that endanger the public.

LAPD wanted a more thoughtful approach to what they were doing and the biggest focus was shifting away from their top traffic stops – (1) speeding, (2) expired registration, (3) tinted windows, (4) no front plates.. Commander Ramos noted that just because there are disparities does not mean there's bias. Although the stops on Hispanics are slowly going up, so is their population.

Commander Ramos gave the percentages for the stops on African Americans, which were recorded quarter by quarter. In 2019, it was 27%. In 2020, the first quarter was 26.9% and the third quarter was 25.7%. In 2021, it was 24.9%. In 2022, the first quarter was 24.6%. There was a large decrease even before the policy was implemented; after the policy was implemented it decreased further to 23.8% in quarter two, 22.5% in quarter three, and 23.2% in quarter four. In 2023, the rate hovered around 22% and even decreased to as low as 21.7%. In 2024, the first quarter started at a 22.5% range.

Commander Ramos stated that, as to Director Rhodes' point, LAPD conducts a lot of inspections. They watch body worn videos, work closely with the AG's office, and look at consent searches.

They also look at procedural justice. The department passed another inspection policy to look at patrol stops every other month for procedural justice. There is a three-page document; it outlines why you stopped the person, what tactics were involved, what actions were taken, and then procedural justice aspects – did you identify yourself, did you talk to the person, how you treated the person during the stop.

. There is a big angst in checking pretext as there is a stigma of it being bad and reflecting a wrong action. Instead of it being wrong, Commander Ramos framed it as calling balls and strikes. LAPD wants to understand why they are doing what they are doing and to understand why it's effective. They want to be thoughtful of stops and why they're doing things.

Co-Chair Guerrero stated that the written definition of pretext stops and how Commander Ramos is describing them are confusing.

Co-Chair Guerrero asked Commander Ramos about consent searches as she is not familiar with LAPD's consent policy.

Director Rhodes stated that the consent policy is articulated as to exactly what they are searching. For example, they clearly articulate "I want to search this bag," "the trunk," or "the car" rather than "I want to search." They have the right to refuse, withdraw at any time, and understand.

Director Rhodes stated all of LAPD's policies are public facing but she is happy to send them to the subcommittee. She wanted to reiterate that consent, legally, is different than a probable cause search. During a probable cause search consent is not required.

Co-Chair Guerrero stated that consent is very problematic and nearly universally given. Co-Chair Guerrero is trying to get an understanding from LAPD why they are engaging in consent without cause, when RIPA's data indicates consent based searches are less effective than evidence based searches. She is trying to understand why LAPD uses them and if they have considered curbing the use of them.

She stated that LAPD believes that for officers in order to talk to and protect the public, there are tools that should be used but must be used wisely and with full understanding of public, in a way that has procedural justice, monitored, and trained with the best examples. That is where LAPD is at this moment.

In the interest of time, Co-Chair Guerrero proceeded to questions from the Subcommittee.

Member Sierra asked whether there are limitations for officers when they can ask to do a consent search. She understands a probable cause would not be consensual, but are there limits at all under LAPD policy?

Director Rhodes stated that there are limitations for a consent search, but there are no specific limitations for when they can ask the question in the policy.

Member Sierra stated she understands LAPD officers can engage in pretext stop as they're acting upon "articulable information," which may or may not amount to reasonable suspicion. She believes they presented earlier that they are conducting audits and that information is being called upon internally. She assumes that part of the audits is pretext stops and the type of articulable information the officers are relying upon. She wanted to ask if that was correct.

Director Rhodes stated yes, they have to state that either in writing or in the body worn camera – and preferably, to the person they stopped, but it may not always be practical (e.g., wall stop).

Member Sierra asked that when looking at those audits whether any significant trends, either positive or negative, arose.

Director Rhodes stated that there has been a positive trend of more moving violations than equipment violations. There have also been fewer stops of African Americans. They look at these stops per divisions that divide Los Angeles geographically, so divisions have different demographics. They also see qualitatively a much more responsive and articulate police organization. They are working to get direct causation and correlation data.

Commander Ramos added that they also publish this on a public dashboard for it to be easier for the public to digest. They break it down so the public understands demographics for their particular division and understand who is doing their stops.

As CHP pointed out, every department is different and LAPD's goals are different from CHP's. Although LAPD does traffic enforcement, they also have units trying to curb homicide, gang violence, and other things. Some communities want more stops and action, but they want to stop people that are bad, not good. They don't realize the officer does not know who they are stopping until they stop them, but trying to make sure officers treat the communities fairly, equitably, and following procedural justice. As officers do stops every day, the most important thing is to how they treat people. They monitor that, watch body worn video, and apply training to ensure officers are doing it fairly and equitably.

Director Rhodes added that the community dashboard has been helpful in giving the public some data and the captains can come together and discuss the data rather than relying on anecdotal information.

Member Khadjavi left the meeting.

Member Dobard asked LAPD on what defines articulable information and what guidance officers are given as to what counts as articulable information.

Director Rhodes confirmed that articulable information is broad. Crime fliers, roll call briefings, trends in crime or automobile accidents/fatalities are types of articulable information. It cannot be, as stated by Assistant Chief Armstrong of CHP, a hunch. It also cannot be based on race, ethnicity, gender, etc. It needs to be specific and within their division..

Member Dobard asked if there is any more guidance the LAPD is providing officers regarding compliance as the language in the LAPD's policy is broad and vague.

Commander Ramos acknowledged the policy is broad and vague and that intention is to provide officers flexibility to articulate their reasons for a stop. Commander Ramos trains divisions, but turnover is incredible. They teach in the academy that part of normal scope and course of duty is that they want to be able to articulate why they're doing a pretext, public safety reasons for doing it, and other types of violations.

Director Rhodes thanked the subcommittee for their time and left the meeting.

Member Kulkarni asked Commander Ramos to give more information about the training that's provided to officers about racial and identity profiling, about its bias against the law, and their responsibilities to not only not to engage but also to report it.

Commander Ramos stated bias policing is against LAPD's policy, which is laid out in various locations in the policy. Everyone is mandated to report. If an officer witnesses bias or a person being stopped or detained mentions feeling profiled, they are mandated to require a supervisor to respond and conduct a bias police and investigation where there's mandated questions asked in terms of effecting a bias policing investigation. They have had bias policing training, including

implicit bias training, for the better part of a decade. There is an ongoing recurring training conducted by the training bureau that the officers are mandated to complete.

He cannot speak on everything in the training but would be more than happy to have the training bureau, Deputy Chief Mark Rana, or commanders from LAPD's professional standards bureau come back and speak on those. They are completing another implicit bias training regarding promotions and pay grade advancements, which came from affinity groups talking about inequities in the promotional and hiring process.

Member Kulkarni mentioned that she recalled Commander Ramos stating earlier that the stop data shows that roughly 23 or 26% involve African Americans. She asked if that was correct.

Commander Ramos stated they track stops by both traffic or other enforcement. From 2020 to then (March 2024), they went from 521,000 stops to 350,000 stops. They track it per quarter; in 2020 quarter 4, the stops were 26.9% African American, 48.5% Hispanic, and 16.9% white. The quarter before the implementation of the pretext policy was 24.6% African American, at the next quarter it was 23.8%, the quarter following that was 22.5%, and the quarter following that was 23.2%. It ended the year average at about 23.5% where the prior year was 26.3%. Last year, it ended at an average 22.5% African American, but went up to 52.5% Hispanic, and stayed level at 16.9% white. AAPI was about 3.1% and had gone up from 2.9%; 5% Other Races, including multi-demographic.

Member Kulkarni stated the percentage of African Americans is only approximately 12 or 13%, yet they are double the amount of stops at between 23% and 26%. She asked if that was correct.

Commander Ramos answered that everything is disproportionate in urban settings. African Americans make up 25% to 40% of victims and almost 50% of homicide victims, showing that there are disparities at every level, including victimization. Their population has one of the highest population of gang members in the country, and 90% of gangs are Black or Hispanic; 1% are Asian and 0% are white. It also exists in different areas; for example, in some places it could be 9%, in South Central it is closer to 22%, and some are below 5%. It depends on the community they live in, the 21 divisions, and which crimes are prevalent. On the west side it is 90% property crime and in the south and central bureau it is almost 50% violent crime.

In the interest of time, Member Kulkarni saved her comments for a later date.

Commander Ramos thanked the subcommittee for their time and left the meeting.

5. PUBLIC COMMENT

Richard Hylton from San Diego expressed disappointment with the LAPD. Hilton states that people who are perceived to be bad should never be stopped, as the disproportionate amount of people being stopped is matched by an equal proportion of people released without action. He does not believe that LAPD has reduced stops by 50% and believes that they are instead not reporting. As for pretext stops, even though stops have reduced the pretext stops in respect for Blacks have increased. He believes that is the problem.

Michele Wittig from the Santa Monica Coalition for Police Reform wanted to recall two articles in the Winter 2024 issue: Understanding Implicit Bias: Insights & Innovations of *Daedalus*, a journal published by the American Academy of Arts and Sciences. She referenced “‘When the Cruiser Lights Come On’: Using the Science of Bias & Culture to Combat Racial Disparities in Policing” by Rebecca C. Hetey, MarYam G. Hamedani, Hazel Rose Markus, and Jennifer L. Eberhardt. Researcher Eberhardt studied the Oakland Police Department and found that officers claimed that the vast majority of stops were based on intelligence. However, using a standard definition of an intelligence led stop and tracking the data showed that the percentage was not somewhere between 85 and 99% as the officers had maintained, but was closer to 20%.

The second article was “Disrupting the Effects of Implicit Bias: The Case of Discretion & Policing” by Jack Glaser.

Wittig stated policies to reduce pretextual stops should require officers to articulate the reasons and justify the stop.

6. BREAK

In the interest of time, Co-Chair Guerrero skipped the break.

7. CONTINUED DISCUSSION OF PRETEXT STOPS AND DATA

Co-Chair Guerrero invited DOJ staff to share proposed outline of the Policies section of the 2025 RIPA Report.

DAG Alexander Simpson thanked the subcommittee for their time. He stated that RIPA data shows that racial disparities in policing are much larger for youth than for older age groups, which is documented in the 2024 RIPA Report pg. 122 and 2023 RIPA Report pg. 109. There is a proposal to focus this year’s report, specifically the Policies section, on youth and policing.

DAG Simpson stated the RIPA Board expressed an ongoing interest in matters of youth and policing over the years and recounted the Board’s prior analyses and recommendations related to youth. Focusing this year’s report on youth and policing provides the opportunity to continue examining an issue in which the board has had and has expressed longstanding interest.

Co-Chair Guerrero thanked DAG Simpson for his presentation and stated she was also looking forward to discussing this topic with the DOJ. She agreed that the focus on youth deserves further exploration. She opened the floor to the subcommittee for comments.

Member Sierra stated she also supported this approach and thought it was an opportunity to bring in advocates, school administrators, law enforcement to focus on the subset of issues. She wanted to hopefully have an opportunity for more of this and gain different perspectives on the status, potential, problems, and possible solutions.

Co-Chair Guerrero gave the floor for comments, and seeing as there was none, found no objections to the proposition to focus on youth. Co-Chair Guerrero asked if DOJ staff needed a formal vote or if the conversation was enough. DAG Kendal Micklethwaite stated that there was no formal vote needed and that she would elevate the subcommittee’s support to the full Board meeting.

DAG Micklethwaite stated to the public that the next full Board meeting is upcoming on March 22, 2024, and is looking forward to the full Board discussion.

Co-Chair Guerrero agreed that the presentations given today were insightful and is looking forward to doing more of these. She is looking forward to working more with newly elected Co-Chair Dobard to bring more presenters. Co-Chair Guerrero asked the subcommittee if there were any closing thoughts, and saying as there were none, moved to the next agenda item.

8. NEXT STEPS

Co-Chair Guerrero stated that the next step was to attend the next RIPA Board meeting on Friday, March 22, 2024. She stated the message of the subcommittee meeting was to address the issue of racial bias and identity bias through building public trust. It is clear law enforcement agencies should curtail discretion and do so in a way that ensures that law enforcement have the tools they need to engage in public safety.

9. ADJOURN

Co-Chair Guerrero thanked all for their attendance before adjourning the meeting.