III.   ANALYSIS OF 2021 STOP DATA

In the fourth year of RIPA stop data reporting, 58 law enforcement agencies in California collected data on 3,184,543 pedestrian and vehicle stops conducted from January 1 to December 31, 2021.[1] The data were submitted by Wave 1, Wave 2 and Wave 3[2] agencies, as well as a few agencies from Wave 4[3] that collected and submitted stop data early.[4]

There were an additional 246,881 stops reported in 2021 compared to 2020, which was as expected with the increase in reporting agencies. However, of the 18 agencies that collected stop data in 2020 and 2021, 13 saw a reduction in stops across years while five saw an increase in stops. The COVID-19 pandemic and its effects on people's lives – as well as on law enforcement agencies' practices – may have contributed to the differences in the number of stops between 2020 and 2021 for some agencies.

Table 1. Stops by Agency (2020 and 2021)

Agency	# of Stops 2020	# of Stops 2021	Difference	% point difference from 2020
Alameda CO SO	-	15,505	-	
Anaheim PD	-	26,568	-	
Arcata PD	-	1,428	-	
Bakersfield PD	12,170	11,948	(-) 222	1.8%
Belmont PD	-	1,553	-	

[1] Gov. Code, § 12525.5(g)(2) defines a "stop" as any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control.

[2] Gov. Code, § 12525.5(a)(1) states that each agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year. Wave 1 includes agencies that employ 1,000 or more peace officers, Wave 2 agencies employ 667 or more but less than 1,000 peace officers, and Wave 3 agencies employ between 334 and 667 peace officers.

[3] Wave 4 includes agencies that employ between one and 334 peace officers.

[4] The following agencies were required to start their data collection on January 1, 2022 but chose to start their data collection on January 1, 2021: Arcata Police Department, Belmont Police Department, California State University Chico Police Department, California State University Sonoma Police Department, California State University Stanislaus Police Department, Capitola Police Department, Carlsbad Police Department, Cotati Police Department, Emeryville Police Department, Eureka Police Department, Hillsborough Police Department, Livermore Police Department, Mill Valley Police Department, Petaluma Police Department, Piedmont Police Department, Pomona Police Department, Rohnert Park Department of Public Safety, Contra Costa County Sheriff's Department, Santa Rosa Police Department, Sonoma County Sheriff's Department, Sonoma Police Department, University of California Irvine Police Department, University of California San Francisco Police Department, Santa Barbara Police Department, Windsor Police Department, and Sonoma County Junior College District Police Department.

Agency	# of Stops 2020	# of Stops 2021	Difference	% point difference from 2020
Berkeley PD	-	5,469	-	
CHP	1,696,390	1,749,613	(+) 53,223	3.1%
Capitola PD	-	631	-	
Carlsbad PD	-	5,326	-	
Contra Costa CO SO	-	3,171	-	
Cotati PD	-	1,736	-	
CSU Chico PD	-	334	-	
CSU Sonoma PD	-	272	-	
CSU Stanislaus PD	-	279	-	
Culver City PD	-	9,454	-	
Davis PD	2,644	4,607	(+) 1,963	74.2%
Emeryville PD	-	1,665	-	
Eureka PD	-	2,906	-	
Fresno CO SO	-	19,310	-	
Fresno PD	14,738	10,848	(-) 3,890	26.4%
Hillsborough PD	-	646	-	
Kern CO SO	-	12,277	-	
Los Angeles Unified School District	1,150	100	(-) 1,050	91.3%
Los Angeles World Airport Police	-	4,672	-	
Livermore PD	-	4,552	-	
Long Beach PD	17,210	11,986	(-) 5,224	30.4%
Los Altos PD	-	987	-	
Los Angeles CO SD	104,275	179,972	(+) 75,697	72.6%
Los Angeles PD	521,426	429,307	(-) 92,119	17.7%
Mill Valley PD	-	838	-	
Oakland PD	21,076	13,782	(-) 7,294	34.6%
Orange CO SO	39,855	46,283	(+) 6,428	16.1%
Petaluma PD	-	3,899	-	
Piedmont PD	-	639	-	
Pomona PD	-	4,594	-	
Riverside CO SO	56,339	75,855	(+) 19,516	34.6%
Riverside PD	-	19,267	-	
Rohnert Park PD	-	2,368	-	
Sacramento CO SD	43,881	33,018	(-) 10,863	24.8%
Sacramento PD	51,446	46,680	(-) 4,766	9.3%
San Bernardino CO SO	109,024	98,649	(-) 10,375	9.5%
San Diego CO SO	38,824	21,981	(-) 16,843	43.4%
San Diego PD	150,611	130,112	(-) 20,499	13.6%

Agency	# of Stops 2020	# of Stops 2021	Difference	% point difference from 2020
San Francisco CO SD	-	628	-	
San Francisco PD	38,615	27,453	(-) 11,162	28.9%
San Jose PD	17,988	17,167	(-) 821	4.6%
Santa Ana PD	-	22,000	-	
Santa Barbara PD	-	4,398	-	
Santa Clara CO SO	-	14,540	-	
Santa Rosa PD	-	6,725	-	
Sonoma CO SO	-	2,582	-	
Sonoma County Junior College District PD	-	551	-	
Sonoma PD	-	249	-	
Stockton PD	-	23,954	-	
UC Irvine PD	-	785	-	
UC San Francisco PD	-	543	-	
Ventura CO SO	-	47,293	-	
Windsor PD	-	588	-	

The data collected include demographic information of stopped individuals, as perceived by the officer, and descriptive information designed to provide context for the reason for the stop, actions taken during the stop, and outcome of the stop. The purpose of collecting these data is to document law enforcement interactions with the public and determine whether certain identity groups experience disparate treatment during stops. Individuals may self-identify differently than how an officer may perceive them. This distinction is important because racial and identity profiling occurs because of how people perceive others and act based on that perception rather than how individuals see themselves. Some of the demographic characteristics collected (e.g. race/ethnicity or age) may be easier to perceive based on visible factors. Other identity characteristics (e.g. sexual orientation or disability) may not be as apparent and therefore may be perceived less consistently. The Legislature tasked law enforcement agencies with collecting data based on how officers perceive individuals. This context is important to consider when examining results of analyses performed on stop data.

In this year's report, the Board presents stop data analyses in two sections:
1) The first section provides a breakdown of perceived identity group characteristics of the individuals stopped, followed by breakdowns of characteristics (e.g., actions taken by officers) of the stops for each identity group.
2) The second section creates benchmarks (i.e., reference points) to compare the stop data results and measure disparities. These benchmarks include comparisons to residential population data and tests for different outcomes at various points of the stop. These

outcome-based tests explore search outcomes and the rates of force used by law enforcement.

1.1   Stop Data Demographics

1.1.1   <u>Identity Demographics of Individuals Stopped by Officers</u>

RIPA requires officers to collect perceived identity-related information about the individuals they stop on six key demographics: race/ethnicity, gender, age, lesbian-gay-bisexual-transgender (LGBT) identity, English fluency, and disability. Officers are *not* permitted to ask individuals to self-identify for RIPA stop data collection purposes.

Race/Ethnicity.[5] Officers perceived the highest proportion of individuals they stopped to be Hispanic (42.4%, 1,348,972), followed by White (30.7%, 977,832), Black (15.0%, 478,937), Asian (5.3%, 168,492), Middle Eastern/South Asian (4.8%, 152,441), Multiracial (1.0%, 31,721), Pacific Islander (0.5%, 16,736), and Native American (0.3%, 9,411).[6]

Gender.[7] RIPA regulations contain five gender categories, including male, female, transgender man/boy, transgender woman/girl, and gender nonconforming.[8] Overall, the majority of individuals were perceived as cisgender male (72.1%, 2,296,595) or cisgender female (27.5%, 875,772),[9] with all other groups collectively constituting less than one percent of stops.[10]

Age. Individuals perceived to be between the ages of 25 and 34 accounted for the largest proportion of individuals stopped within any one age group (33.1%, 1,052,650). Individuals

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[5] Due to a technical error, one successfully submitted record is missing information for the perceived race/ethnicity of the stopped individual.

[6] Officers may select multiple racial/ethnic categories per individual when recording stop data. To avoid counting the same stopped individual in multiple racial/ethnic groups, all stopped individuals whom officers perceived to be part of multiple racial/ethnic groups were categorized as Multiracial. The distribution of the race/ethnicity categories that officers selected when they selected more than one category was as follows: Asian (21.0%), Black (30.7%), Hispanic (72.0%), Middle Eastern/South Asian (29.4%), Native American (14.8%), Pacific Islander (16.8%), and White (66.0%).

[7] Due to a technical error, four successfully submitted records are missing information for the perceived gender of the stopped individual.

[8] These categories match those found in the regulations informing RIPA stop data collection. For the purposes of this report, "male" refers to cisgender males and "female" refers to cisgender females.

[9] Cisgender is an adjective used to describe a person whose gender identity conforms with the sex they were assigned at birth.
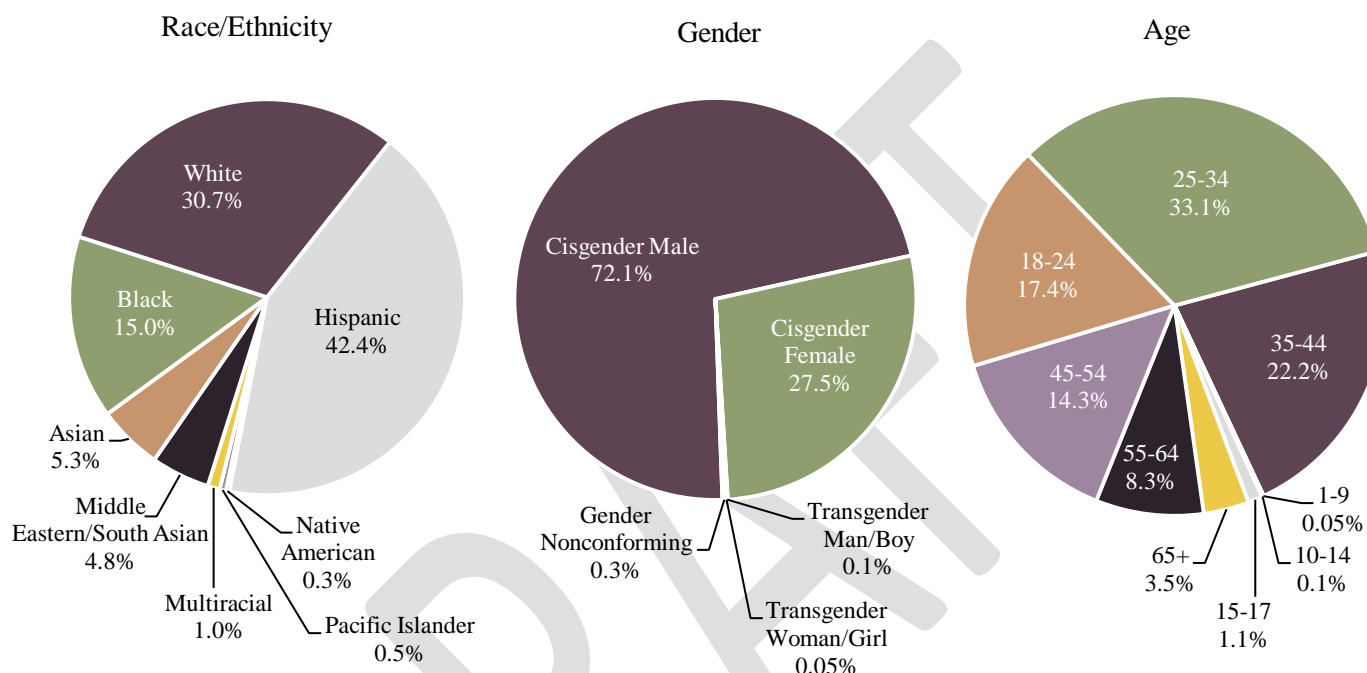
[10] The other groups were transgender man/boy (0.1%, 2,550), transgender woman/girl (0.05%, 1,583), and gender non-conforming (0.3%, 8,039).

perceived to be below the age of 10 accounted for the smallest proportion (<0.1%; 1,542) of individuals stopped.[11]

Figure X. Race/Ethnicity, Gender and Age Distributions of 2021 RIPA Stop Data

LGBT. Overall, stops of individuals perceived to be LGBT comprised less than one percent of the data (0.8%; 25,995).[12] Of these 25,995 individuals, officers perceived 4,740 (18.2%) to be transgender. For many individuals, LGBT identity is not a consistently visible characteristic; therefore, the ability of officers to perceive this characteristic may often depend on context. For example, based on social cues or conversations, an officer may perceive the driver and a

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[11] Individuals whom officers stopped and perceived to be less than 10 years of age constituted less than one of every 500 individuals stopped. However, the Department is currently exploring the possibility that, in some cases, officers may have (1) incorrectly recorded the age of these stopped individuals (i.e. typographical errors) or (2) recorded data in cases that are not reportable under Section 999.227 (b) of the RIPA regulations (i.e. recording data for young passengers not suspected of committing a violation who also did not have reportable actions taken towards them).

[12] . Officers that report the perceived gender of an individual to be transgender must also indicate they perceived the person to be LGBT.

passenger in a vehicle to be same-sex partners.[13] An individual's gender expression – how the person acts, dresses, behaves, and interacts to demonstrate their gender – may influence other people's perception. Additionally, individuals who are seen as existing outside of gender norms in ways that are easily perceived often experience more significant surveillance or scrutiny from law enforcement or others. This is sometimes called hypervisibility.[14]

Limited English Fluency. Officers perceived approximately 4.1 percent (128,949) of individuals stopped to have limited or no English fluency.

Disability. Officers perceived 1.2 percent (38,281) of individuals stopped to have one or more disabilities.[15] Of those perceived to have a disability, the most common disability reported by officers was mental health disability (75.1%; 26,811).[16]

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[13] RIPA seeks to collect perceived data, and the implementing regulations prohibit an officer from asking individuals about their sexual orientation (in addition to gender, age, ethnicity) in order to collect RIPA data. In this hypothetical example, the officer may have overheard a conversation that led to their perception, one of the vehicle occupants identified themselves or the other as a romantic partner (without being asked), or intimacy between individuals may have informed the officer's perception.

[14] Fernandez and Williams, *We Deserve Better: A report by the members of BreakOUT!* (2014) p. 11 <https://issuu.com/youthbreakout/docs/we_deserve_better_report> [as of Dec. 2, 2021]; Shabalala, *"Violence is everywhere for trans women" - Experiences of gendered violence in the lives of Black transgender women in post-apartheid South Africa: a critical transfeminist narrative enquiry* (2020) University of Cape Town: Thesis Honors in Bachelor of Social Science, pp. 21-22 <http://www.psychology.uct.ac.za/sites/default/files/image_tool/images/117/Logos/thesis/VIOLEN~1.PD > [as of Dec. 2, 2021].

[15] Specific disability categories that the officer could report were blind/limited vision (0.02%), deafness or difficulty hearing (0.06%), developmental disability (0.03%), disability related to hyperactivity or impulsive behavior (<0.1%), mental health disability (0.8%), other disability (0.1%), speech impaired (0.05%), and multiple disabilities (0.1%).

[16] Individuals perceived to have multiple disabilities—including mental health disabilities—are not included in this statistic.
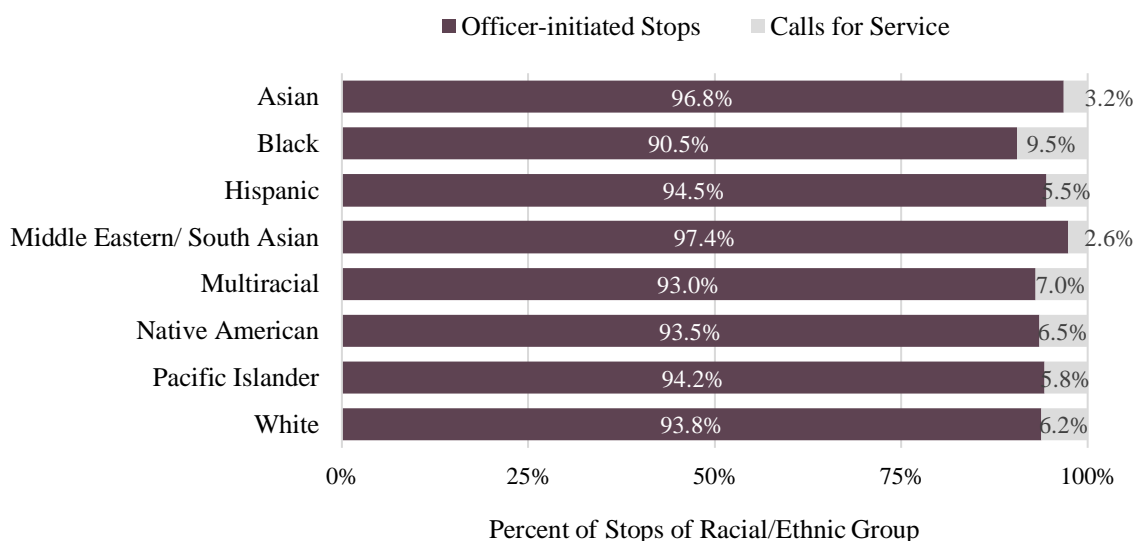
1.1.1 Calls for Service

Officers must indicate whether they made each stop in response to a call for service.[17] Officers reported that 6.1 percent of stops were made in response to calls for service.[18]

Race/Ethnicity. The share of stops made in response to calls for service was highest for Black individuals (9.5%) and lowest for Middle Eastern/South Asian individuals (2.6%).

Key Terms
• Call for service – a stop made in response to a 911 call, radio call, or dispatch
• Officer-initiated – a stop resulting from the officer's observation not in response to a call for service

Figure X. Call for Service Status by Race/Ethnicity

■ Officer-initiated Stops   ■ Calls for Service

Race/Ethnicity	Officer-initiated Stops	Calls for Service
Asian	96.8%	3.2%
Black	90.5%	9.5%
Hispanic	94.5%	5.5%
Middle Eastern/ South Asian	97.4%	2.6%
Multiracial	93.0%	7.0%
Native American	93.5%	6.5%
Pacific Islander	94.2%	5.8%
White	93.8%	6.2%

Percent of Stops of Racial/Ethnic Group

Gender. Stopped individuals perceived as transgender men/boys had the highest proportion of their stops initiated in response to a call for service (28.9%) followed closely by transgender

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[17] Calls for service are only reported if they resulted in a "stop," as defined by section 999.224, subdivision (a)(14) of the RIPA regulations. Officers must note the primary reason for stop in addition to recording whether the stop was made in response to a call for service. The RIPA regulations do not specify whether a stop made after a civilian flags down an officer on the street fits the definition of a call for service; accordingly, data entry for this field may vary across officers and agencies for stops where civilians flagged down officers.
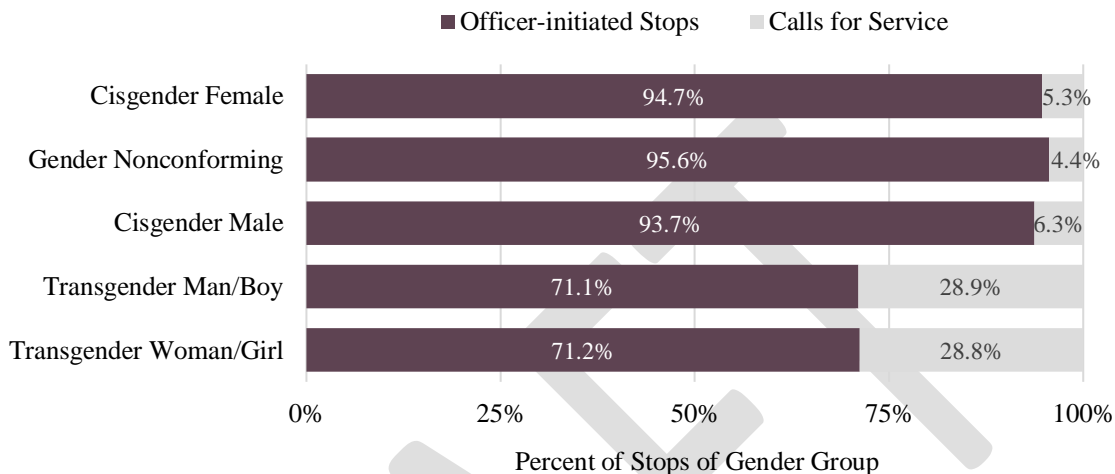
[18] Given that stops for traffic violations constitute a majority of the data but are less likely to be made in response to a call for service, these analyses were also conducted while excluding data from stops where the primary reason for the stop was a traffic violation. Please see Appendix Table X for all statistics.
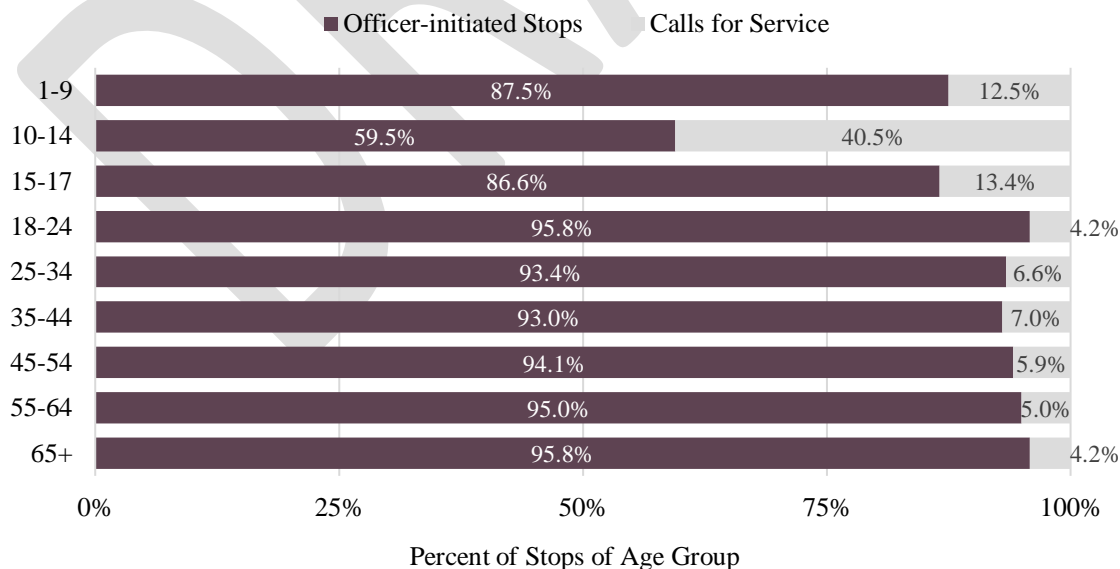
women/girls (28.8%), while stopped individuals perceived as gender nonconforming had the lowest proportion (4.4%).

Figure X. Call for Service Status by Gender

■ Officer-initiated Stops   ☐ Calls for Service

Gender	Officer-initiated Stops	Calls for Service
Cisgender Female	94.7%	5.3%
Gender Nonconforming	95.6%	4.4%
Cisgender Male	93.7%	6.3%
Transgender Man/Boy	71.1%	28.9%
Transgender Woman/Girl	71.2%	28.8%

Percent of Stops of Gender Group

Age. Individuals stopped whom officers perceived to be between the ages of 10 and 14 had the highest proportion of their stops initiated in response to a call for service (40.5%), whereas individuals between the ages of 18 and 24 (4.2%) and individuals aged 65 or higher had the lowest proportion (4.2%).

Figure X. Call for Service Status by Age Group

■ Officer-initiated Stops   ☐ Calls for Service

Age	Officer-initiated Stops	Calls for Service
1-9	87.5%	12.5%
10-14	59.5%	40.5%
15-17	86.6%	13.4%
18-24	95.8%	4.2%
25-34	93.4%	6.6%
35-44	93.0%	7.0%
45-54	94.1%	5.9%
55-64	95.0%	5.0%
65+	95.8%	4.2%

Percent of Stops of Age Group

LGBT. Stopped individuals whom officers perceived as LGBT had a higher proportion (13.9%) of their stops reported as being in response to a call for service than individuals whom the officers did not perceive to be LGBT (6.0%).

Limited English Fluency. Stopped individuals whom officers perceived to have limited or no English fluency had a higher proportion of their stops reported as being in response to a call for service (9.1%) compared to English fluent individuals (5.9%).

Disability. Stopped individuals whom officers perceived as having a disability had a remarkably higher proportion of their stops reported as being in response to a call for service (59.2%) compared to those whom officers did not perceive to have a disability (5.4%).

1.1.1   Primary Reason for Stop

Officers are required to report the primary reason for initiating a stop. Officers select only the primary reason that informed their decision to initiate a stop even if multiple reasons may apply. Officers collect data for both pedestrian and vehicle stops.

Officers may select from eight different primary reasons for a stop. The most common reason for a stop was a traffic violation (86.8%), followed by reasonable suspicion that the person was engaged in criminal activity (10.5%).[19] All other reasons collectively made up less than 3

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[19] Although officers may have reasonable suspicion when initiating stops for traffic violations, Section 999.226 (a)(10)(A)(2) of the regulations state officers should not select the "reasonable suspicion" value when the reason for stop is a traffic violation. Instead, officers should select the "traffic violation" value as the primary reason for stop. Reasonable suspicion is a legal standard in criminal law that requires an officer to point to specific articulable facts that the person is engaged in, or is likely to be engaged in, criminal activity (*Terry v. Ohio* (1968) 392 U.S. 1, 31). Reasonable suspicion requires more than just an officer having a hunch that the person committed a crime, but is a lesser standard than probable cause, which is required to arrest somebody (*Terry v. Ohio* (1968) 392 U.S. 1, 31). In order to fill a gap in the existing regulations, officers currently select "reasonable suspicion" as the reason for stop when an officer suspects criminal activity. "Reasonable suspicion" is also selected as the reason for stop where officers initiate contact for community caretaking purposes. "Community caretaking" relates to an officer's non-crime related duties that are not performed for the purpose of investigating a crime. A welfare or wellness check or the officer's community caretaking function cannot serve as a basis for initiating a detention or search. Because no distinct value exists within the existing RIPA regulations that allows officers to capture when a stop is made during the course of a community caretaking contact, officers must select reasonable suspicion as Reason for Stop and then select "Community Caretaking" as the offense code that serves as the basis for the stop. This designation in the regulations was not intended to suggest that people with mental health disabilities are engaging in criminal activity.

percent of the data and are grouped together under the category of "Other" in the following sections.[20]

Race/Ethnicity. Middle Eastern/South Asian individuals had the highest proportion of their stops reported as traffic violations (95.6%) and the lowest proportion of their stops reported as reasonable suspicion (3.7%) and "Other" (0.6%). Relative to other groups, Black individuals had the highest proportion of their stops reported as reasonable suspicion (16.2%) and the lowest proportion of their stops reported as traffic violations (80.5%). Native American individuals had the highest proportion of any racial/ethnic group of their stops reported as "Other" (3.8%).

Figure X. Primary Reason for Stop by Race/Ethnicity

Percent of Stops of Racial/Ethnic Group
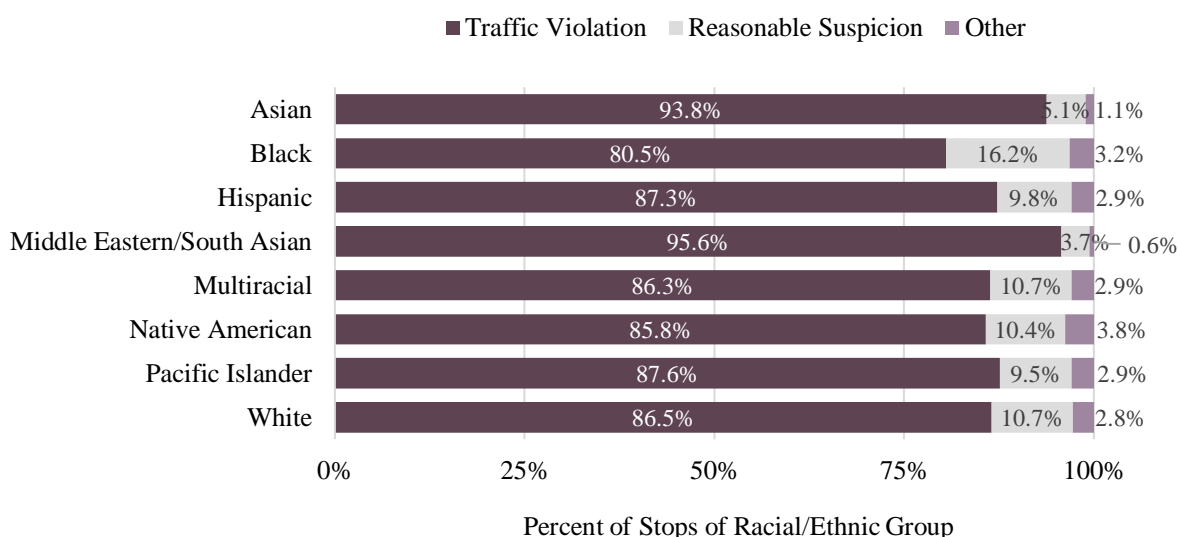
Gender. Of all gender groups, gender nonconforming individuals had the highest proportion of their stops reported as traffic violations (91.6%) and the lowest proportion of their stops reported as reasonable suspicion (5.9%). Cisgender female individuals had the lowest proportion of their stops reported in the categories grouped together as "Other" (2.0%). Transgender women/girls had the lowest proportion of their stops reported as traffic violations (49.5%) and the highest proportion of their stops reported as reasonable suspicion (45.4%) while transgender men/boys had the highest proportion of their stops reported in the categories grouped together as "Other" (6.5%).

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[20] Other reasons for a stop that the officer could report included consensual encounter resulting in a search (0.9%), mandatory supervision (0.7%), warrants/wanted person (0.8%), truancy (0.3%), investigation to determine whether student violated school policy (<0.1%), and possible violations of the Education Code (<0.1%). These Primary Reason for Stop categories are combined in this section under the category of "Other."

Figure X. Primary Reason for Stop by Gender
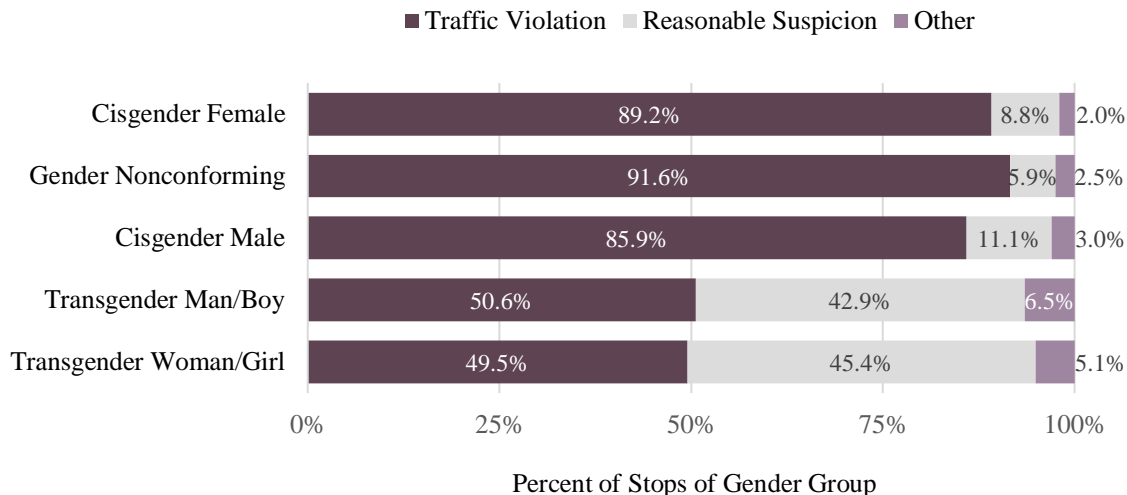
Age. Individuals perceived to be 65 years or older had the highest proportion of their stops reported as traffic violations (91.8%) and the lowest proportion of their stops reported as reasonable suspicion (6.9%) and in the categories grouped together as "Other" (1.2%). Individuals perceived to be between the ages of 10 and 14 had the lowest proportion of their stops reported as traffic violations (28.2%) and the highest proportion of their stops reported as reasonable suspicion (55.5%) and in the categories grouped together as "Other" (16.3%).[21]

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[21] The data shows a higher number of reported traffic violations than many readers may expect for people too young to hold a provisional permit or driver's license. This could partially be explained by cases where officers (1) incorrectly recorded the age of the stopped individuals, (2) recorded data for passengers in the vehicles they stop, or (3) recorded violations of bicycle or motorized scooter law, which are considered valid reportable traffic violations.

Figure X. Primary Reason for Stop by Age Group

■ Traffic Violation ▨ Reasonable Suspicion ■ Other

Percent of Stops of Age Group
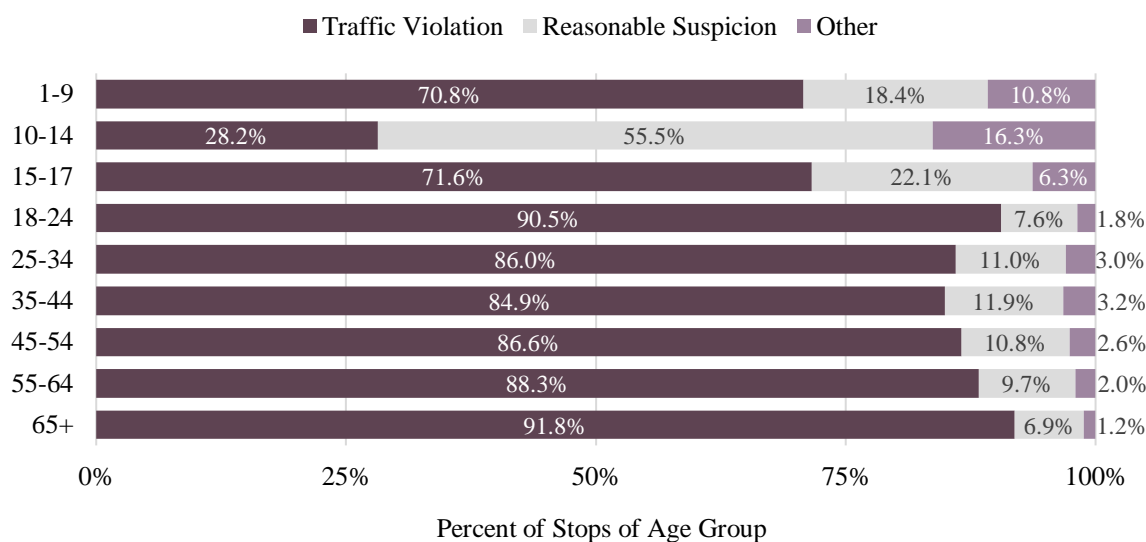
LGBT. Individuals perceived to be LGBT had a lower proportion of their stops reported as traffic violations (72.4%) and a higher proportion of their stops reported as reasonable suspicion and in the categories grouped together as "Other" (22.7%; 4.8%) than individuals who officers did not perceive to be LGBT (86.9% traffic violations, 10.4% reasonable suspicion, and 2.7% other reasons).

Limited English Fluency. Individuals perceived to have limited English fluency had a lower proportion of their stops reported as traffic violations (83.9%) and in the categories grouped together as "Other" (2.4%) compared to individuals whom officers perceived to be fluent in English (86.9% traffic violations and 2.7% other reasons). The opposite was true of reasonable suspicion stops where individuals perceived to have limited English fluency had a higher proportion of their stops reported under this category than individuals perceived as English fluent (13.7% and 10.4%, respectively).

Disability. Stopped individuals perceived as having a disability had a lower proportion of their stops reported as traffic violations (16.7%) and a higher proportion of their stops reported as reasonable suspicion (70.2%) and in the categories grouped together as "Other" (13.1%) than those not perceived to have a disability (87.6% traffic violations, 9.8% reasonable suspicion and 2.6% other reasons).[22]

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[22] One possible explanation for why individuals perceived to have a disability have a higher proportion of reasonable suspicion stops is related to how community caretaking contacts are recorded. As mentioned previously, community caretaking relates to an officer's non-crime related duties that are not performed for the purpose of investigating a crime. Presently, stops for "community caretaking" are captured in the reasonable suspicion data element.

1.1.1 Actions Taken by Officers During Stops

Officers can select up to 23 different actions taken during the stop (excluding actions categorized as stop results, such as arrest). These actions include, for example, asking someone to exit a vehicle, conducting a search, and handcuffing someone (separate from arresting that person). A stopped individual may have multiple actions taken towards them in a single stop, and officers must report all actions taken towards an individual during a stop.

Officers reported not taking any reportable action during 80.1% of stops and taking actions during 19.9% of stops. Overall, officers averaged less than one (0.6) reportable action per individual they stopped. For stops during which officers took one or more actions, the average number of actions taken by officers was 2.8. The average number of actions taken during stops for each identity group can be found in the Appendix.[23]

Across all stops, the most common actions taken by officers were a search of property or person (11.9%), curbside or patrol car detention (11.3%), handcuffing (9.8%),[24] and verbally ordered removal from a vehicle (4.3%).[25] Officers indicated taking each of the other reportable actions towards less than 3 percent of individuals they stopped.[26]

Race/Ethnicity. Stopped individuals perceived to be Black had the highest proportion, relative to other race/ethnicity groups, of their stops involving the officer taking one or more actions towards them (31.0%). Stopped individuals perceived to be Middle Eastern/South Asian had the lowest proportion of their stops involving officers taking actions towards them (7.1%).

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[23] Please see Appendix Table X for all descriptive statistics.

[24] A report of "handcuffing" an individual in this section does not mean that the officers arrested the individual. Section 1.1.5 of this chapter discusses arrests. Additionally, Appendix Table X displays the percentage of handcuffed individuals who experienced each of the following three stop results: arrested, no action taken, and result of stop other than an arrest or no action taken. Of the individuals handcuffed, officers arrested 60.8 percent, took some other form of action for 28.1% percent, and took no action towards 11.1% percent of individuals.
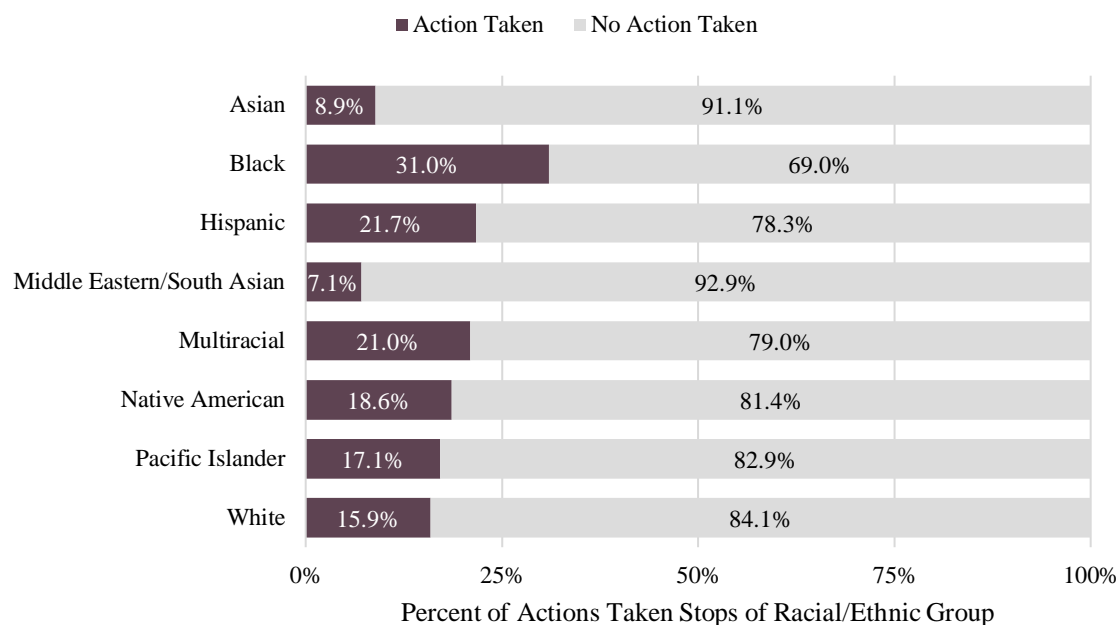
[25] Searches of person or property are captured in separate data fields and were combined for this analysis. Curbside and patrol car detentions are also recorded in distinct data fields and were combined.

[26] Other actions include: person removed from vehicle by physical contact (0.5%), field sobriety test (2.2%), canine removed from vehicle or used to search (0.1%), firearm pointed at person (0.5%), firearm discharged (<0.1%), electronic control device used (<0.1%), impact projectile discharged (<0.1%), canine bit or held person (<0.1%), baton or other impact weapon (<0.1%), chemical spray (<0.1%), other physical or vehicle contact (0.5%), person photographed (0.6%), asked for consent to search person (2.8%), received consent to search person (95.5%), asked for consent to search property (2.1%), received consent to search property (93.8%), property seized (1.1%), vehicle impounded (1.6%), and written statement (<0.1%).

Figure X. Actions Taken During Stop by Race/Ethnicity

Of all the race/ethnicity groups, stopped individuals whom officers perceived to be Black had the highest rate of being searched (20.1%), detained on the curb or in a patrol car (17.9%), handcuffed (15.4%), and removed from a vehicle by order (7.6%). Similar to findings from the 2022 Report, officers took these actions towards more Black individuals than White individuals, despite stopping over twice the number of White individuals as Black individuals.[27] Stopped individuals whom officers perceived to be Middle Eastern/South Asian had the lowest rate for each of these actions (ranging from 1.4% and 3.7%).

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[27] See Appendix Table X for a breakdown of actions taken toward stopped individuals by identity group.

DRAFT REPORT – PENDING EDITING AND REVIEW
This draft is a product of various subcommittees of the Racial and Identity Profiling Advisory Board. It has been provided merely for the Racial and Identity Profiling Advisory Board's consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.
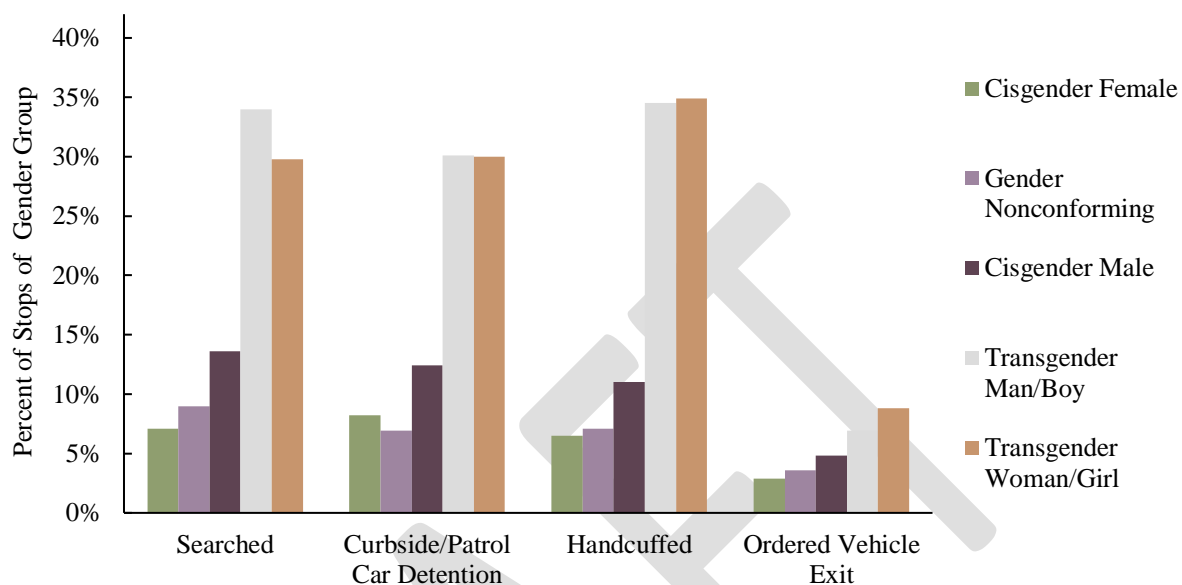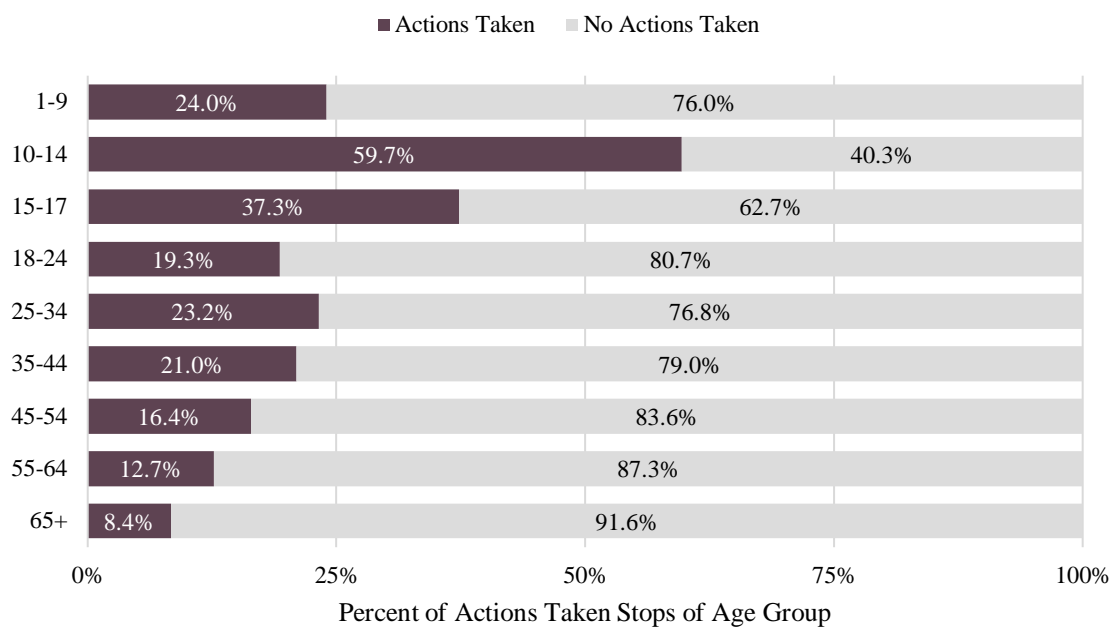
Figure X. Actions Taken During Stop by Race/Ethnicity
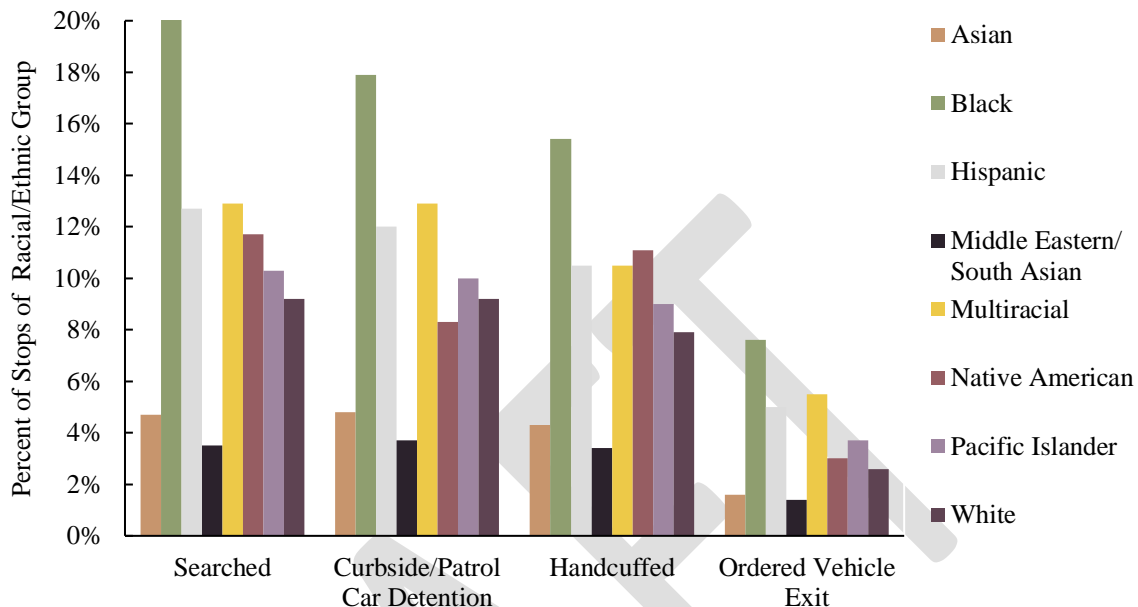
Gender. Stopped individuals perceived to be transgender men/boys had the highest proportion of their stops involve the officer taking actions towards them (55.1%). Individuals perceived to be transgender women/girls also had actions taken toward them during more than half of their stops (52.5%). Individuals perceived to be cisgender female (14.3%) had the lowest proportion of stops with actions taken towards them.

Figure X. Actions Taken During Stop by Gender

■ Action Taken ■ No Action Taken

Gender	Action Taken	No Action Taken
Cisgender Female	14.3%	85.7%
Gender Nonconforming	14.4%	85.6%
Cisgender Male	22.0%	78.0%
Transgender Man/Boy	55.1%	44.9%
Transgender Woman/Girl	52.5%	47.5%

Percent of Actions Taken Stops of Gender Group

Stopped individuals whom officers perceived as transgender men/boys had the highest rate of being searched (34.0%) and detained curbside or in a patrol car (30.1%), while individuals perceived as transgender women/girls had the highest rates of being handcuffed (34.9%) and being removed by vehicle order (8.8%). Individuals perceived as cisgender female had the lowest rate of being searched (7.1%), handcuffed (6.5%) and removed by vehicle order (2.9%), while individuals perceived as gender nonconforming had the lowest rate of being detained curbside or in a patrol car (6.9%).

Figure X. Actions Taken During Stop by Gender

Age. Stopped individuals perceived to be between the ages of 10 and 14 had the highest proportion of their stops involve officers taking actions towards them (59.7%), while individuals perceived to be 65 or higher had the lowest proportion (8.4%).

Figure X. Actions Taken During Stop by Age Group

■ Actions Taken   No Actions Taken

Age Group	Actions Taken	No Actions Taken
1-9	24.0%	76.0%
10-14	59.7%	40.3%
15-17	37.3%	62.7%
18-24	19.3%	80.7%
25-34	23.2%	76.8%
35-44	21.0%	79.0%
45-54	16.4%	83.6%
55-64	12.7%	87.3%
65+	8.4%	91.6%

0%   25%   50%   75%   100%

Percent of Actions Taken Stops of Age Group

Individuals whom officers stopped and perceived to be between the ages of 10 and 14 had the highest rate of being searched (29.7%), detained on the curb or in a patrol car (37.9%), and handcuffed (27.1%), while those perceived to be between 15 and 17 had the highest rates of being removed from a vehicle by order (7.4%). Those aged 65 or higher consistently had the lowest rate for each of these actions (ranging from 1.0 to 4.5%).

Figure X. Actions Taken During Stop by Age Group
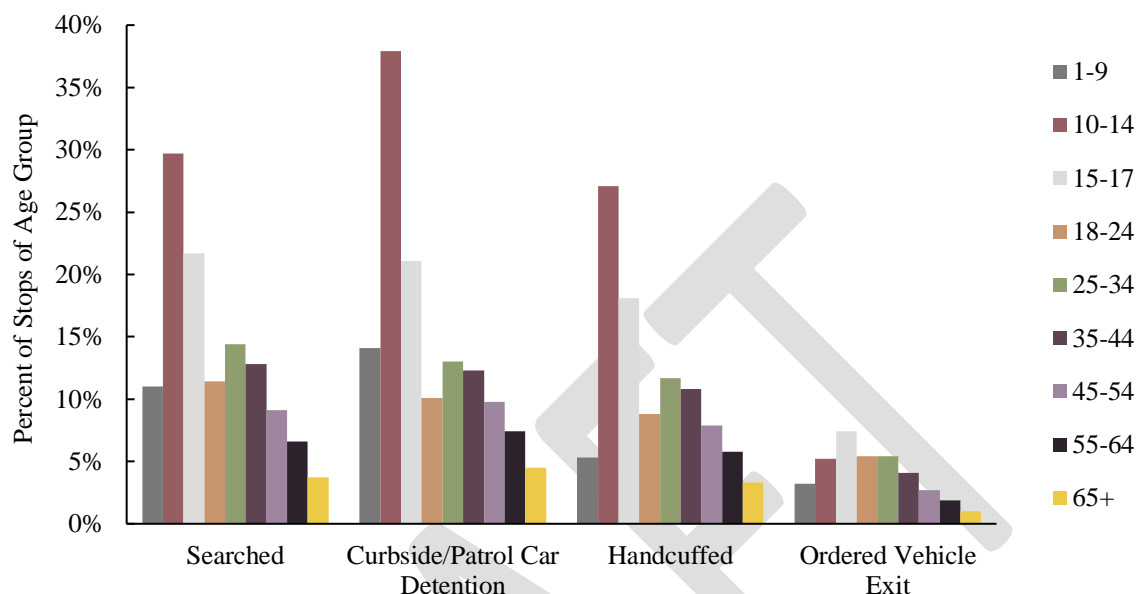
LGBT. Stopped individuals whom officers perceived to be LGBT had a higher proportion of their stops involving the officers taking actions towards them (32.0%) than individuals officers did not perceive to be LGBT (19.8%).[28]

Stopped individuals whom officers perceived to be LGBT were searched (19.3%), detained on the curb or in a patrol car (18.8%), handcuffed (18.2%), and removed from a vehicle by order (5.5%) at a higher rate than individuals officers did not perceive to be LGBT (11.8% searched, 11.2% detained, 9.7% handcuffed, and 4.3% removed from vehicle by order).

Limited English Fluency. Individuals perceived to have limited English fluency had a higher proportion of their stops involve officers taking actions towards them (26.0%) compared to individuals whom officers perceived to be fluent in English (19.6%).

Stopped individuals whom officers perceived to have no or limited English fluency were searched (13.9%), detained on the curb or in a patrol car (12.9%), handcuffed (13.0%), and removed from a vehicle by order (5.8%) at a higher rate than those perceived to speak English

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[28] In many instances, officers may not perceive a stopped person's LGBT identity. As discussed on p. [placeholder], an individual's gender expression may influence how other people perceive their gender, and contextual information such as conversations and intimacy between individuals may influence other people's perception of their relationships and sexual orientation. If officers decide to take additional actions towards an individual they stop, the additional interaction may also provide more information for officers to form perceptions about the individual, including LGBT identity.

fluently (11.8% searched, 11.2% detained, 9.6% handcuffed, and 4.2% removed from vehicle by order).

Disability. Stopped individuals perceived as having a disability had a higher proportion of their stops involve officers taking actions towards them (73.6%) than those not perceived to have a disability (19.2%).

Stopped individuals whom officers perceived to have a disability were searched (45.9%), detained on the curb or in a patrol car (46.0%), and handcuffed (49.4%) at a much higher rate than those perceived not to have a disability (11.4% searched, 10.8% detained, and 9.3% handcuffed). Individuals whom officers perceived to have a disability had a lower rate of being removed from a vehicle by order (3.3%) compared to those who were not perceived as having a disability (4.3%).

Figure X. Actions Taken During Stop by Disability Group
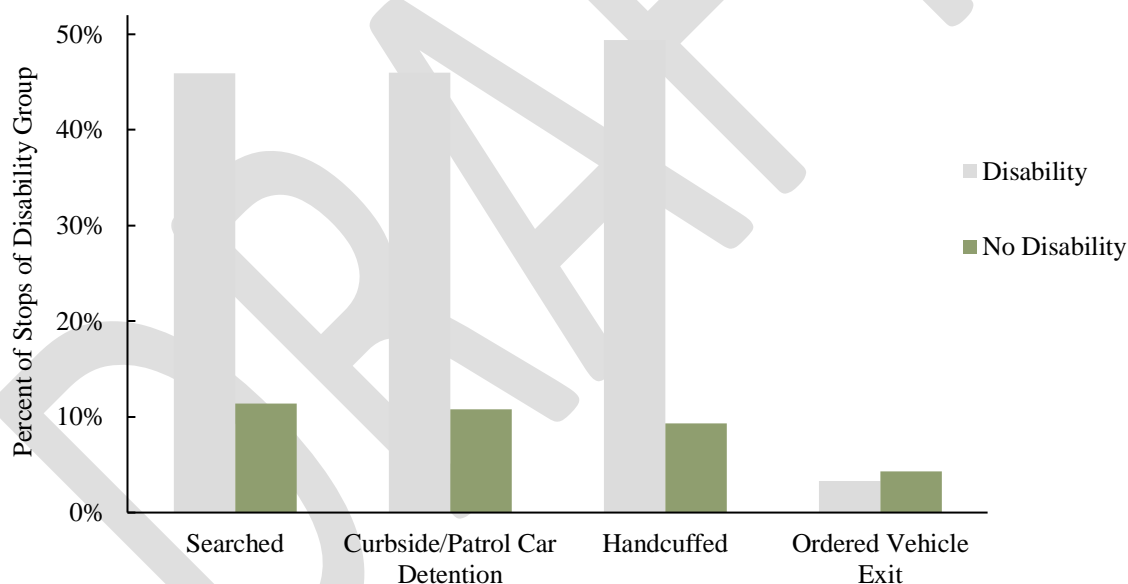
1.1.1 Result of Stop

Officers can select up to 13 different result of stop options. Officers may select multiple results of stop for a given stop, where necessary (e.g., an officer cited an individual for one offense and warned them about another). Individuals were most often issued a citation (52.0%), followed by a warning (26.3%), and then arrest (12.8%).[29] Officers indicated they took no reportable action

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[29] Arrests here include three unique result types: in-field cite and release (5.6% of stopped individuals), custodial arrest without a warrant (5.8% of stopped individuals), and custodial arrest with a warrant (1.7%

towards 7.6 percent of stopped individuals. Each of the other results represented less than 6 percent of the data.[30]

If officers do not take any action as a result of stop, it may indicate in part that there was an unfounded suspicion of wrongdoing, and that explicit or implicit bias may have influenced the officer in making the stop.[31]

Race/Ethnicity. Officers reported taking no action as the result of stop most frequently during stops of individuals they perceived to be Black (13.2%). The proportion of Black individuals with no action taken towards them as the result of stop was more than double (2.2 times) the proportion of stops of White individuals (6.1%) that resulted in no action. Officers tended to take no action as the result of stop least often (3.3%) during stops of individuals they perceived to be Middle Eastern/South Asian.

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of stopped individuals). It is possible for multiple arrest conditions to apply to the same individual in a single stop.
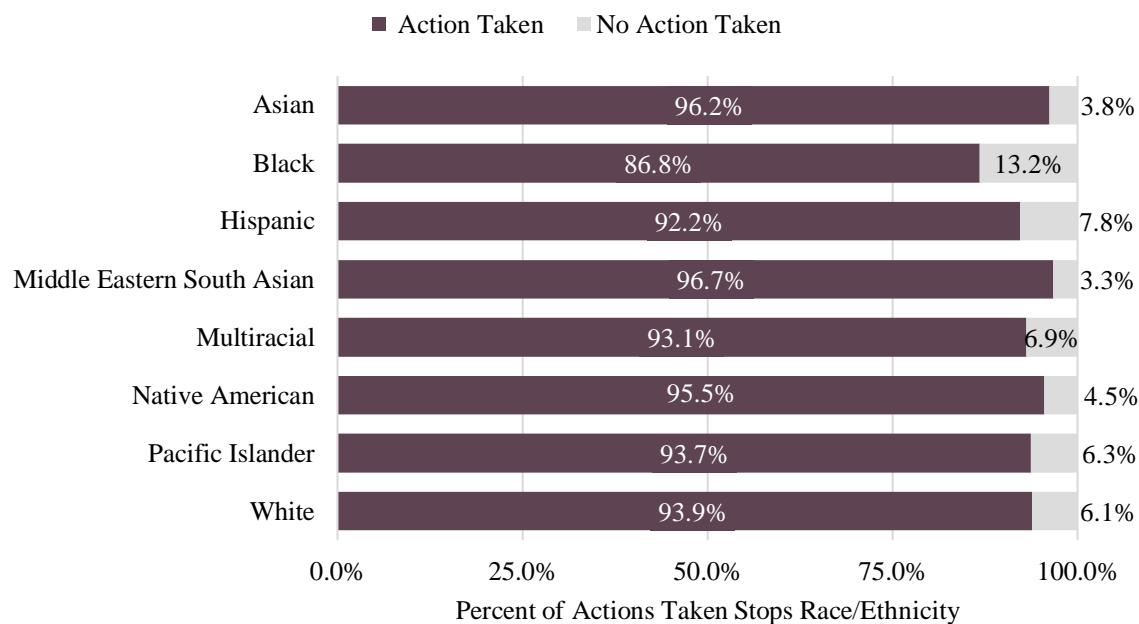
[30] Other result categories included field interview card completed (3.8%), noncriminal/caretaking transport (0.4%), contacted parent/legal guardian (0.1%), psychiatric hold (0.8%), contacted U.S. Department of Homeland Security (<0.1%), referred to a school administrator (<0.1%), or referred to a school counselor (<0.1%). Officers can only select "referred to a school administrator" or "referred to a school counselor" as the result category if the stop is of a student in a K-12 public school.

[31] *Investigation of the Baltimore City Police Department* (Aug. 2016) U.S. DOJ, p. 28 <https://www.justice.gov/opa/file/883366/download> [as of XXX].

Figure X. Stop Result by Race/Ethnicity

■ Action Taken ■ No Action Taken

Race/Ethnicity	Action Taken	No Action Taken
Asian	96.2%	3.8%
Black	86.8%	13.2%
Hispanic	92.2%	7.8%
Middle Eastern South Asian	96.7%	3.3%
Multiracial	93.1%	6.9%
Native American	95.5%	4.5%
Pacific Islander	93.7%	6.3%
White	93.9%	6.1%

Percent of Actions Taken Stops Race/Ethnicity

Compared to other races/ethnicities, stopped individuals perceived as Middle Eastern/South Asian were cited at the highest rate (67.5%), while individuals perceived to be Black were cited at the lowest rate (40.0%). Stopped individuals officers perceived to be Black were warned at the highest rate (29.1%); Asian individuals were warned at the lowest rate (23.0%). Officers arrested stopped individuals they perceived to be Native American at the highest rate (18.6%) and individuals they perceived as Middle Eastern/South Asian at the lowest rate (5.5%).

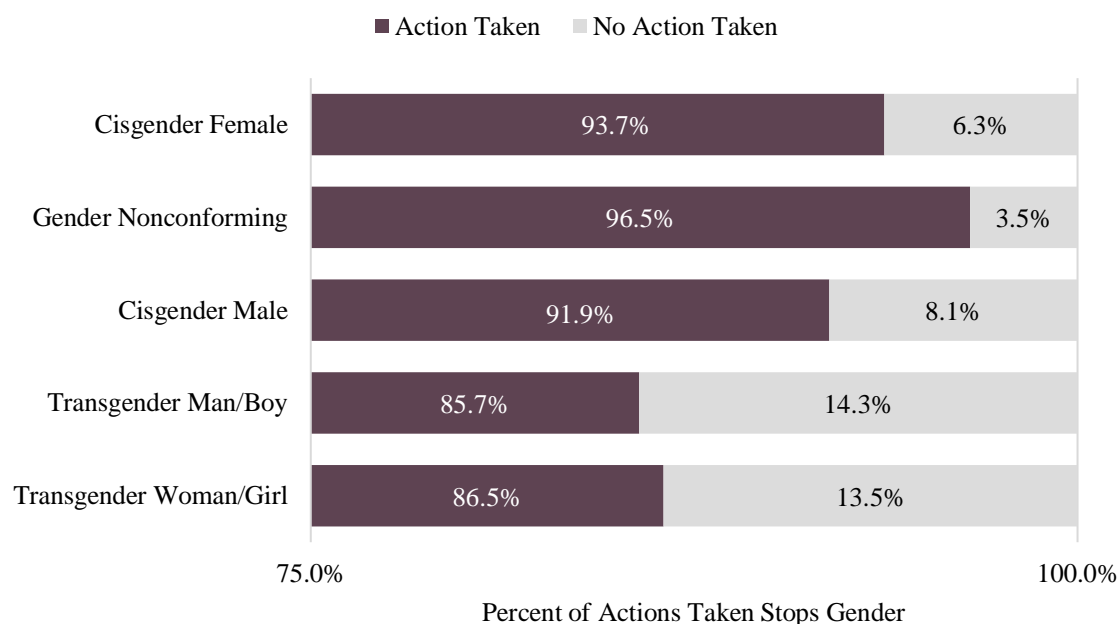Figure X. Stop Result by Race/Ethnicity
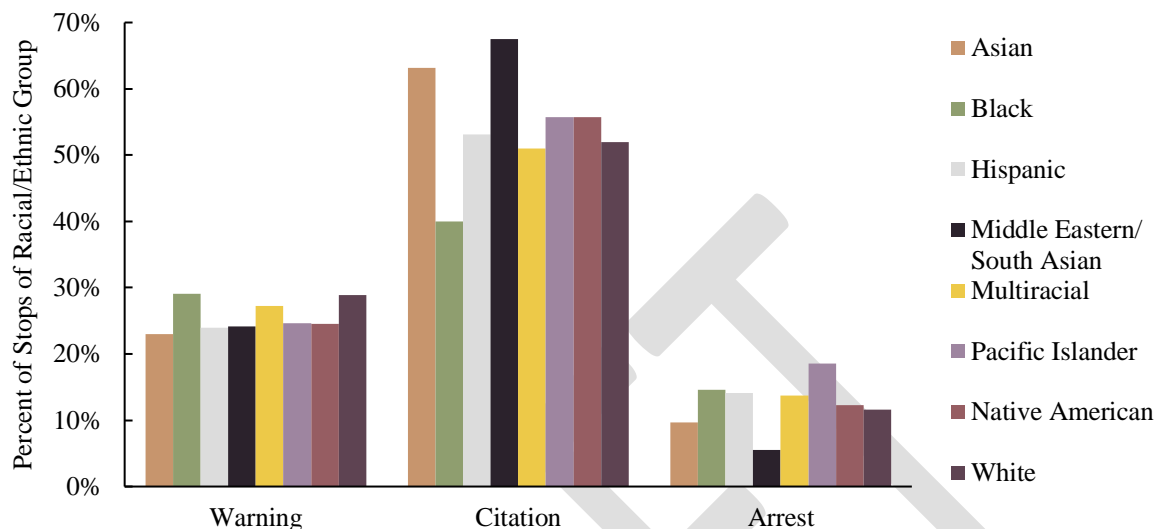
Gender. Officers took no action as the result of stop most often during stops of individuals they perceived to be transgender men/boys (14.3%); this rate exceeded the no action rate of cisgender males (8.1%). Similarly, officers took no action against stopped individuals whom officers perceived to be transgender women/girls at a higher rate (13.5%) than for individuals whom officers perceived to be cisgender females (6.3%). Officers took no reportable action least frequently during stops of gender nonconforming individuals (3.5%).

Figure X. Stop Result by Gender

■ Action Taken   ▪ No Action Taken

	Action Taken	No Action Taken
Cisgender Female	93.7%	6.3%
Gender Nonconforming	96.5%	3.5%
Cisgender Male	91.9%	8.1%
Transgender Man/Boy	85.7%	14.3%
Transgender Woman/Girl	86.5%	13.5%

Percent of Actions Taken Stops Gender

Citation rates ranged from 22.4 percent of stopped individuals perceived as transgender men/boys to 60.9 percent of individuals whom officers stopped and perceived as gender nonconforming. Warning rates ranged from 21.9 percent of stopped individuals perceived as transgender women/girls to 26.7 percent of individuals whom officers perceived as cisgender males. Finally, compared to other genders, officers arrested individuals perceived as transgender men/boys at the highest rate (26.7%), while arresting stopped individuals perceived as gender nonconforming at the lowest rate (10.4%).

Figure X. Stop Result by Gender
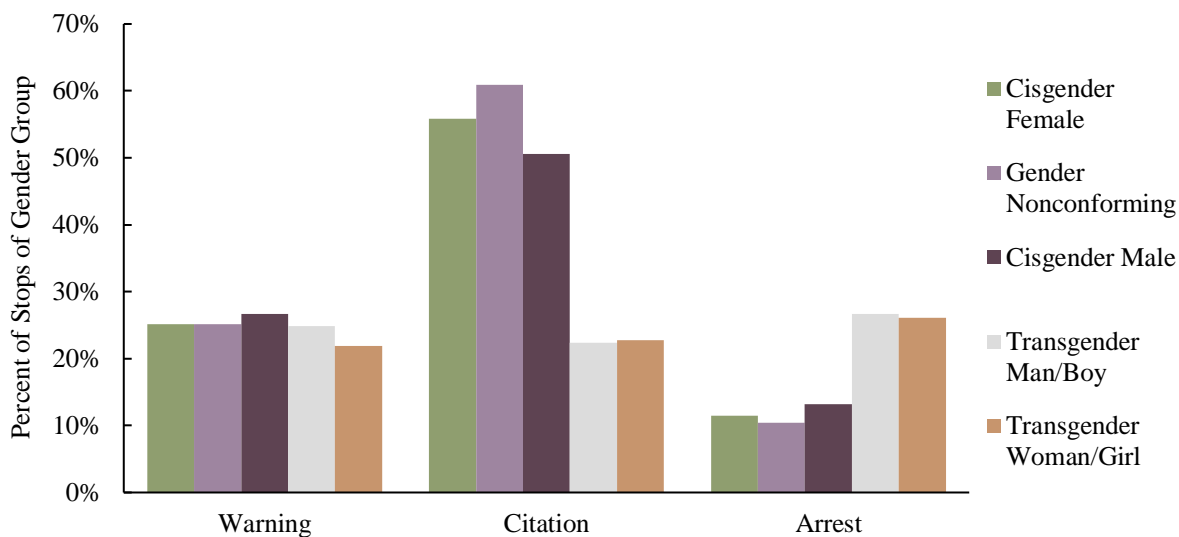
Age. The proportion of stopped individuals that had no action taken as the result of a stop tended to decrease as age groups went up, with individuals perceived to be between the ages of one and nine having the highest no action rate (27.0%) and individuals perceived to be 65 or more years old having the lowest no action rate (3.7%).

Figure X. Stop Result by Age Group
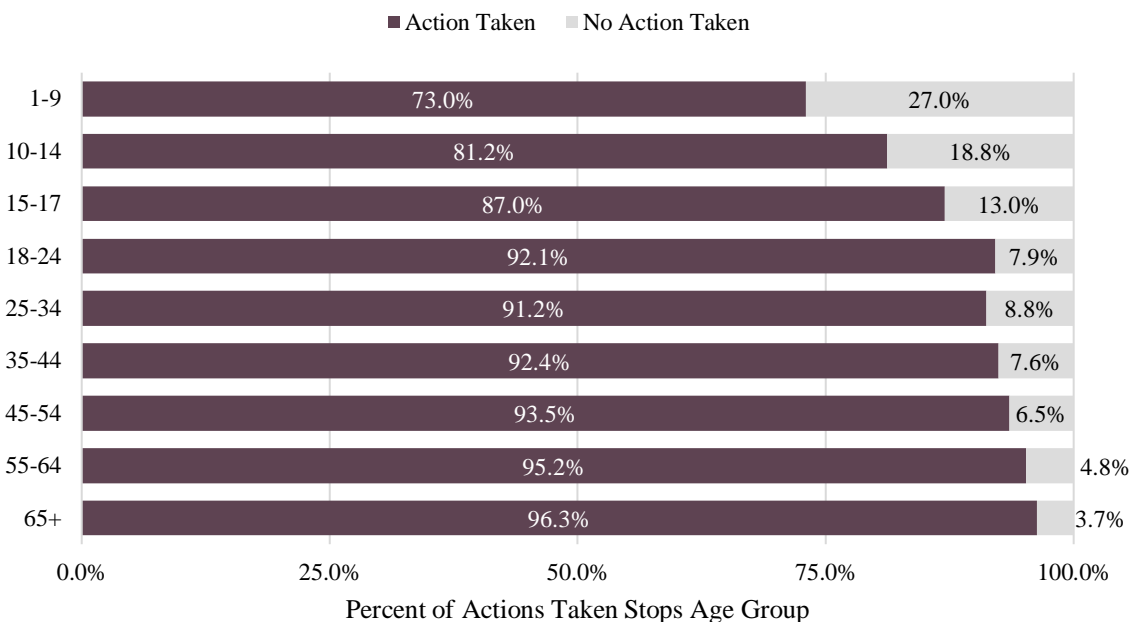
DRAFT REPORT – PENDING EDITING AND REVIEW
This draft is a product of various subcommittees of the Racial and Identity Profiling Advisory Board. It has been provided merely for the Racial and Identity Profiling Advisory Board's consideration and its content does not necessarily reflect the views of any individual RIPA Board member, the full RIPA Board, or the California Department of Justice.

Citation rates ranged from 8.8 percent for stopped individuals perceived as 10 to 14 years old to 58.4 percent of individuals perceived as 18 to 24 years old. Individuals perceived as 10 to 14 years old had the lowest rate for being warned (15.5%), whereas individuals perceived as 65 and older had the highest rate of being arrested (32.8%). Arrest rates ranged from 8.9 percent for stopped individuals perceived as 65 and older to 14 percent of individuals perceived as 35 to 44 years old.

Figure X. Stop Result by Age Group
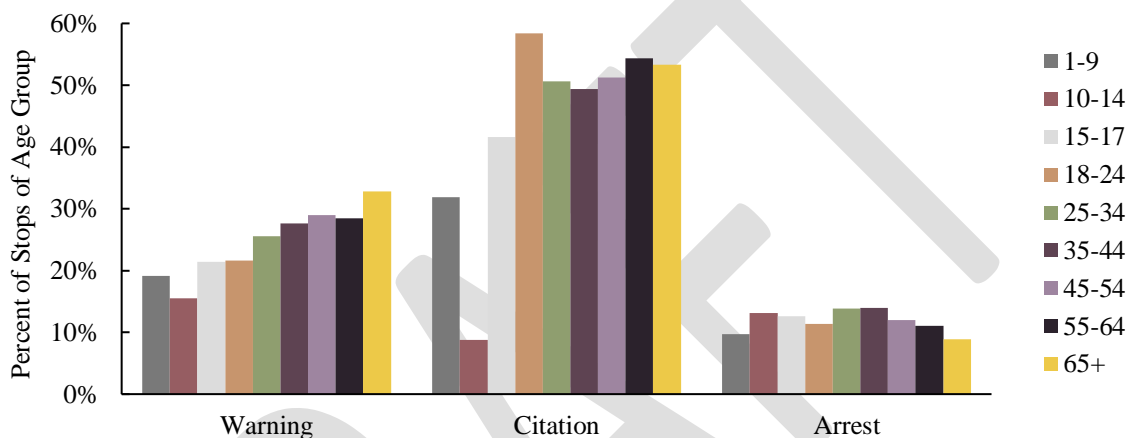
LGBT. Officers took no action as the result of stop during a higher proportion of the stops of people they perceived to be LGBT (9.7%) than during stops of people they did not perceive to be LGBT (7.6%). Individuals whom officers perceived to be LGBT had a lower rate of being cited (38.5%) or warned (23.2%), while having a higher rate of being arrested (23.1%) than individuals whom officers did not perceive to be LGBT (52.1% cited, 26.3% warned, and 12.7% arrested).

Limited English Fluency. Officers took no action as the result of stop during a lower proportion of the stops of individuals whom officers perceived to have limited or no English fluency (6.3%) than individuals whom officers perceived to be English fluent (7.7%). Individuals whom officers stopped and perceived to have no or limited English fluency had a lower rate of being cited (51.1%) or being warned (25.7%) while having a higher rate of being arrested (16.5%) when compared to individuals perceived to speak English fluently (52.1% cited, 26.3% warned, and 12.6% arrested).

Disability. Officers took no action as the result of the stop during a higher proportion of the stops of people they perceived to have a disability (12.1%) than during stops of people they perceived to not have a disability (7.5%). Further, stopped individuals whom officers perceived as having a disability had much lower rates of being cited (7.2%) or warned (14.1%) and higher rates of

being arrested (22.4%) than those perceived to not have a disability (52.6% cited, 26.4% warned, and 12.6% arrested).

1.1 *Tests for Racial/Ethnic Disparities*

A holistic approach to data analysis is critical because there is no single approach or consensus in the research literature about what analyses can best help identify racial or identity profiling. For this reason, the following section contains multiple commonly used analyses designed to identify differences in various elements of police stops across racial/ethnic groups. These tests for racial/ethnic disparities include:

- a comparison to residential population data;
- an analysis of search discovery rates; and
- an analysis examining use of force rates.[32]

Each of these analyses test for racial/ethnic disparities in a different way. As a result, each analysis has methodological strengths and weaknesses. A detailed description of the methodology for each analysis is available in Appendix X, along with discussions of some considerations for each analytical approach.

1.1.1   Residential Population Comparison

Comparing stop data to residential population data is a common method of analysis. This type of analysis assumes that the distribution of who is stopped likely resembles the demographics of residents within a comparable geographic region. But this is, of course, not always the case, as people may travel a considerable distance from where they live for a number of reasons (e.g., to go to work, visit family). Residential population demographics from the United States Census Bureau's 2020 American Community Survey (ACS) provided the benchmark for estimating the expected demographic breakdown of the 2021 stop data.[33] Differences between stop population proportions and residential population proportions for each racial/ethnic group can be caused by several factors, including potential differences in exposure to criminogenic[34] factors, allocation of law enforcement resources, elements that draw large populations of non-residents to

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[32] Previous reports have also included an additional analysis, referred to as the Veil of Darkness test, in this section. The Board voted to discontinue the inclusion of this analysis during a meeting on March 22, 2022. See Minutes from March 22, 2022, available at (to be filled in once approved and posted).

[33] When these analyses were conducted, 2020 was the most recent year for which the five-year ACS data/information was available. The Census Bureau's methodology implemented for the 2020 five-year ACS data is different from previous years due to the significant impact of the COVID-19 pandemic on the Census Bureau's data collection efforts. Please see section X of the Disparity Tests Methods Appendix (Appendix X) for further information.

[34] "Criminogenic" is defined as "(of a system, situation, or place) causing or likely to cause criminal behavior." Oxford English Dict. Online (2021) <http://www.oed.com> [as of Dec. 3, 2021].

congregate in a place (e.g., retail sectors, employment centers, tourist attractions, etc.), and officer bias.

Benchmarking using residential population data involves comparing the distribution of racial/ethnic groups stopped by agencies to the distribution of residents in the areas serviced by the same agencies. In 2021, not all agencies within the state collected RIPA data, which presents issues when trying to compare to state population data as a whole. Given that RIPA data collection happened primarily in the areas of the state patrolled by the 58 collecting agencies, the ACS estimates were weighted to display a distribution more reflective of just the areas served by the reporting agencies in 2021, rather than the state as a whole. [35]

Figure X displays the racial/ethnic distribution from the 2021 RIPA Stop Data of individuals whom officers stopped, alongside the weighted distribution of residents from the ACS. These analyses were repeated for all reporting agencies, excluding California Highway Patrol, and for each individual agency.[36]

Overall, the disparity between the proportion of stops and the proportion of residential population was greatest for Multiracial and Black individuals. Multiracial individuals were stopped 87.4 percent less frequently than expected, while Black individuals were stopped 144.2 percent more frequently than expected.[37] The proportion of stops corresponding to Native American individuals most closely matched estimates from residential population data (3.1% more frequent than expected). Compared to White individuals, who were stopped 11.4 percent less frequently than expected based on their share of the residential population, the greatest disparities between stop data and residential population data estimates occurred for Black and Multiracial individuals. The disparity for Black individuals was 2.8 times as great as the disparity for White individuals. For Multiracial individuals, the disparity was 0.1 times as great as the disparity for White individuals. This indicates that individuals perceived as Black were substantially more likely to be stopped compared to White individuals, while individuals

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[35] See section X of the Disparity Tests Methods Appendix (Appendix X) for a detailed explanation of the weighting schema used for the overall comparison. The need to adjust population estimates to be more reflective of the areas served by a subset of agencies will no longer exist once all agencies across the state are required to submit data in 2023.

[36] These results can be found in Table X of Appendix X. The California Highway Patrol (CHP) accounts for a large proportion of stop records from 2021 (54.9%). Given that the practices of municipal agencies may differ substantially from those of a state patrol agency like the California Highway Patrol, the Board also performs tests for disparities while only examining municipal agency data and exclude CHP.

[37] Stop data classifying the race/ethnicity of stopped individuals is based upon officer perception, while race/ethnicity in the ACS is based on self-identification. Some research indicates that it is more difficult to classify the race of multiracial individuals than it is to classify the race of monoracial individuals and that people may often classify multiracial individuals as monoracial. See generally Iankilevitch et al., *How Do Multiracial and Monoracial People Categorize Multiracial Faces?* (2020) Social Psychological and Personality Science <https://doi.org/10.1177/1948550619884563> [as of Dec. 2, 2021]; see also Chen and Hamilton, *Natural ambiguities: Racial categorization of multiracial individuals* (2012) J. of Experimental Social Psychology <https://doi.org/10.1016/j.jesp.2011.10.005> [as of Dec. 2, 2021].

perceived as Multiracial were substantially less likely to be stopped.[38] After excluding California Highway Patrol records from the analysis, the data continued to show the greatest disparities for the stops of Black and Multiracial individuals; relative disparities compared to those of White individuals were larger than the all-agency disparities for individuals perceived to be Asian, Black, and Native American.[39]

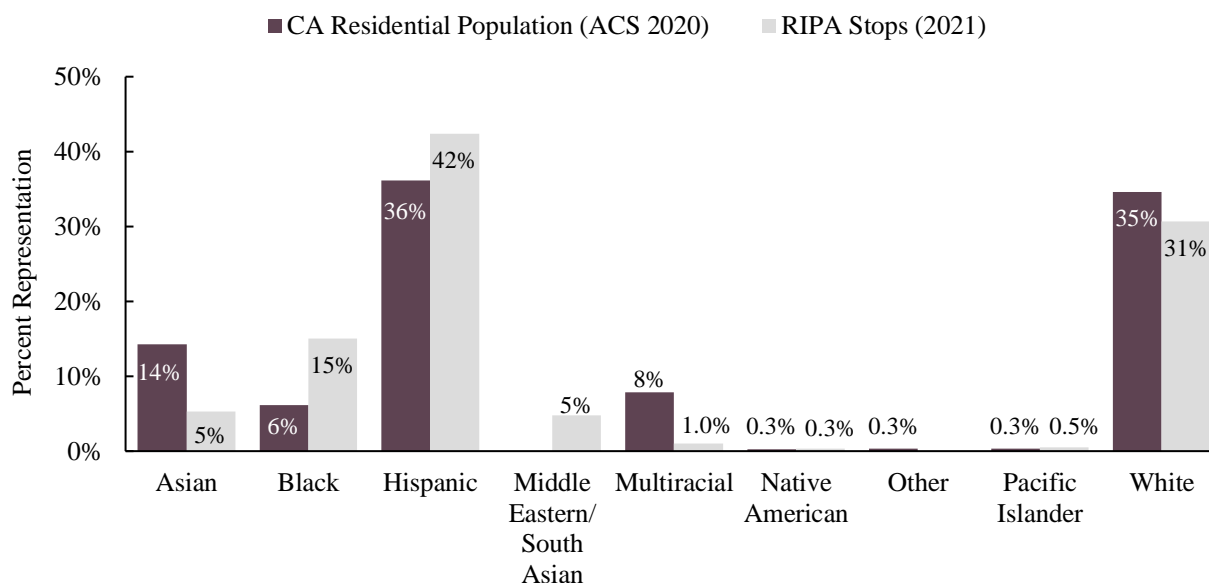Figure X. Weighted Residential Population Comparison to Stop Data[40]

Figure X displays the racial/ethnic distribution from the 2021 RIPA Stop Data of individuals stopped by the California Highway Patrol, alongside the unweighted distribution of residents from the ACS. Overall, the disparity between the proportion of stops and the proportion of residential population was greatest for Multiracial and Black individuals. Multiracial individuals were stopped 88.9 percent less frequently than expected, while Black individuals were stopped 107.8 percent more frequently than expected.[41] The proportion of stops corresponding to White

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[38] See Appendix X Table X for all disparity ratios and how the ratios are calculated.

[39] See Appendix X for results of the ACS comparison with CHP data excluded.

[40] Because the ACS table used for these analyses does not contain a race category that is comparable to the Middle Eastern/South Asian group within the RIPA data, there is no residential population bar for this group in Figure X. For more information about the ACS data used in this section, see Appendix X.

[41] Stop data classifying the race/ethnicity of stopped individuals is based upon officer perception. Some research indicates that it is more difficult to classify the race of multiracial individuals than it is to classify the race of monoracial individuals and that people may often classify multiracial individuals as monoracial. See Iankilevitch et al., *supra* note 97; see also Chen and Hamilton, *supra* note 97.

individuals most closely matched estimates from residential population data (9.2 less frequent than expected).

When examining the CHP distribution, the greatest disparities between stop data and residential population data estimates occurred for Black and Multiracial individuals when compared to White individuals, who were stopped 9.2 percent less frequently than expected based on their share of the residential population. The disparity for Black individuals was 2.3 times as great as the disparity for White individuals. For Multiracial individuals, the disparity was 0.1 times as great as the disparity for White individuals. This indicates that individuals perceived as Black were substantially more likely to be stopped compared to White individuals, while individuals perceived as Multiracial were substantially less likely to be stopped.[42]

Figure X. Unweighted Statewide Residential Population Comparison to CHP Stop Data
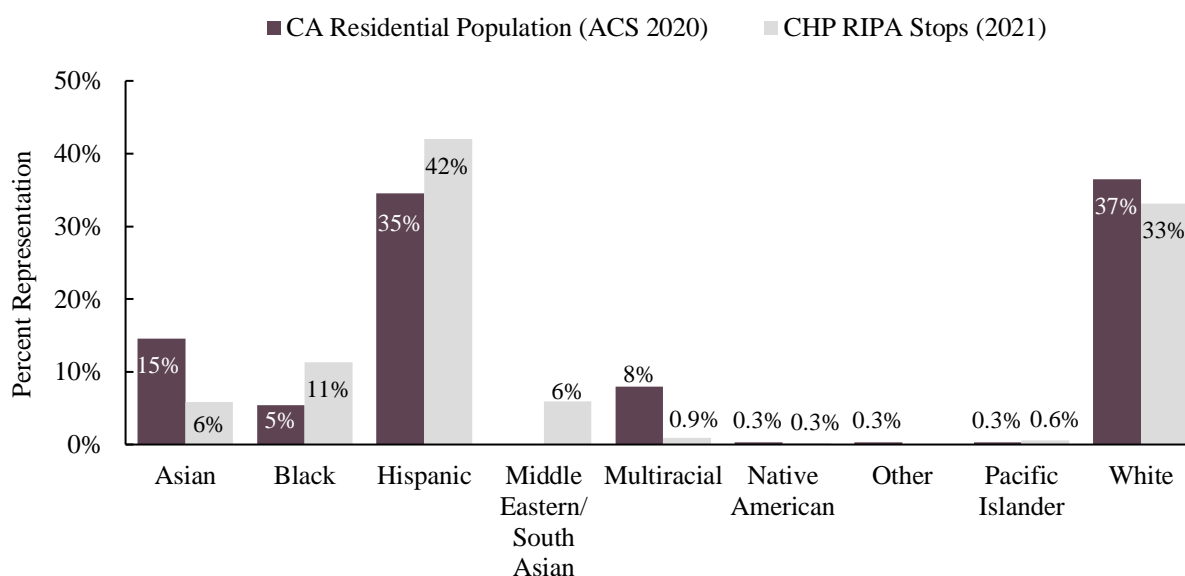
1.1.1 Discovery Rate Analysis

Researchers developed an empirical test that examines the rate at which officers discover contraband or evidence across the racial/ethnic groups of individuals they search. The test assumes that if officers are searching people of a particular identity group more frequently but finding less contraband, the searches of individuals in that

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Discovery Rates

These analyses measure the rates at which contraband or evidence is discovered in stops where a search was performed. The Board refers to these rates as discovery rates.

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[42] Please see Appendix X Table X for all disparity ratios and how the ratios are calculated.

identity group may be, at least in part, because of their perceived identity.[43] Using this framework, we tested for differential treatment by conducting comparisons of search and discovery rates across identity groups.[44]

Descriptive Analysis. Overall, officers searched 11.9 percent of individuals they stopped. Officers discovered contraband or evidence from 24.6 percent of individuals they searched. Search and discovery rates varied between racial/ethnic groups. Out of all racial/ethnic groups, stopped individuals perceived as Black had the highest search rates (20.1%), while stopped individuals perceived as Middle Eastern/South Asian had the lowest search rate (3.5%). Individuals perceived as White were searched 9.2 percent of the time. This means that the search rate of Black individuals was 2.7 times the search rate of White individuals. Although officers stopped 498,895 more individuals perceived to be White than individuals perceived to be Black, officers searched 6,622 more Black individuals than White individuals.[45] On the other end of the search rate distribution, officers searched individuals perceived to be Middle Eastern/South Asian less than half as often they searched individuals perceived to be White.

Search discovery rates did not vary as widely between racial/ethnic groups as did search rates. Discovery rates ranged from 21.0 percent of individuals officers searched and perceived as Middle Eastern/South Asian to 26.9 percent of individuals officers perceived as Multiracial. The discovery rate for individuals perceived as White was 25.5 percent.

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[43] See Appendix X for a discussion of the limitations of this type of analysis.

[44] See Knowles et al., *Racial Bias in Motor Vehicle Searches: Theory and Evidence* (2001) J. Political Econ. 109(1).

[45] Officers also searched more individuals whom they perceived to be Hispanic (171,454) than they did individuals whom they perceived to be White (89,536). However, officers also stopped more Hispanic individuals (1,348,972) than White individuals (977,832), which was not the case for Black individuals (478,937).

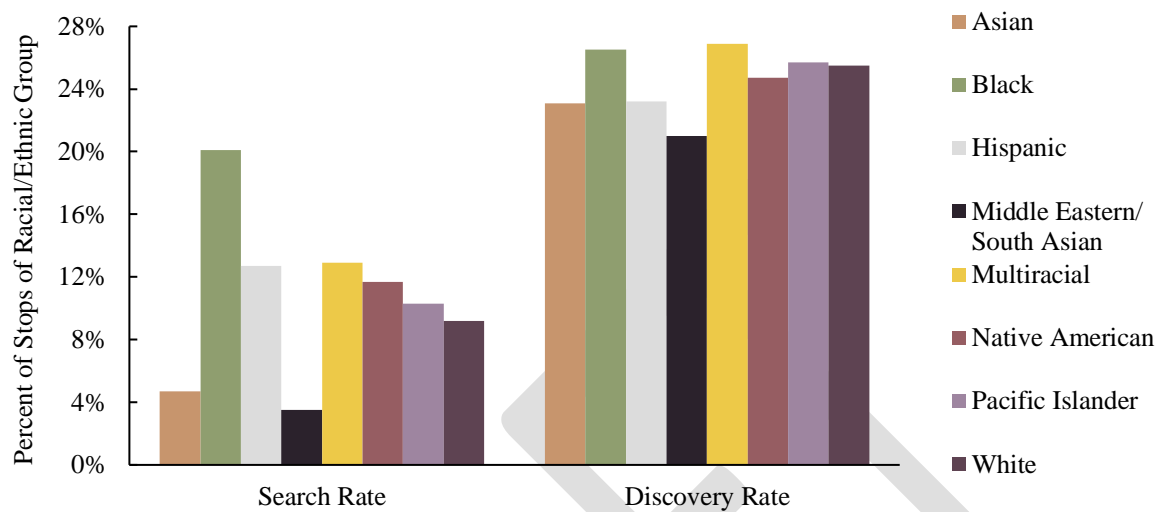Figure X. Search and Discovery Rates by Race/Ethnicity (All Search Types)

Figure X displays the difference in search and discovery rates for each racial/ethnic group of color from the search and discovery rates for individuals perceived as White (9.2% and 25.5%, respectively). All racial/ethnic groups of color had higher search rates than individuals perceived as White, except for individuals perceived as Asian and Middle Eastern/South Asian. Search rate disparities were largest for individuals perceived to be Black, who officers search 10.9 percent more often than individuals they perceived as White (20.1% vs. 9.2%). Officers also searched individuals perceived to be Multiracial (+7.5%), Hispanic (+3.5%), Native American (+2.5%), and Pacific Islander (+1.1%) more often than stopped individuals perceived to be White. Discovery rates were higher during stops with searches of Black individuals (+1.0), Multiracial individuals (+1.4%), and Pacific Islander individuals (+0.2%) when compared to the discovery rate during searches of White individuals while discovery rates were lower during stops with searches of all other racial or ethnic groups of color: Asian (-2.4%), Hispanic (-2.3%), Middle Eastern/South Asian (-4.5%), and Native American (-0.8%).

Figure X. Racial/Ethnic Disparities in Search and Discovery Rates
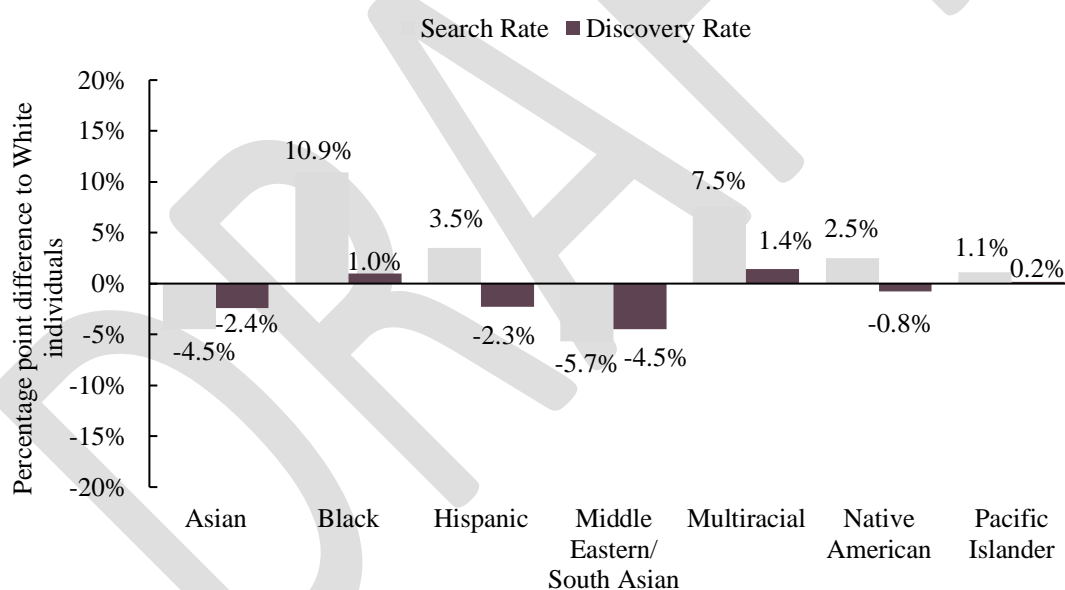
Search Rate ■ Discovery Rate

Multivariate Analysis. To consider how multiple variables may be associated with officers' decisions to search and whether officers discovered contraband or evidence, these data were also analyzed using multivariate statistical models.[46] One key consideration is the level of discretion available to officers in their decision to conduct a search. Some searches are based on protocol and are often required under departmental policy (hereafter, referred to as administrative searches), such as during an arrest, vehicle inventory, or search warrant. These administrative types of searches may afford little discretion to the officer in their decision to conduct a search because of agency policy.[47] Other types of searches occur in situations where more discretion is available to the officer and are based on some subjective threshold of suspicion that the officer may find contraband or evidence. Examples of these types of searches include those conducted when an officer asks for consent to search or when officers suspect an individual has a weapon. Previous research shows

Statistical Significance Testing
These tests provide a common framework for evaluating evidence provided by data against a specific hypothesis. For example, the hypothesis tested by the discovery-rate analysis is: "Searches of stopped individuals from racial/ethnic groups of color and White individuals are equally likely to reveal contraband." If the test provides strong enough evidence that disparities between groups are larger than can reasonably be explained by chance alone, then we can say that our findings are *statistically significant*. In other words, the evidence provided by the data shows a very low likelihood that chance explains the resulting disparity.

individuals of certain racial/ethnic groups have a greater chance of being subjected to discretionary searches, and when there is discretion or subjectivity, bias can play a role.[48] As such, the multivariate analysis was applied to (1) search rates overall, (2) discovery rates during discretionary searches, and (3) discovery rates during administrative searches.

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[46] Please see Appendix X for a full description of the methodology.

[47] Administrative searches are not instances where the police officer has no discretion at all, but rather where the officer makes an earlier choice that leads to a search, such as a choice to make an arrest that requires a search. Stops where officers perform administrative searches still possess the potential for bias to affect an interaction, either by the officer at points prior to the search, or at a command level when setting policies and priorities.

[48] See generally Ridgeway, *Assessing the Effect of Race Bias in Post-Traffic Stop Outcomes Using Propensity Scores* (2006) J. Quant. Criminol. 22(1) 1, 9 <https://www.rand.org/pubs/reprints/RP1252.html> [as of Dec. 2, 2021]; Greenwald and Krieger, *Implicit Bias: Scientific Foundations* (2006) 94 Calif. L. Rev. 945; Hart, *Subjective Decisionmaking and Unconscious Discrimination* (2005) 56 Ala. L. Rev. 741, 769-771 <https://ssrn.com/abstract+788066> [as of Dec. 2, 2021]; Greenwald and Banaji, *Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes* (1995) Psych. Review, 102(1) 4, 4-6; Eberhardt and Hetey et. al., *Data for Change: A Statistical Analysis of Police Stops, Searches, Handcuffings, and Arrests in Oakland, Calif., 2013-2014* (2016) Stanford SPARQ pp. 15-16 <https://stacks.stanford.edu/file/druid:by412gh2838/Data%20for%20Change%20%28June%2023%29.pdf> [as of Dec. 2, 2021].

The results showed multiple statistically significant differences in search and discovery rates across race/ethnicity groups, especially when comparing individuals perceived as Black or Hispanic to individuals perceived as White (see Table 2). Compared to White individuals, i Black (+0.4 percentage points) and Hispanic (+0.3 percentage points) individuals had a higher probability of being searched despite being less likely to be found in possession of contraband or evidence in stops with discretionary searches (-1.9 and -1.7 percentage points, respectively).[49] However, the difference in discovery rates between White and Black individuals during stops with administrative (i.e., low discretion) searches was relatively small (+0.3 percentage points) and not statistically significant. Asian individuals (-2.1 percentage points) and those from other racial/ethnic groups that were combined together[50] (-1.7 percentage points) were less likely to be searched compared to White individuals; however, there were no significant differences in the rate of contraband or evidence discovered during stops with discretionary searches for either group.[51] Asian individuals (-2.4% points), Hispanic individuals (-0.9% points) and those from the combined group (-2.3% points) were less likely to have contraband or evidence discovered in stops with administrative searches. These analyses were repeated for all agencies excluding California Highway Patrol and for each individual agency in order to consider the impact of different locales on the findings; these results can be found in the Appendix.[52]

Table X. Summary of Multivariate Discovery Rate Analysis Findings
by Race/Ethnicity

Group	Search Rates	Discovery Rates	
		Discretionary Searches	Administrative Searches
Asian	*** ↓ 2.1%	↓ 1.4%	** ↓ 2.4%
Black	*** ↑ 0.4%	*** ↓ 1.9%	↑ 0.3%
Hispanic	*** ↑ 0.3%	*** ↓ 1.7%	** ↓ 0.9%
Other	*** ↓ 1.7%	↓ 1.5%	*** ↓ 2.3%

Note. Values represent percentage point difference compared to the rate for White individuals, with arrows indicating the direction of the difference. Statistically significant disparities are indicated with asterisks; *** p < 0.001; ** p < 0.01; * p < 0.05.

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[49] Please see Appendix Table X for model statistics.

[50] Individuals whom officers perceived to be Middle Eastern/South Asian, Multiracial, Native American, or Pacific Islander were combined into one group in order to gain the statistical power needed to conduct these multivariate analyses.

[51] Please see Appendix Table X for model statistics.

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1.1.1 Use of Force Analysis

An officer uses force when they exert any physical coercion or control over a person.[53] This can include a range of actions, such as taking a person out of their car by physically touching them or pointing or using a firearm when interacting with a person. The Board offers two approaches for examining use of force across racial/ethnic groups.[54] The first uses a modified version of a use-of-force continuum from the National Institute of Justice to compare escalating levels of force

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[53] Seattle Police Department Manual, 8.050 – Use of Force Definitions (Apr. 2021) <https://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions> [as of XXX].

[54] The California Department of Justice issues a Use of Force Incident Reporting Annual Report, also known as the URSUS Report. However, the types of use of force incidents included in the URSUS Report are more narrowly defined than the incidents collected for RIPA stop data reporting. See *Use of Force Incident Reporting* (2020) Cal. Dept. Justice <https://data-openjustice.doj.ca.gov/sites/default/files/2021-06/USE%20OF%20FORCE%202020.pdf> [as of Dec. 2, 2021].

between race/ethnicity groups.[55] The second applies a statistical test to determine whether officers applied force disparately between White individuals and individuals from racial/ethnic groups of color. These data show use of force occurs in about one percent of reported stops. However, the Board recognizes that, despite the low occurrence rate relative to other actions officers take during stops, the gravity of the outcomes of many incidents that involve force necessitates examination of these data for disparate outcomes.

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[55] See *The Use-of-Force Continuum* (2009) Nat. Inst. of Justice <https://nij.ojp.gov/topics/articles/use-force-continuum> [as of Dec. 2, 2021].

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Use-of-force Continuum. Of the 23 actions taken by officers during stops that are reportable under RIPA, for purposes of these analyses, at least nine constitute types of force.[56] The statistics reported below divide these nine actions into three separate categories based on the level of force used, including lethal, less-lethal, and other physical or vehicle force. Table X displays the actions taken by officers during stops within level of force categories.[57] Officers reported using lethal force against 0.005 percent (155) of individuals they stopped. Officers reported using less-lethal force against 0.6 percent (18,605) of individuals they stopped. Lastly, officers reported taking actions constituting limited force towards 0.8 percent (26,989) of individuals they stopped.

Table X. Actions Taken by Officers During Stops within Level of Force Categories

Lethal Force	Less-Lethal Force	Limited Force (Other Physical or Vehicle Contact)
• Firearm discharged or used	• Electronic control device used • Impact projectile discharged or used • Canine bit or held person • Baton or other impact weapon used • Firearm pointed at person[58] • Chemical spray used	• Person removed from vehicle by physical contact • Other physical or vehicle contact. This refers to any of the following contacts by the officer, when the purpose is to restrict movement or control a person's resistance: any physical strike by the officer; instrumental contact with a person by an officer; or the use of significant physical contact by the officer.

Less than 0.1 percent of stopped individuals from each racial/ethnic group had lethal force used against them. The total number of individuals who had lethal force used against them by

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[56] For the purpose of these analyses, the nine actions taken by an officer during a stop included in Table X, regardless of the officer's intent or civilian compliance level, are considered uses of force.

[57] Section 999.226(a)(12)(A)(15) of the RIPA regulations define the "Other physical or vehicle contact" data element within the Action Taken by Officer During Stop variable. Officers are instructed to select this data element when they use a number of different types of force, such as hard hand controls or forcing someone to the ground.
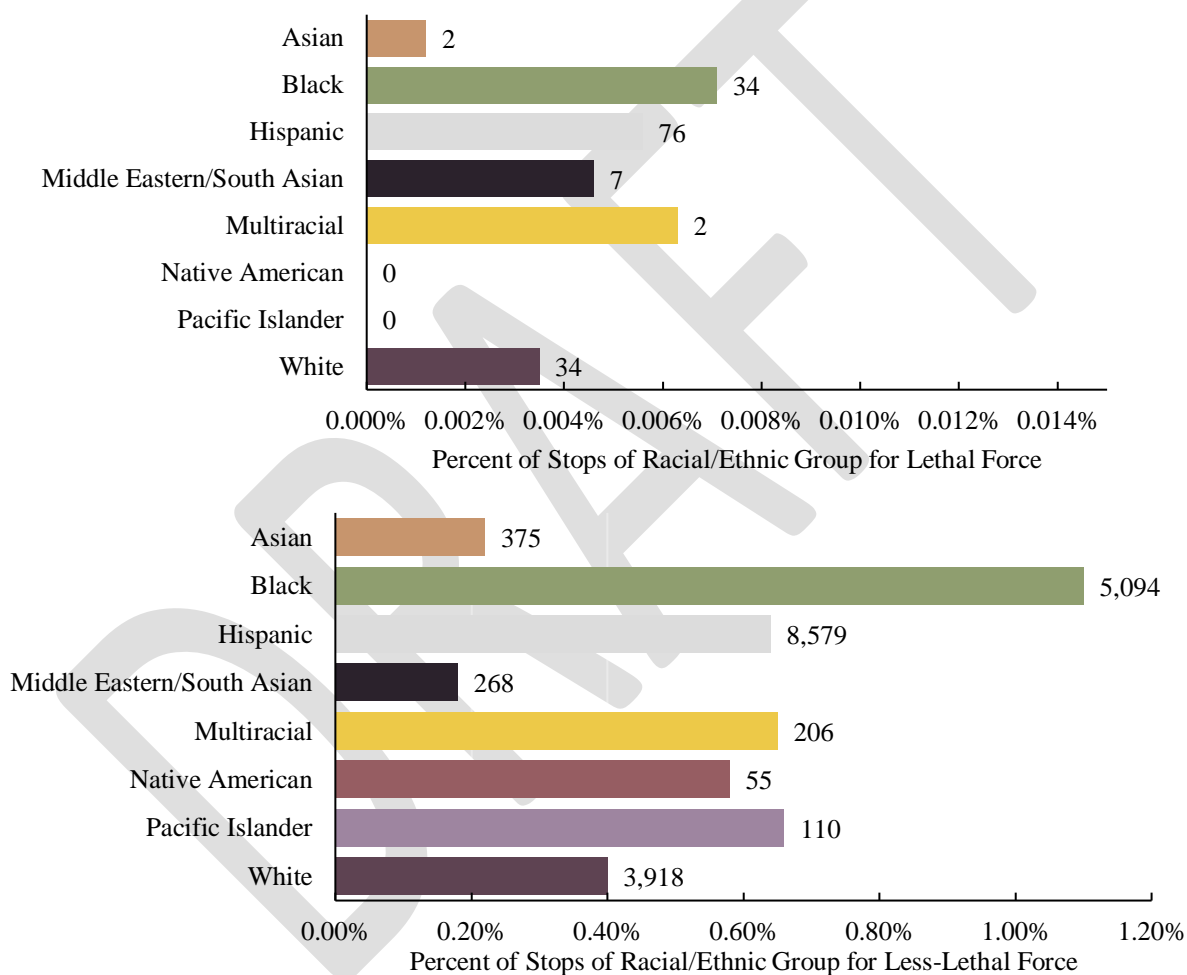
[58] Other ongoing use of force data collection in the state of California classifies the threat of a firearm as a type of force. Given that the threat of a firearm is inherent to the intentional pointing of a firearm at another person, pointing a firearm was also classified as a use of force in this set of analyses, for consistency with other use of force reporting within California. See Gov. Code, § 12525.2; see also *Use of Force Incident Reporting*, *supra* note 119.
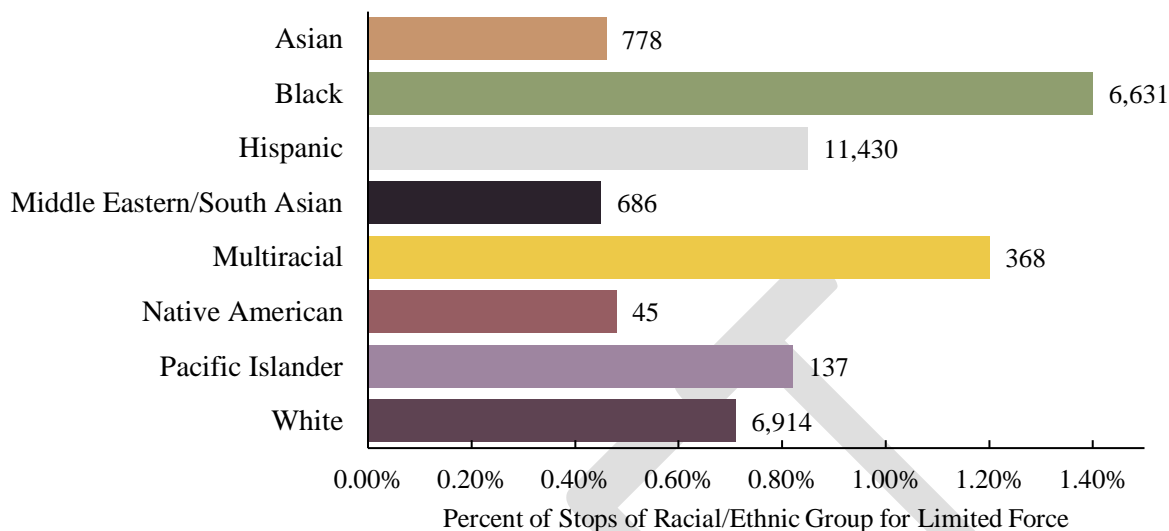
racial/ethnic group included two Asian, 34 Black, 76 Hispanic, seven Middle Eastern/South Asian, 34 White, and two Multiracial individuals. Officers did not report using lethal force against any individuals they perceived as Native American or Pacific Islander. Black individuals had the highest rates of less-lethal force (1.1%) and other physical or vehicle force (1.4%) used by officers against them during a stop, while Middle Eastern/South Asian individuals had the lowest rates (0.2% limited force, 0.5% less-lethal force).

Figure X. Use of Force Rates by Race/Ethnicity

Percent of Stops of Racial/Ethnic Group for Lethal Force

Percent of Stops of Racial/Ethnic Group for Less-Lethal Force

Percent of Stops of Racial/Ethnic Group for Limited Force

Group	Count
Asian	778
Black	6,631
Hispanic	11,430
Middle Eastern/South Asian	686
Multiracial	368
Native American	45
Pacific Islander	137
White	6,914

Multivariate Analysis. The data were also analyzed using multivariate statistical models to consider the impact of the stopped individuals' race/ethnicity and multiple other factors (e.g. officer who made the stop, time of day, etc.) on whether force was used during a stop.[59] Data for the four racial/ethnic groups least frequently stopped by officers were combined into a single group to increase statistical power for the test; these groups included Middle Eastern/South Asian, Multiracial, Native American, and Pacific Islander individuals.

Results of the analysis showed that Black and Hispanic individuals were more likely to have force used against them compared to White individuals, while Asian and other individuals were less likely. Compared to White individuals, the odds of officers using force during a stop were 1.24 times and 1.09 times as high for Black and Hispanic individuals, respectively. Asian and Other individuals whom officers stopped had lower odds of having force used against them (0.69 and 0.84 respectively), relative to the odds for individuals officers perceived as White.[60] When the analysis excluded data from California Highway Patrol, the disparities observed were similar to the findings when examining all stops.[61]

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[59] Please see Appendix X for a full description of the methodology.
[60] Please see Appendix Table X for model statistics.
[61] Please see Appendix Table X for model statistics.

Table X. Summary of Multivariate Use of Force Rate Analysis Findings by Race/Ethnicity

Asian	Black	Hispanic	Other
*** ↓ 0.69	*** ↑ 1.24	*** ↑ 1.09	*** ↓ 0.84

Note. Values represent the use of force rate for the listed race/ethnicity group relative to the rate for White individuals. The arrows indicate the direction of the difference (↓ indicating a lower and ↑ indicating a higher use of force rate than White individuals). Statistically significant disparities are indicated with asterisks; *** $p < 0.001$; ** $p < 0.01$; * $p < 0.05$.