CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)
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STOP DATA ANALYSIS SUBCOMMITTEE MEETING MINUTES

August 29, 2023 1:00 p.m. - 3:00 p.m.

Subcommittee Members Present: Chair Lily Khadjavi, Member Chad Bianco, Member John Dobard, Member Lawanda Hawkins, Member Abdul Pridgen, Member Sean Duryee, and Member Rich Randolph

Subcommittee Members Absent: Members Andrea Guerrero and Tamani Taylor

1. **Introductions**

Co-Chair Khadjavi called the meeting to order at 1:00 p.m. She thanked each Stop Data Subcommittee member (herein Subcommittee) for their willingness to connect across the state for these meetings before moving on to the next agenda item.

2. Approval of June 23, 2023 Subcommittee Meeting Minutes

Co-Chair Khadjavi opened asking if any members would like to discuss the draft meeting minutes. Hearing no comments, she stated that she would entertain a motion to approve the meeting minutes as is. Member Dobard moved to approve the minutes as presented and Co-Chair Bianco seconded the motion. There were six Ayes, zero Nays, and zero Abstentions. The meeting minutes were approved as presented.

3. Overview of Subcommittee Work & Updates by Department of Justice and Discussion of Stop Data Analyses in the 2024 Board Report

Co-Chair Khadjavi opened the agenda item by giving the floor to the Department of Justice (DOJ) for presentations. Research Data Supervisor I Kevin Walker (Walker) and DOJ Research Data Specialist I Dr. Marshall McMunn (McMunn) informed that today's presentation would cover updates to the following:
- RIPA use of force data comparisons with other data submitted under AB 71
- Analyses embedded in the Youth with Disability section
- Analyses conducted in the policies section of the draft report.

RIPA Use of Force Data Comparisons

Walker informed the Subcommittee that the DOJ's presentation would cover the following on the comparisons made between RIPA use of force data and data collected under AB 71. He shared that the following use of force data types were compared using data collected in the 2022 calendar year:

- Stops involving a discharge of a firearm
- Stops involving use of a blunt/impact weapon
- Stops involving use of a chemical spray
- Stops involving use of an electronic control device
- Stops involving use or discharge of an impact projectile
- Stops involving where a canine bit or held a person
- Stops involving use of other physical or vehicle contact

Walker stated that data collected under AB 71 is more narrow in its reporting requirements as only instances where an officer or civilian is seriously injured or killed by either parties' use of force is reported. He informed that since data collected under AB 71 is narrower in its reporting requirements that the outcome of interest were instances where the number of incidents for a particular use of force type within the AB 71 data outnumbered incidents for the same force type in the RIPA data.

Comparison of Fire Arm Discharge Data

He preluded his presentation by sharing 2021 comparison findings which noted that:
- Agencies reported more firearm discharge incidents in their AB 71 data than in RIPA data
- Only 18% of firearm discharge incidents in RIPA matched with the dates of AB 71 incidents
- Many more incidents of other use of force types were reported under RIPA than under AB 71.

He then shared the similar measurements using the 2022 calendar data which showed that:

- RIPA data contained more stops involving the discharge of a firearm compared to AB 71 data
- The majority of reporting agencies reported zero incidents involving the discharge of a firearm in either data source
- That only 17% of firearm discharge incidents in RIPA matched with the dates of AB 71 incidents

Co-Chair Bianco inquired as to whether there was an explanation to the low rate of matching incident dates between RIPA and AB 71 data. He asked the Subcommittee to consider whether these comparisons should be included in the draft section of the report if no explanation to the discrepancy is provided. He raised concern that without a proper explanation accompanying the comparisons, that the reader may be led to infer that law enforcement agencies are not accurately reporting the data. He then asked Walker how the data is collected for the referenced comparisons and asked whether the particular retrieval method could have led to the aforementioned discrepancy. Walker informed that the DOJ works collaboratively with the law enforcement agencies who submit the data directly to them. Walker stated that the DOJ has conducted the same comparisons in past reported where, when asked to explain, law enforcement agencies attribute the mismatch to the officer, who discharged the firearm, unable to complete their reporting

requirements as they are on leave. Walker shared that to mitigate such instances, the DOJ recommended that measures are in place to complete the data. Walker also informed that officers admitted to inputting errors, creating multiple entries for the same incident, and late data reporting submissions which contribute to the discrepancy.

Member Duryee asked whether the data reconciliation process informed law enforcement agencies who contribute to the data errors of their data practices. Walker informed that outreach is performed to all 508 agencies with additional efforts for agencies identified to contribute a significant portion of the discrepancies; for select agencies, a custom report will be transmitted to help them.

Walker also shared that potential capacity to readily address these discrepancies is limited by data reporting requirements. He shared that although AB 71 is moving to require monthly reporting, that RIPA data only requires submission on an annual basis. He shared that although many agencies report their RIPA data on a more frequent basis, that some elect to submit annually making it difficult to generate custom reports that would rectify the behavior in the same calendar year.

Co-Chair Khadjavi also shared concerns about the discrepancies that occurred on data related to firearm discharges. She asked Walker whether there was an intermediary solution between the outreach performed to all agencies and the custom reports created for targeted agencies to best correct data reporting habits. Co-Chair Bianco echoed Co-Chair Khadjavi's concern and urged caution on creating recommendations since the data used can be unreliable. Member Hawkins agreed with Co-Chair Bianco's concerns and stated that the unreliability of the data could damage the relations with the community. She urged the Subcommittee to consider additional review of the data. Member Pridgen inquired whether the process of informing law enforcement agencies to rectify their data collecting habits could be automated. He also shared similar concerns that even if the report informs of the data's limitations that readers will draw inferences and rely on the summary. He equally encouraged for enhanced review of the data to ensure that recommendations are accurate.

Comparison of Other Use of Force Data

Walker continued his presentation and noted that in addition to fire arm discharge data, that 2022 RIPA data and AB 71 data were compared on data reported by other use of force instances (e.g., use of baton or impact weapon; chemical spray, electronic control device, etc.). He reported overall that RIPA data contained more use of force incidents across all types than the AB 71 data. He stated that the general trend aligns with correct reporting practices as AB 71's reporting requirements are more narrow in scope than RIPA's. He also informed that although the general trend was the expected outcome there were instances where agencies reported higher AB 71 instances than their RIPA equivalents.

Walker closed his presentation on the use of force data by informing how the information applied to this year's report. He stated that the Subcommittee's current draft section will not include review of 2022 use of force stop data nor will it be used as an outcome measure in the policy sections of this year's report. He stated that its exclusion was tailored to the concerns seen in the past by both the Subcommittee and the RIPA board as a whole. He also asked the Subcommittee to consider how the use of force data presented should be incorporated as it could inform of issues encountered in the data reporting process. He then invited the Subcommittee for their thoughts and suggestions.

Co-Chair Khadjavi opened the floor for Subcommittee feedback and suggestions. Member Duryee inquired whether the agencies who reported more AB 71 data than RIPA data for non-firearm instances were informed of the discrepancies. Walker stated that they have not yet been informed as the analysis was recently conducted. Member Duryee also suggested that should the firearm data be included in this year's report that disclaimers should be included with particular emphasis on some practices that could lead to the discrepancy (e.g., mis-clicking). He stated that by included practices that should be avoided, it could further help agencies to conscientiously avoid them. Walker thanked Member Duryee for his feedback and also informed the Subcommittee that starting January 2024, regulations will be updated to make the input error less frequent by separating actions that constitute a use of force to those that do not.

Walker asked for the Subcommittee's direction on how the DOJ should incorporate the use of force information discussed. Co-Chair Khadjavi recommended including the aggregate data and the disclaimer discussion on the discrepancies. She stated that the aggregate data could be framed as an examples of the issues faced rather than data to draw inferences from. She also shared that this could demonstrate areas where data reporting could be improved. She also encouraged the DOJ to assess the data to identify the particular causes of the discrepancies if possible.

Youth with Disabilities

Walker continued his presentation and presented on the youth with disabilities section. He preluded his presentation noting that for the 2022 calendar year that officers perceived 82.2% of individuals they stopped to be 25 years or older with the second highest stops occurring for those perceived to be 18 to 24 years old at 16%. He stated that those stopped who were perceived to be less than 18 years old only accounted for 1.8% of stops whereas it was 1.5% for those perceived to be between 15 and 17 years old. Walker then presented on findings made for youth with disabilities.

Walker stated that of youth with disabilities stopped, that only as much as 8% were recognized as being with a disability. He stated that the most recognizable type of disability across age groups were mental disabilities, then physical disability, then those with both mental and physical disability. For these group subsets the largest reason that stops would occur would be because the officer perceived them to be engaged in criminal activity. Walker also reported that relative to those with no disabilities, that those with disabilities were stopped more under reasonable suspicion; also encountered higher instances of a consensual encounter resulting in a search; and

encountered higher rates of community caretaking stops. Walker continued and shared that those perceived to have disabilities also were more likely to encounter being handcuffed, searched, or experience curbside/patrol car detention. Walker also covered that those perceived to be disabled were more likely to have field interview cards filled out with the highest disparities occurring between the ages of 18-24, those over the age of 25, and those between the ages of 1-9. Walker invited the Subcommittee for the feedback and comments. Co-Chair Khadjavi thanked Walker for his work and moved on to the next presentation.

Planned Data Analysis for Policy Sections

McMunn presented to the Subcommittee the content developed that will be used to support the policy section of this year's report which consisted of:

- Stops by officer assignment type
- Simple drug possession
- LAPD pretext policy
- Stops with sole resisting arrest charge
- Field interview cards and identity
- Stops of students on school campuses

McMunn opened his presentation and noted that the overall stop rate for those perceived to be Black individuals was 2.5 times as many stops per resident than white residents which was sourced from 2022 stop data collected and the 2021 Statewide American Community Survey data. He also shared that the stop data collected could also be used to assess outcome rates as a result of stops and shared that those perceived to be Black individuals were 4.2 times more likely than white residents to be searched during a stop per resident. McMunn shared that similar statistics would be found through the different types of analyses conducted.

McMunn reported on analysis conducted on stops based on officer assignment type. He stated that the primary reason given for stop for 82.1% of all stops performed were for traffic violations. He reported that of traffic stops reported, the other officer assignment type performed the most traffic stops followed by roadblock or DUI assignment types and patrol; all other assignment types fell below the statewide average. He also reported that actions performed by officers during traffic stops also varied by assignment type. The highest instances of handcuffing, detention (in a patrol car or curb), or search of the person or property occurred with the gang enforcement; narcotics and vice; task force; compliance; investigative; and special event assignment type.

McMunn continued his presentation by covering analysis conducted on stops involving simple drug possession. He stated that the analysis focused on stops or reasons for stop as a result of Health and Safety Code sections 11364, 11350(a), and 11377(a) violations (herein simple drug charges). The analysis displayed determined that 86.1% of stops that result in a simple drug possession charge began with a reason other than the suspicion of drug charge violations. The most common reason for stop that resulted in drug charges was a vehicle registration violation. The top

10 reasons for stop that result in drug charges consisted of five vehicle equipment violations, three offense codes associated with drug violations, and two unrelated reasonable suspicion violations. Of these stops, 80% result in searches whereby the highest basis for searches are incident to arrest and when consent is given.

McMunn continued the presentation and reported the effects of Los Angeles Police Department's (LAPD) stop data after modifying their pretext policy. He stated that LAPD's new pretext policy, implemented on March 1, 2022, required police officers to articulate reasoning behind pretextual stops on body worn video and to make stops for minor equipment violations or infractions when it significantly interferes with public safety. He explained that the analysis conducted categorized the top 100 LAPD traffic reasons for stop as either a moving or non-moving violation as the two categories holistically accounted for 95 of the reasons for a traffic stop. He reported that initially the two categories mirrored in occurrence, but that since the new pretext policy's implementation both not only had a decreasing trend but that non-moving traffic violation stops would occur less frequently than traffic stops based on moving violations. He also reported that the DOJRC conducted an additional analysis of the LAPD data which compared the percentage change particular traffic offense types of time periods before and after the pretext policy's implementation. He shared that similar to the prior analysis, traffic stops on the basis of an equipment violation occurred 60.2% in 2022 than in 2021 and that other reasons for stop based on traffic offenses also dropped in a similar albeit less as significant factor. McMunn also shared that since implementation of the new pretext policy, Black drivers were stopped less in 2022 than in 2021 but that Hispanic/Latine(x) drivers experienced an increase in stops in 2022 since 2021.

McMunn also covered the DOJRC's analysis on stop data collected on residents who are solely charged with resisting arrest which is defined as having no other associated charges and where the individual was placed under custodial arrest. He stated that there were 4,575 stops that only charged the resident solely with resisting arrest which constituted 0.1% of all stops reported by the RIPA data. The most common reason for stops that resulted in a sole resisting arrest charge was the individual was perceived to be in violation of Penal Code section 148(A)(1)) which accounted for 17.1% of all stops of this type. He also reported that of the top 12 reasons for stops that resulted in sole resisting arrest charges were traffic violations. He reported that when compared to perceived racial and ethnic groups per 100,000 California resident, those who are perceived to be Black and Native American had more instances of being charged with resisting arrest than other groups. He also reported that in addition to Black and Hispanic/Latine(x) residents, Native Americans and Pacific Islanders encountered higher than statewide averages of being solely charged with resisting arrest.

McMunn also covered the DOJRC's analysis on field interview card stop data. He shared that individuals perceived to be Black have field interview cards filled out at a rate of three times higher per California resident than any other racial or ethnic group and 6.4 times higher per California resident then individuals perceived as white. Perceived racial or ethnic groups that also encountered higher rates of field card interviews being filled out were Hispanic/Latine(x) and Pacific Islanders.

McMunn then closed this portion of his presentation by presenting on the DOJRC's last planned analysis for the draft report section. He shared the DOJRC's analysis of the reasons students are stopped and reported, that the highest reasons given were possession of marijuana on school grounds, possession of weapons at K-12 schools, and several battery charges. He reported that of those who were stopped, Black and white students both were overrepresented.

Member Randolph asked where the data was sourced from. McMunn answered that the data sources used for the student analyses were from any agency that reported stops of students on campuses. Member Randolph also asked for the definition of stops used for the student analyses. McMunn answered that the definition of stop used for the analyses were based on the RIPA reported definition and requirements to promote consistency throughout the report. Member Randolph shared concern about how the data is reported as he identified anomalies related to the stop data pertaining to students. He stated that there is a likely discrepancy between arrests numbers reported as some agencies report using diversionary options like citations as an arrest. He asked the Subcommittee to consider creating a distinction between the two instances (i.e., an actual arrest vs. use of diversionary options) to better reflect what is occurring on school campuses. Supervising Deputy Attorney General (SDAG) Nancy Beninati of the DOJ informed that the data is a result of how it is received and that compliance to data integrity would help mitigate instances of discrepancy. SDAG Beninati asked the Subcommittee to consider additional recommendations to ensure data integrity.

McMunn continued his presentation and reported that the top reasons for stop of students on campus were:
- Related fighting
- No offense code listed
- Related marijuana
- Related possession of weapon other than fire arm

McMunn closed his presentation by reporting on students placed in handcuffs by racial or ethnic group. Those perceived to be Black were handcuffed at a higher rate than others.

Co-Chair Khadjavi thanked Walker and McMunn for their presentations and moved on to the next agenda item.

4. Public Comment

Co-Chair Khadjavi opened the floor for the public comment.

Karen Glover asked the Subcommittee to consider additional factors to the complication of data collection. She reported that there is research that indicates law enforcement officers may be resisting compliance which has been coined as ghosting or de-policing. She asked that the Subcommittee consider adding this as a factor for consideration why data is hard to get and informs

that there is a bevy of resources for law enforcement agencies that can assist in them in the data collection process.

Michele Wittig informed that there are multiple organizations that supply guidelines for law enforcement agencies that want to analyze RIPA data such as the Policing Project of New York University and the Center for Policing Equity located at Yale. She stated that the Center for Policing Equity has a website called Justice Navigator, which can analyze data specific to a city. She invited the public to use the resource to review data by city.

Richard expressed his disappoint in what was discussed. He shares discontentment with the definition used to define individuals who are multi-racial and asked for the source of the definition currently in use. He also expressed his discontentment with the RIPA data and stated that 25% of the data is not good. He asked that the RIPA Board recognize and comment on this issue and agreed with Member Hawkins that the public would not be accepting of such data.

Co-Chair Khadjavi thanked those that provided comment and moved to the next agenda item.

5. Discussion of Next Steps

Co-Chair Khadjavi asked for Subcommittee feedback in light of today's presentations. Member Duryee expressed concern of the arrest made solely on resisting arrest and stated that it may be indicative of data not being accurately collected. Walker stated that there would be a broader discussion on this at other portions of the report being developed. Co-Chair Bianco agreed with Member Duryee's concern and noted that a resisting arrest charge should not be a reason for a stop. He again expressed caution on reporting on this data until after the reason is determined. Co-Chair Bianco also informed the Subcommittee that the comparisons made in today's presentations may not be accurate as it relies on comparison to the total population as a whole.

Member Randolph expressed concern on student stops. He agreed that it is ultimately the reporting officer's duty to correctly input data and suggested that, for purposes of student stops, that stops can note a wide variety of actions that do not necessarily connote a negative outcome. Co-Chair Khadjavi provided comment on the analysis displayed on drug charges. She reminded all that in spite of how the data graph is displayed, that a vast majority of stops do not end in the discovery of drugs and advised for clarification to ensure that is known in the draft report section associated with the referenced graph.

6. Adjourn

Before adjourning, Chair Khadjavi thanked everyone for attending and their continued collaborations. She also congratulated Co-Chair Bianco for his appointment as Co-Chair. She adjourned the meeting at 3:00 p.m.