

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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STOP DATA SUBCOMMITTEE MEETING MINUTES

October 4, 2022 2:00 p.m. - 4:00 p.m.

Subcommittee Members Present: Co-Chair Lily Khadjavi, Co-Chair Steve Raphael, Member Rich Randolph, Member Abdul Pridgen, Member LaWanda Hawkins, Member Tamani Taylor

Subcommittee Members Absent: None.

1. Introductions

Co-Chair Raphael called the meeting to order at 2:00 p.m. Each Stop Data Subcommittee member (herein Subcommittee) introduced themselves. Co-Chair Raphael concluded introductions with a welcome to all attending the meeting.

2. Approval of July 21, 2022 Subcommittee Meeting Minutes

Co-Chair Khadjavi opened asking if any members would like to discuss the draft meeting minutes. Co-Chair Raphael moved to adopt the minutes, which Member Pridgen seconded. All members voted “Yes”, there were no “No” votes, and no abstentions.

3. Updates by Department of Justice

Research Data Supervisor (RDSup) Kevin Walker from the California Department of Justice (DOJ) Research Center introduced and welcomed a new member of the Research Center team, Research Data Specialist (RD Specialist) Dr. Marshall McMunn. He also provided an update on stop data comparisons, use of force types, traffic violation definitions, and revisions to the stop data section of the 2023 RIPA Board Report.

Regarding stop data comparisons, RDSup Walker stated that less than 10% of firearm discharge incidents in RIPA data matched the dates of incidents in other data sources. Furthermore, he stated that the alternative data sources had a higher level of agreement with each other than with the RIPA data for 2020. RDSup Walker shared that the Research Center compared the 2021 RIPA stop records involving a discharge of a firearm to similar incidents in the AB 7 Use of Force Incident Reporting data. He stated that the comparisons showed that 2021 RIPA data only contained 155 stops involving the discharge of a firearm, whereas the 2021 AB 71 data contained 186. He also shared that half of the reporting agencies (29 of 58) reported zero incidents involving the discharge of a firearm in either data source, and that only 18% (28 out of 155) of firearms discharge incidents reported under RIPA had an incident data that matched with the data of an incident in the AB 71 data.

RDSup Walker announced that the Research Center’s comparisons were expanded to include six additional use of force types. These include baton or impact weapon used, chemical spray used, electronic control device used, impact projectile discharged or used, canine bit or held person, and other physical or vehicle contact used. He shared that of the other use of force types the 2021 RIPA data contained more use of force incidents across all types than the AB 71 data. He stated that this was expected given the scope of what needs to be reported as force under AB 71.

However, he mentioned that some agencies had fewer reported incidents in RIPA for three specific force types: baton or other impact weapon used, chemical spray used, and canine bit or held. He shared that the comparison findings for these other types of force is less suggestive of widespread issues in comparison to firearm discharge incidents.

RDSup Walker then reintroduced a discussion item from the July 21, 2022, Stop Data Subcommittee meeting about how the ordering of use of force options may help reduce the prevalence of data entry errors. He stated that officers have accidentally selected certain force options or have difficulty identifying the correct force option from the list, and that new regulations will reorganize the list into two separate fields: force-related and non-force-related. He shared that the intended purpose of this reorganization was to reduce the number of errors, and that the DOJ is looking to provide further clarity on force-related options.

RDSup Walker then moved on to discuss the inconsistencies in traffic violation types that are chosen for a stop and how updated definitions would allow for more reliable comparisons and analyses. He shared revised definitions of moving violations, non-moving violations, and equipment violations. He defined moving violations as a violation of the traffic laws regulating driver behavior while operating a vehicle, such as speed or failing to signal before a turn. He defined a non-moving violation as a violation of traffic laws aimed at correcting the improper condition of a vehicle, such as expired registration tabs, or regulating behavior of pedestrians on or around roadways. He mentioned that all equipment violations are also non-moving violations. He stated that the equipment violation definition was not changed and remains a violation of the duties outlines in the traffic laws related to properly maintaining a vehicle, such as broken headlights or taillights.

RDSup Walker then discussed updates to the stop data section of the draft 2023 RIPA Report. He shared that there was additional context added to the residential population comparisons section to show that overrepresentation of a group in stop data in relation to their residential population can have compounding effects if those same groups are subject to differential rates of post-stop outcomes such as searches or arrests. He also shared that there was additional context added to the use of force section to show comparisons to AB 71 data.

RDSup Walker concluded his presentation and welcomed RD Specialist Dr. McMunn to present new findings on consent searches, supervision only searches, and offense types by racial and ethnic groups.

RD Specialist Dr. McMunn shared that Black people were four times more likely to be asked for consent to search during a traffic stop when compared to white individuals, and that Latine people were two and a half times more likely to be asked. He also shared that people who were Black or Latine saw an increased proportion of their stops resulting in a consent only search and that Black, Pacific Islander, and Latine people had the lowest discovery rates of contraband in consent only searches, while white people had the highest discovery rate of contraband.

RD Specialist Dr. McMunn shared that there were similar disparities in supervision only searches. He stated that there was a much higher rate of supervision only searches for Black

individuals compared to all other racial and ethnic groups, but when looking at discovery rates, Black individuals had the lowest rates of discovered contraband.

RD Specialist Dr. McMunn also shared that the Research Center looked at forty-three offense codes to analyze bicycle stops, pedestrian stops, and loitering stops. He stated that Black, Hispanic, and multiracial individuals had a higher than average chance of being stopped for bicycle violations. He also stated that an officer was even more likely to search, detain, or handcuff an individual during a bicycle stop if the individual is perceived to be Black, Latine, or multiracial.

As for pedestrian violation stops, RD Specialist Dr. McMunn shared that there was a higher percentage of stops for pedestrian violations among Black, White, and multiracial individuals. He stated that officers more frequently searched, detained, and handcuffed individuals perceived to be Black, Latine, or multiracial during a pedestrian violation stop.

As for loitering violation stops, RD Specialist Dr. McMunn shared that Black, White, and multiracial individuals had higher rates of loitering stops. He stated that during a loitering stop officers were more likely to search, detain, and handcuff individuals perceived to be Black, Latine, or multiracial.

Regarding stops of youth, RD Specialist Dr. McMunn shared that the leading reason for stops across all ages, including youth, is traffic-related. However, he stated, that for 10-14 year olds the leading reason for a stop is suspicion. He also stated that the highest percentage of stops for consent-only searches was among Black youth between the ages of 15-17. He mentioned that there were similar patterns in actions by officers, where Black adolescents between the ages of 10-14 and 15-17 were detained, searched, and/or handcuffed more than any other youth group. Despite the higher rate for Black adolescents, he stated that all adolescents between the ages of 10-14 and 15-17 experienced a higher percentage of stops resulting in being detained, searched, and/or handcuffed. He mentioned that Black adolescents between the ages of 15-17 still saw the greatest racial disparities in stops in comparison to other races and ethnicities. As for field card interviews of youth, he shared that officers conducted interviews at a higher rate when the individual was perceived to be 10-14 years old in comparison to other age groups and/or when the individual was perceived to be Black compared to other races and ethnicities.

RD Specialist Dr. McMunn concluded his presentation.

RDSup Walker shared that his team would continue to develop methods for identifying offense types that see particularly large disparities and he would welcome suggestions from the Stop Data subcommittee on what type of disparities and offenses to focus on so that the Research Center may present on these leading up to the next RIPA Report.

4. Discussion Regarding Draft 2023 Board Report

Co-Chair Raphael opened the floor for subcommittee members to discuss the presentations and stop data section of the draft 2023 Board Report.

Member Pridgen stated that the accuracy of the data is critically important and he expressed support for grouping offense types so that it will be easier for officers to navigate and select options accurately. Co-Chair Raphael concurred with Pridgen's comments.

Co-Chair Raphael expressed support for the offense type categorization, but mentioned that he had a few questions and comments. He asked if handcuffing a compliant individual is considered a use of force, if having a "none" option, as proposed in the use of force categories, would make it more difficult for officers to navigate, and if there was any way to categorize further to make it even clearer for officers. RDSup Walker confirmed that a "none" option does exist, but under the new use of force regulations an officer would have to make a conscious decision to select "none" twice, and thus that process should prevent confusion. Co-Chair Raphael thanked RDSup Walker for the clarification and asked if he could plot AB 71 incidents against RIPA incidents by agency to see if they positively correlate. RDSup Walker said that this is something that could be done in future examinations.

Co-Chair Khadjavi asked RDSup Walker for clarification on the use of force categorizations and if there was concern with ordering them alphabetically. RDSup Walker shared that they proposed ordering options based on severity, alphabetically, and other metrics, but a hybrid model was preferred that organized use of force by the tool used, then the level of force of that tool. He also shared that law enforcement agencies might choose to structure use of force in their own way depending on their own internal systems.

Member Randolph asked if the presented data and statistics on handcuffing data could show if an individual was arrested or not. RDSup Walker confirmed that he could show and compare individuals who were handcuffed to individuals who were handcuffed and arrested. Member Randolph thanked RDSup Walker.

Member Randolph expressed concern that some of the sources in the RIPA Report come from other states and as a result, the report highlights certain officer behaviors and policies that do not reflect policing in California, such as handcuffing a 9 year old. RDSup Walker stated that references to policies outside of California are to discuss general policy issues, but that RIPA data only reflects data from California.

Co-Chair Raphael followed up on handcuffing as a use of force option. RDSup Walker stated that handcuffing has historically not been a use of force category in his analyses, but that it currently sits in the use of force option under the new regulations. Member Pridgen shared that officers have never construed handcuffing as use of force. He also stated that he is unsure how this would be enforced. However, Member Pridgen shared that he understands how this data could help show how one group of individuals are handcuffed more than others. Co-Chair Raphael concurred that there is a value in capturing handcuffing data and mentioned that the categorization may have a design and measurement issue. RDSup Walker stated that the new use of force categorization regulations were finalized, but that the legal and implementation teams could possibly consider the subcommittee's feedback while implementing these regulations.

Co-Chair Raphael asked if the likelihood of a bicycle, pedestrian, or loitering stop resulting in an arrest were relative to traffic violations. Co-Chair Khadjavi also asked if there were particular categories or absolute numbers that could show the number of people impacted by bicycle, pedestrian, and loitering stops and the results of these stops to better understand these violations and their disparities. She specifically asked for absolute numbers on jaywalking offenses and the individuals most affected given recent legislation, Freedom to Walk Act, to decriminalize jaywalking in California. RDSup Walker stated that he would be able to look into these requests and provide greater context on specific groups most affected and the results of their stops.

Co-Chair Khadjavi expressed support for the new definitions of moving, non-moving, and equipment violations and thanked RDSup Walker for his work on the revisions. Co-Chair Raphael asked if it is now easier to sort infractions with the new definitions. RDSup Walker shared that before being able to do that his team would need to review the statutes to ensure that they are classifying and coding the offense codes correctly. He stated that this project would be completed in time for future reports.

Co-Chair Raphael thanked RDSup Walker and RD Specialist Dr. McMunn for their work and presentations.

5. Public Comment

Co-Chair Raphael then opened the meeting for public comment. There were no public comments.

6. Discussion of Next Steps

Co-Chair Raphael opened the meeting for a discussion on next steps.

Co-Chair Khadjavi shared that it has been helpful to hear from the DOJ on updates, recommendations from last year's report, and meetings with legislators. She asked if the all RIPA Board Members would be given a similar update at the October 12, 2022 RIPA Board meeting. Nancy Beninati, Supervising Deputy Attorney General (SDAG) with the DOJ, confirmed that the DOJ would be providing an update at the upcoming RIPA Board meeting, including an update on future engagement with members of the California Legislature. Allison Elgart, Deputy Attorney General (DAG) with the DOJ, shared background information on the last meeting with the California Legislature in July 2022. She stated that focus of this meeting was to highlight the RIPA data and the recommendations from the previous report. She shared that the DOJ is planning to have another meeting with the California Legislature in December 2022 about the 2023 RIPA Report.

Co-Chair Raphael asked if next year's report would include all Wave 4 law enforcement agencies. RDSup Walker confirmed that the 2024 RIPA Report would include all Wave 4 law enforcement agencies and would analyze stop data across the entire state.

7. Adjourn

Co-Chair Khadjavi thanked everyone for attending and adjourned the meeting at 4:00 p.m.