

Supporting Analyses – Resisting Arrest Policy Section

1. Scope and Reasons for Stop

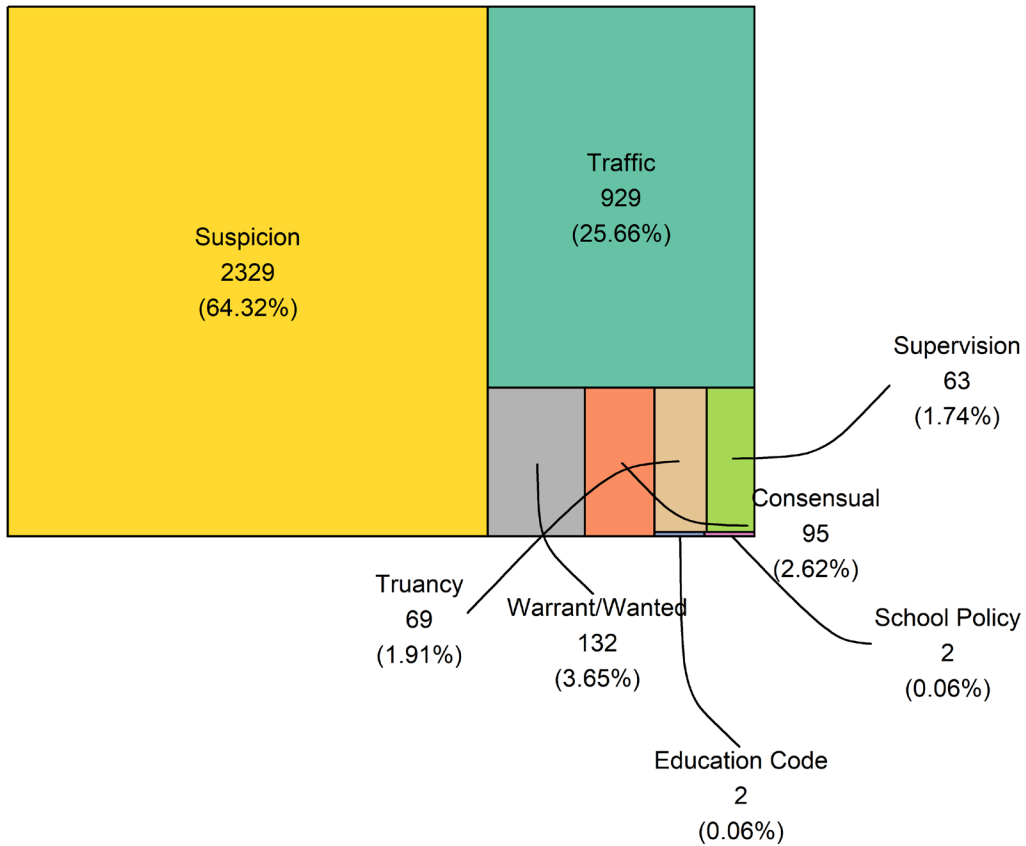
Stops that involved stand-alone, or sole, resisting, obstructing, or delaying an officer (commonly referred to under California law as resisting arrest) arrest charges were identified by three criteria. These criteria included: 1) the stop included a result of custodial arrest without a warrant; 2) Penal Code § 148(A)(1)¹ was listed as the offense code for the custodial arrest; and 3) the officer listed no other offenses under the result of stop (warnings, citations, other custodial arrest results, in-field cite and release results). The number of stops that met these criteria – sole resisting arrest stops – totaled 3,621 in 2022 (0.08%).

The largest portion of these sole resisting arrest stops were initiated for reasonable suspicion of criminal activity (2,329, 64.3% of sole resisting arrest stops), followed by traffic violations (929, 25.7%). The remaining sole resisting arrest stops were initiated for knowledge of a warrant/wanted person (132), consensual encounters resulting in a search (95), known supervision status (63), truancy (69), suspected education code violations (2), and suspected school policy violations (2).

¹ Resisting arrest is defined in California law to include when a person is alleged to resist, obstruct, or delay an officer in the performance of their duties. On page **XX**, the Report reviews the legal requirements under Pen. Code Section 148(a).

Figure XX

Reasons for Stop among Sole Resisting Arrest Stops – Total and Percent

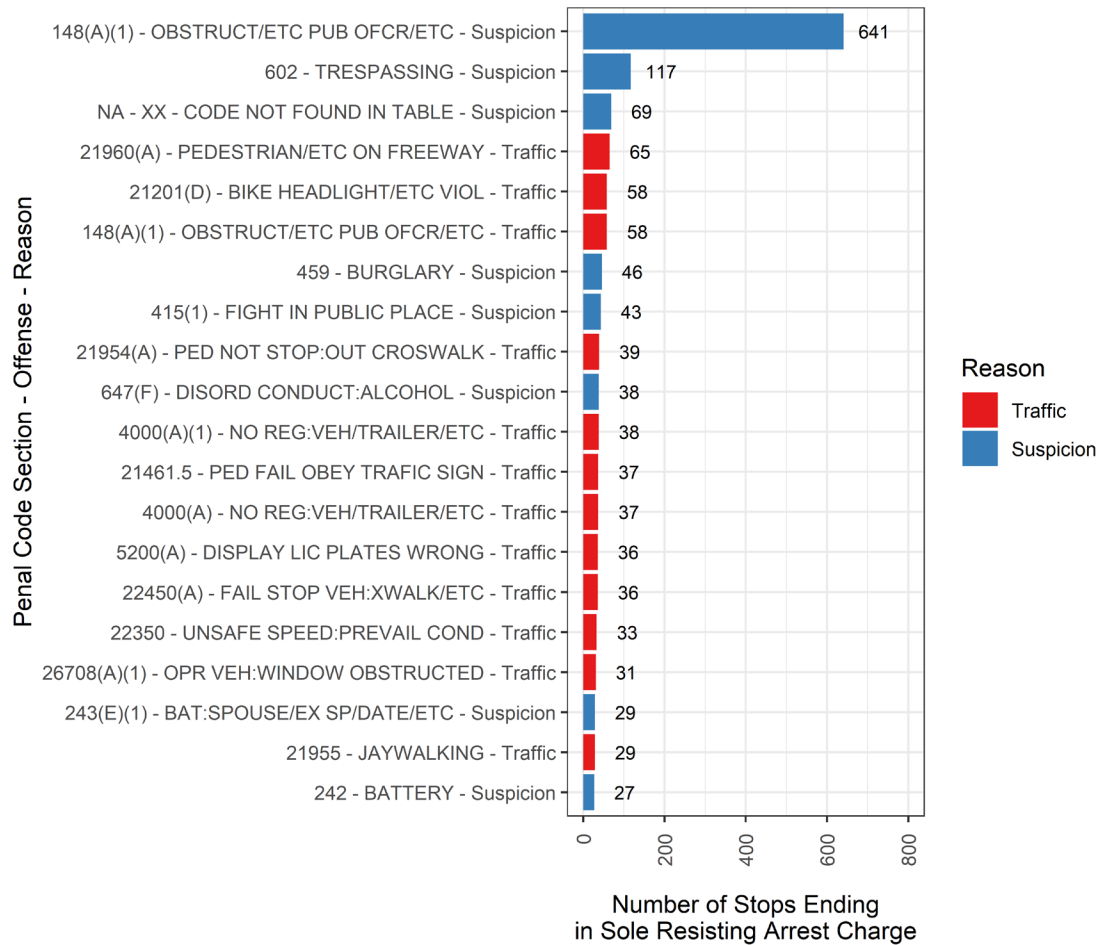


Among sole resisting arrest stops, the most common reason for stop was a suspected violation of Pen. Code § 148(a)(1) (641, 17.7% of sole resisting arrest stops). Traffic violations comprised 12 of the top 20 reasons for stops resulting in a sole resisting arrest charge. These traffic violations

include four include pedestrian violations, a bicycle-related violation, and four equipment violations.²

Figure XX

Top 20 Reasons for Stop among Sole Resisting Arrest Stops



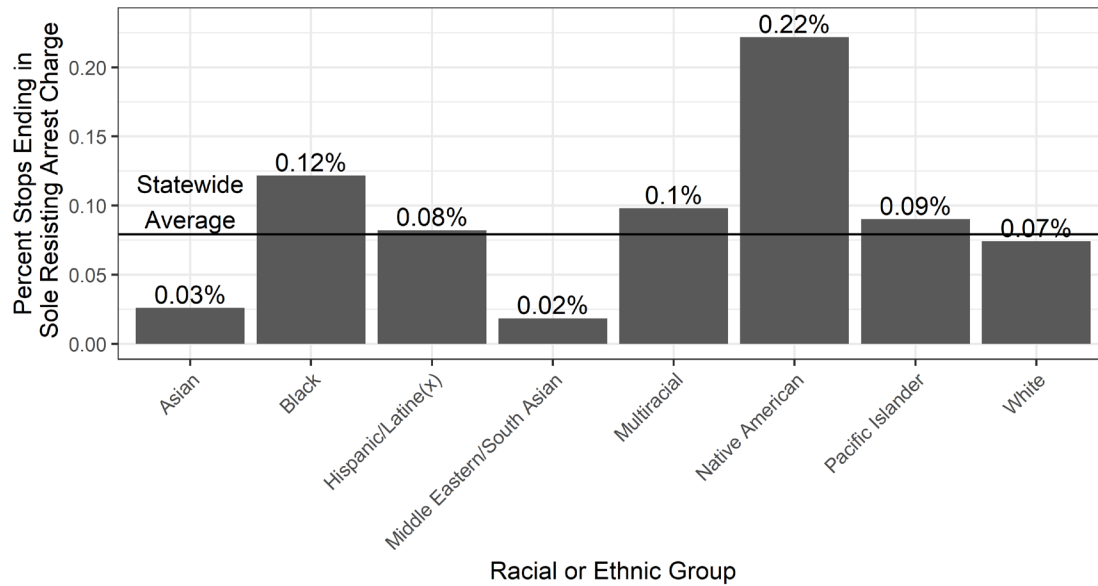
² Veh. Code § 21960(A), 21954(A), 21461.5, 21955 were identified as pedestrian related traffic violations. Veh. Code § 21201(D) was identified as a bicycle-related violation. Veh. Code § 4000(A), 4000(A)(1), 5200(A), and 26708(A)(1) were identified as equipment violations.

2. Per Resident Resisting Arrest by Identity Group

In 2022, there were 3,621 stops resulting in sole resisting arrest charge among a total of 4,575,725 stops, a statewide average of 0.08 percent of stops. Individuals perceived as Native American had the highest percentage of stops that resulted in a sole resisting arrest charge among perceived racial or ethnic groups (0.22%, 2.8 times the state average). Other racial or ethnic groups with above average percentages of stops resulting in sole resisting arrest charges include individuals perceived as Black (0.12% of stops), Multiracial (0.1%), Pacific Islander (0.09%) and Hispanic/Latine(x) (0.08%). Groups with below average percentages of stops resulting in sole resisting arrest charges are individuals perceived as Middle Eastern/South Asian (0.02%), Asian (0.03%), and White (0.07%).

Figure XX

Percent of Stops Resulting in Sole Resisting Arrest by Racial or Ethnic Group

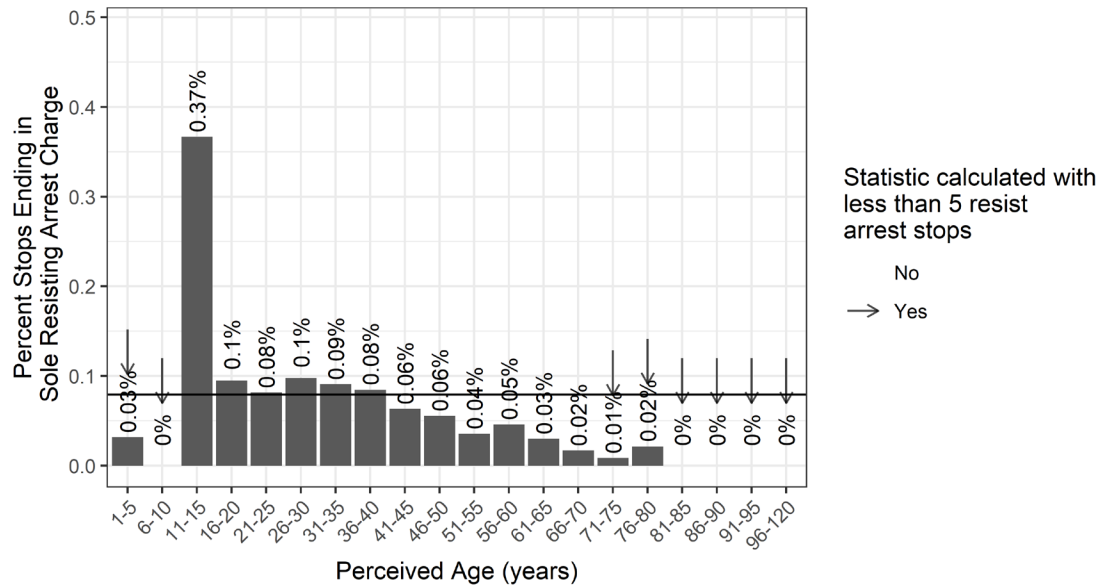


Individuals perceived as being between the ages of 11 and 15 had the highest percentage of stops that resulted in a sole resisting arrest charge among perceived age groups (0.37%, 94 total, 4.6 times the state average). All perceived age groups between 11 years and 40 years exceeded the state average (16-20 (0.1%, 433 stops total), 21-25 (0.08%, 603 stops), 26-30 (0.1%, 818 total),

31-35 (0.09%, 529 total), and 36-40 (0.08%, 496 total). All other groups had lower percentages of stops than the statewide average.

Figure XX

Percent of Stops Resulting in Sole Resisting Arrest by Age Group

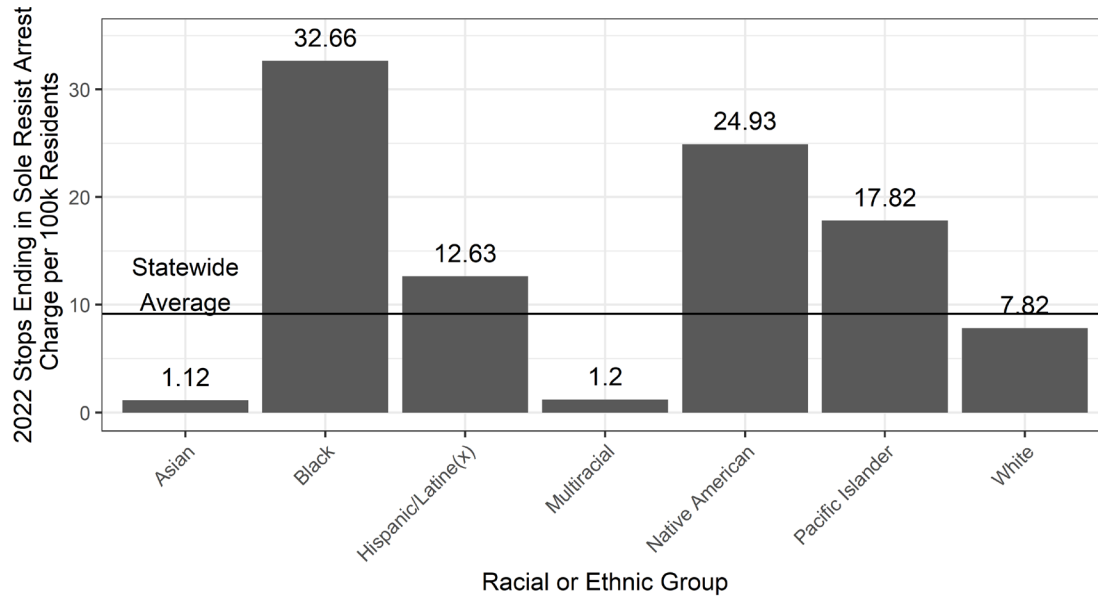


Based on the number of stops resulting in sole resisting arrest charges and the number of estimated California residents from the 2021 5-year American Community Survey, an average of 9.2 stops per 100,000 residents resulted in a sole charge of resisting arrest in the state (line on Figure XX below). Individuals perceived as Black had the highest per capita rate of stops that resulted in a sole charge of resisting arrest (32.7 stops per 100,000 residents, 3.3 times the statewide average). Individuals perceived as Black accounted for 19.2% of all stops that resulted in a sole charge of resisting arrest, while accounting for only 5.4% of the California residential population. Other racial or ethnic groups with higher than average per capita occurrences of stops resulting in a sole resisting arrest charge include individuals perceived as Native American (24.9 per 100,000), Pacific Islander (17.8 per 100,000), and Hispanic/Latine(x) (12.6 per 100,000). Racial or ethnic groups that had below average occurrence of stops that result in sole

resisting arrest charges were individuals perceived as Asian (1.1 per 100,000), Multiracial (1.2 per 100,000), and White (7.8 per 100,000).

Figure XX

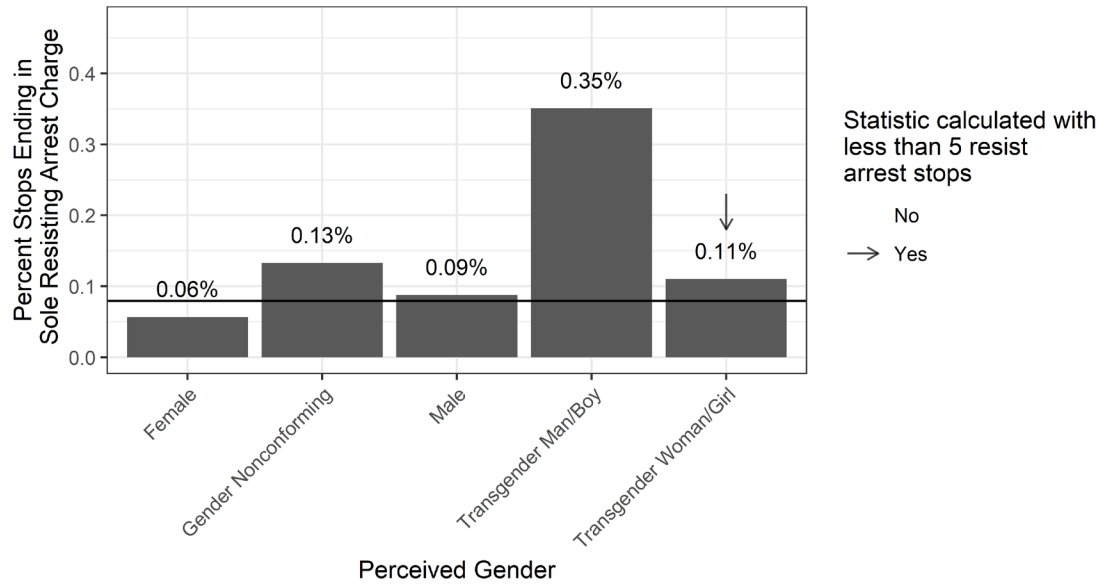
Occurrence of Sole Resisting Arrest Stops among Racial or Ethnic Groups per 100k California Residents in 2022



Individuals perceived as Transgender Men/Boys had the highest percentage of stops resulting in a sole resisting arrest charge among perceived gender groups (0.35%, 4.4 times the state average). Other perceived gender identities with above average percentages of stops that result in sole resisting arrest charges include individuals perceived as Gender Nonconforming (0.13% of stops), Transgender Woman/Girl (0.1% - less than 5 stops total), and Male (0.09%). Individuals perceived as Female had below average percentages of stops that resulted in sole resisting arrest charges (0.06%).

Figure XX

Percent of Stops Resulting in Sole Resisting Arrest by Perceived Gender

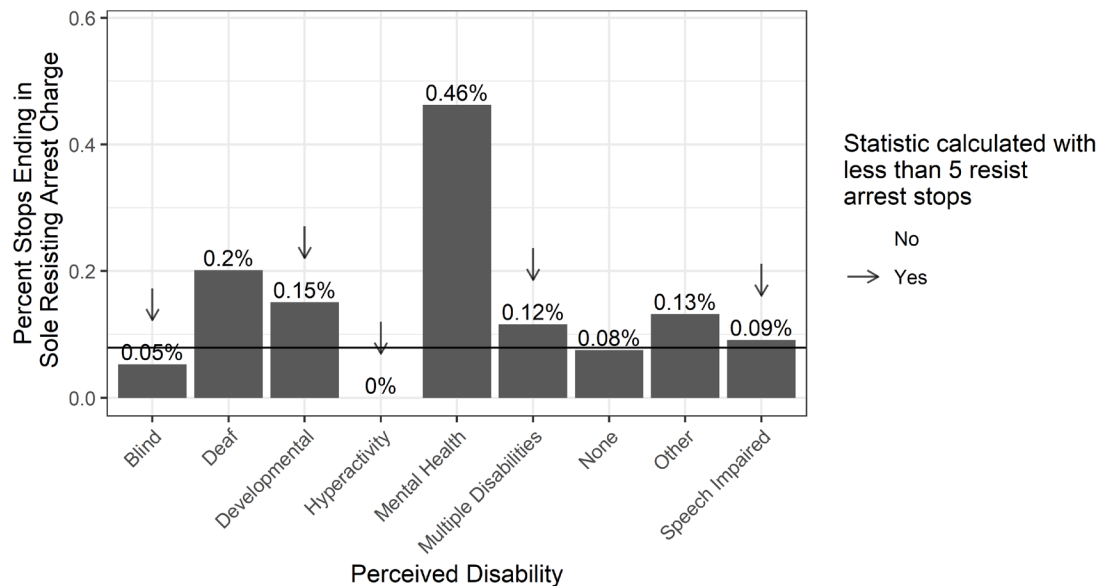


Individuals perceived to have a mental health disability had the highest percentage of stops that resulted in a sole resisting arrest charge among perceived or known disability groups (0.46%, 5.7 times the state average). Individuals perceived as deaf also had the second highest percentage of stops result in a sole resisting arrest charge (0.2%, 2.5 times the statewide average). When no disability was perceived, the percentage of stops with resisting arrest as the sole charge was very slightly below the statewide average (0.08%). Individuals with perceived disabilities of speech impaired, blind, developmental, hyperactivity, and multiple disabilities all had below five total

stops with resisting arrest as the sole charge. Collectively, perceived disabilities listed as “other” had a higher than average percentage of stops resisting arrest as the sole charge.

Figure XX

Percent of Stops Resulting in Stand-Sole Resisting Arrest by Perceived Disability



Officers record their perception of a stopped person’s gender and whether they perceive the person to be LGBT under two different fields. However, governing regulations specify that when officers indicate that they perceive an individual to be transgender, the officer must also indicate they perceive the person to be LGBT.³ Accordingly, a substantial portion (17.3%) of individuals perceived to be LGBT were also perceived to be transgender. As displayed in Figure XX, transgender individuals experienced a percentage of stops that resulted in a sole resisting charge. Accordingly, Figure XX examines sole resisting arrests across the intersections of the LGBT and gender identity characteristics.⁴ Among these intersectional RIPA identity categories, individuals perceived as LGBT and transgender had the highest percentage of stops resulting in sole resisting arrest charges (0.25%, 3 times the statewide average). Individuals perceived as both LGBT and gender non-conforming had a higher than average percentage of stops resulting in sole resisting arrest charges (0.19%, less than 5 total sole resisting arrest only stops). Individuals perceived as LGBT and cisgender also had a higher than average percentage of stops resulting in sole resisting arrest charges (0.14%). Individuals perceived as non-LGBT represent the majority of the stops in the dataset, and were slightly below the statewide average of the percentage of stops resulting in sole resisting arrest charges (0.08%).

³ Cal. Code of Regs. § 999.226(a)(6)

⁴ Within the 2022 RIPA stops four individuals were perceived as either of the two transgender gender categories but not perceived as LGBT. Given that the entries for these four stops did not align with the requirements set for under Cal. Code of Regs. § 999.226(a)(6), they were removed from this particular analysis.

Figure XX

Percent of Stops Resulting in Sole Resisting Arrest by Perceived Gender and LGBT

