

EXECUTIVE SUMMARY

California's Racial and Identity Profiling Advisory Board (Board) is pleased to release its Third Annual Report. The Board was created by the Racial and Identity Profiling Act of 2015 (RIPA) to shepherd data collection and provide public reports with the ultimate objective to eliminate racial and identity profiling and improve and understand diversity in law enforcement through training, education, and outreach. For the first time, the Board's report includes an analysis of the stop data collected under RIPA, which requires nearly all California law enforcement agencies to submit demographic data on all detentions and searches. This report also provides recommendations that law enforcement can incorporate to enhance their policies, procedures, and trainings on topics that intersect with bias and racial and identity profiling. This report provides the Board's recommendations for next steps for all stakeholders – advocacy groups, community members, law enforcement, and policymakers – who can collectively advance the goals of RIPA. In rendering these recommendations, the Board hopes to further carry out its mission to eliminate racial and identity profiling and improve law enforcement and community relations.

Recommendations for Law Enforcement Agencies

The Board has engaged in an extensive review of best practices to provide law enforcement with concrete recommendations focused on improving bias-free policing and civilian complaint policies and procedures. The Board recommends that law enforcement engage with their communities as they develop and improve policies and practices that are strong and effective while also enhancing transparency, building trust, and promoting the safety and, well-being of all parties. Below we provide an overview of the recommendations included in this year's report, and we strongly encourage stakeholders to review the detailed policies set forth later in this report and in the attached Appendix.

Policies: This report contains model language for the following: a clear, written bias-free policing policy; definitions related to bias; the limited circumstances when personal characteristics of an individual may be considered; training; data collection and analysis; encounters with the community; accountability and adherence to the policy; and supervisory review. The Board recommends that all agency personnel, both sworn and civilian, receive training on their bias-free policing policies. Agencies are further encouraged to develop policies and training on how to prevent bias by proxy when responding to a call for service. In addition to including model language, the Board conducted a policy review to assist Wave 1 agencies in identifying areas of opportunity to incorporate the best practices and model language presented in this report and the 2019 RIPA Annual Report. For the purposes of this report, Wave 1 agencies refers to the eight largest law enforcement agencies in the state that began collecting stop data on July 1, 2018, and reported it to the department on April 1, 2019.

Civilian Complaints: Law enforcement agencies should evaluate their civilian complaint process and align their complaint forms, where practical, with the best practices laid out in this report. The Board conducted a review of the complaint forms of the Wave 1 agencies to identify areas of opportunity to adopt additional best practices. The report examines the civilian complaint data, including data on reported racial and identity profiling allegations submitted to the Department of Justice by all RIPA reporting agencies in 2018; the report then highlights the factors that impact the disparities in the number of reported complaints by each agency.

Recommendations for Community Members

The 2020 Annual Report contains recommendations that advocates and community members can use to engage with law enforcement to improve policies, accountability, and enforcement measures. The Board hopes community members can take the model language and best practices delineated in the report to push law enforcement agencies to improve their policies and procedures. The Board also thanks members of the community for attending Board and subcommittee meetings and providing public comment. The Board hopes community members will continue to engage with the Board regarding its work.

Recommendations for Policymakers

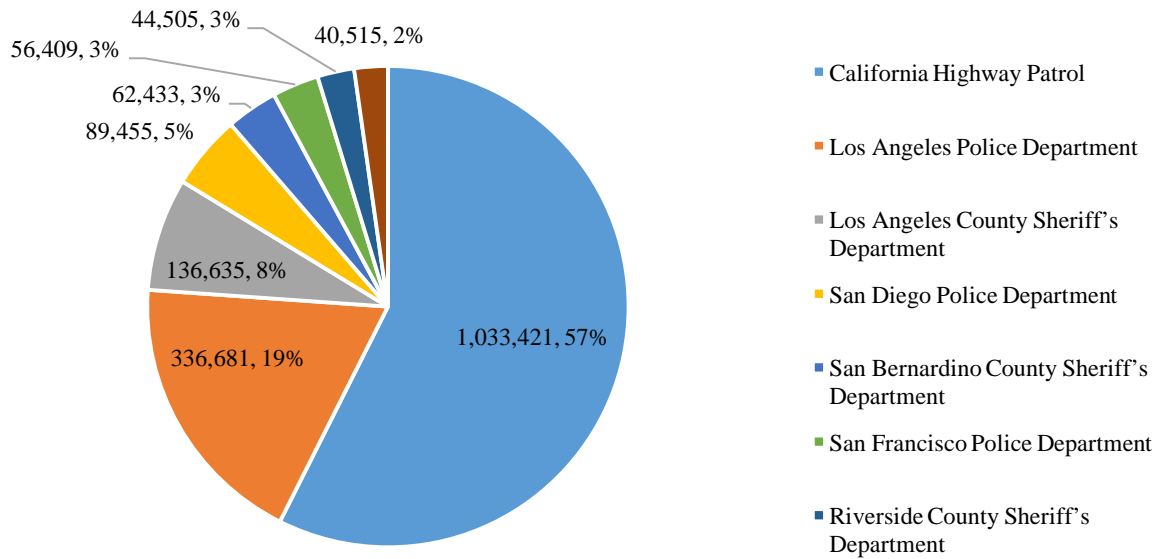
The Board hopes the California Legislature and local governments can increase funding to law enforcement agencies to implement RIPA by supporting not only the data collection itself, but also in supporting law enforcement's evaluation of the collected data as well as the development of anti-bias training and policies. To effectively fulfill their mandate under RIPA, law enforcement agencies must develop and further refine their data collection systems for stops, review and revise their policies and practices, and make other changes to personnel, supervision, and training. They cannot do so without additional funding and support.

With respect to civilian complaints, the Board recommends that the Legislature amend Penal Code section 148.6 by striking the language imposing criminal sanctions for filing a false complaint. By doing so, the Board hopes to resolve a conflict between state and federal law, as well as remove cautionary language that is potentially chilling to the filing of a civilian complaint.

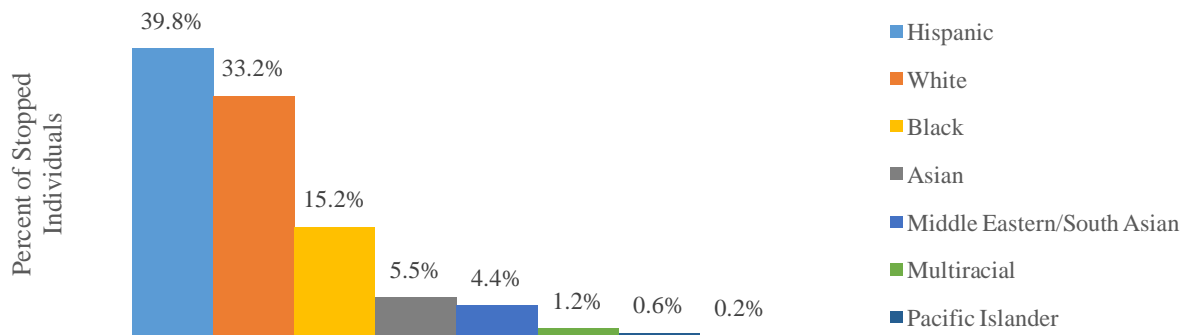
Findings Regarding RIPA Stop Data

- Between July 1, 2018 and December 31, 2018, the eight largest agencies in California, referred to as Wave 1 agencies in this report, collected data on vehicle and pedestrian stops. RIPA defines a stop as a detention and/or search by a peace officer.
- Reporting agencies stopped over 1.8 million individuals during the stop data collection period. The California Highway Patrol conducted the most stops of all reporting agencies, which is unsurprising given the size and geographic jurisdiction of the agency and its primary mission with respect to highway safety.

Number of Stops by Agency

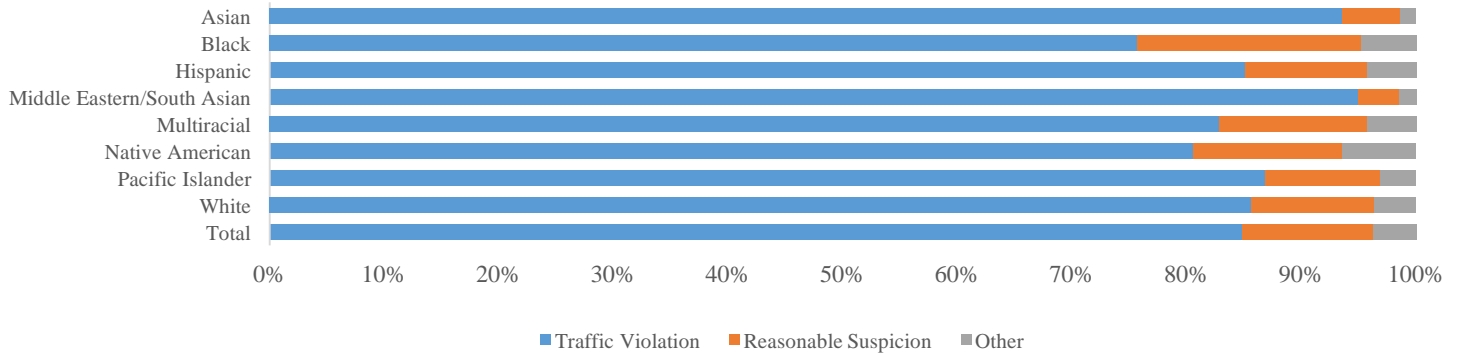


- 95.3 percent of stops were officer-initiated, while 4.7 percent of stops were in response to a call for service, radio call, or dispatch.

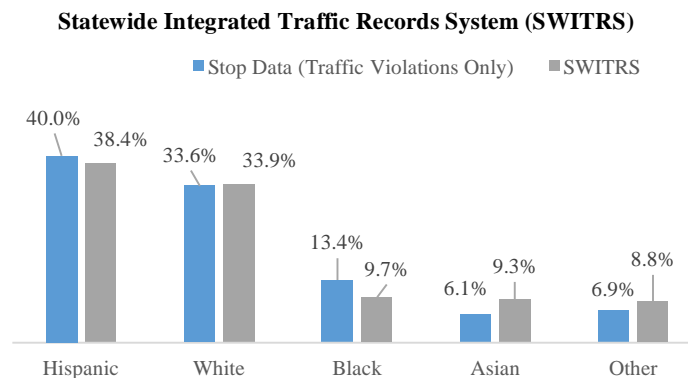
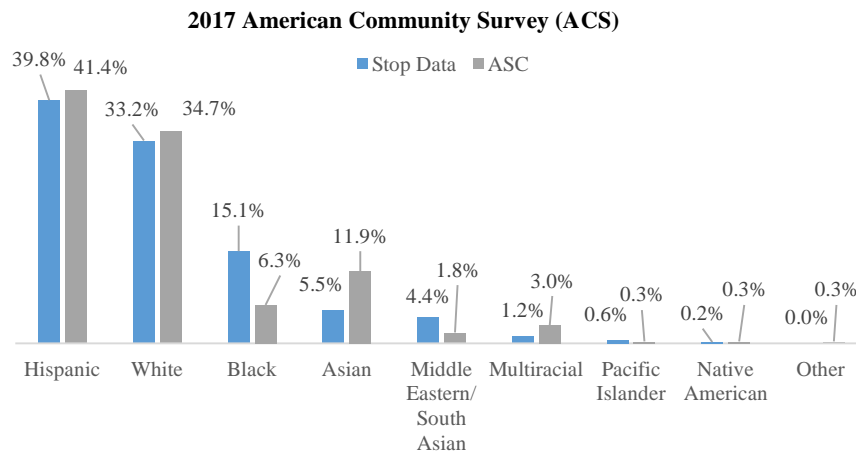


- Individuals perceived to be Hispanic (39.8%), White (33.2%), or Black (15.2%) comprised the majority of stopped individuals.

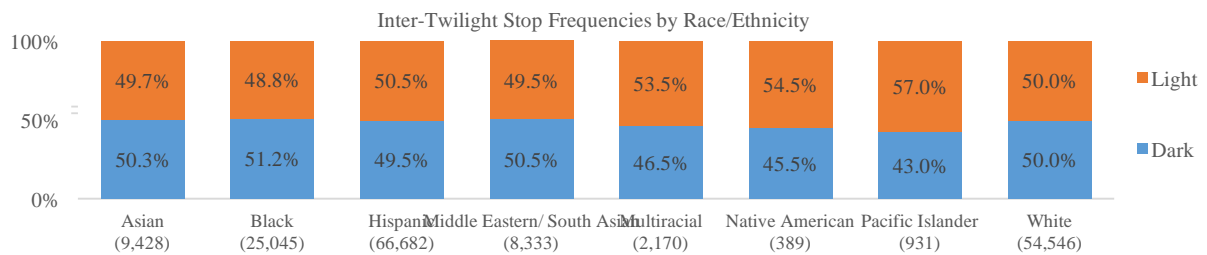
- The most commonly reported reason for a stop across all racial/ethnic groups was traffic violations, followed by reasonable suspicion. A higher percentage of Black individuals were stopped for reasonable suspicion than any other racial identity group.



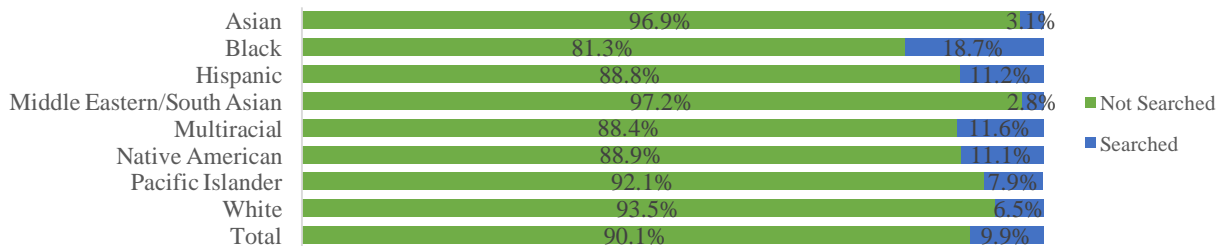
- To provide context for the racial distribution of stopped individuals, the Board compared the distribution to two benchmark data sources: 1) the American Community Survey (ACS) and 2) the Statewide Integrated Traffic Records System (SWITRS). Black individuals represented a higher proportion of stopped individuals than their relative proportion of the population in both benchmark datasets.



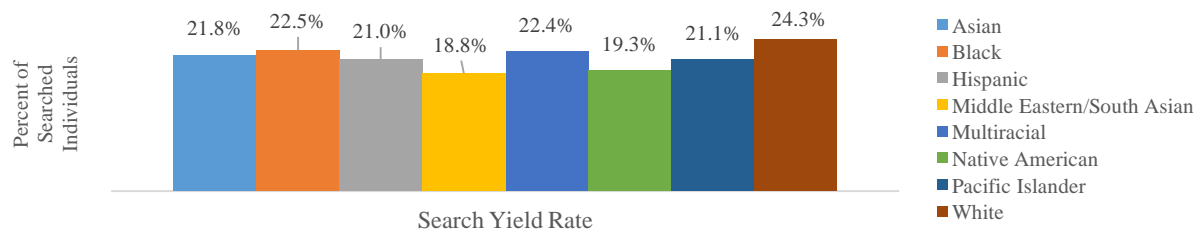
- The veil of darkness (VOD) method is a third benchmarking method used this year. The VOD analysis compares the proportion of individuals stopped during daylight hours to the proportion of individuals stopped when it is dark outside during the *intertwilight period*, i.e., the time of day that is dark during Standard Time, but light during Daylight Savings Time. Having a higher proportion of stops of individuals of a particular racial or ethnic group occur in the light, compared to White individuals, may be considered evidence of bias towards that group. The VOD analysis of this year's data indicated disparities in stops during light hours vs. dark hours for some racial and ethnic identity groups. For example, individuals perceived to be Pacific Islander or Multiracial had a higher proportion of their stops occur during light hours than individuals perceived to be White.



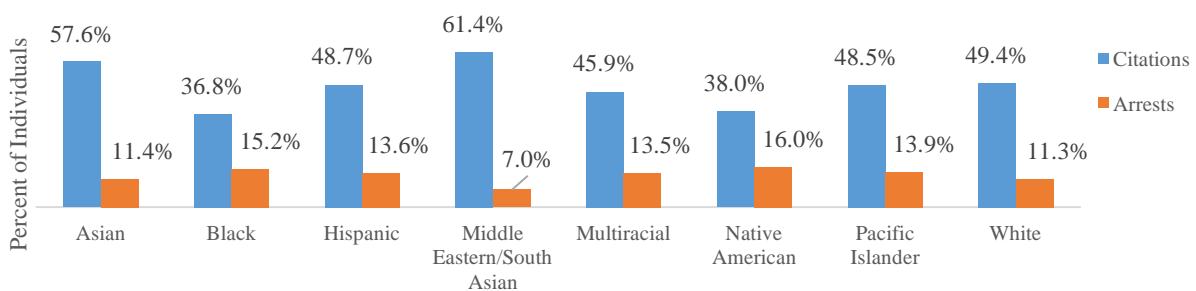
- Overall, 9.9 percent of stopped individuals were subject to a person or property search.
- Officers searched Black individuals at a rate 2.9 times the rate at which they searched White individuals (18.7% vs. 6.5%).
- Middle Eastern/South Asian individuals had the lowest search rate (2.8%).



- Search yield rate analyses showed that, when officers searched individuals, contraband or evidence was generally found on White individuals at higher rates than individuals from all other groups.

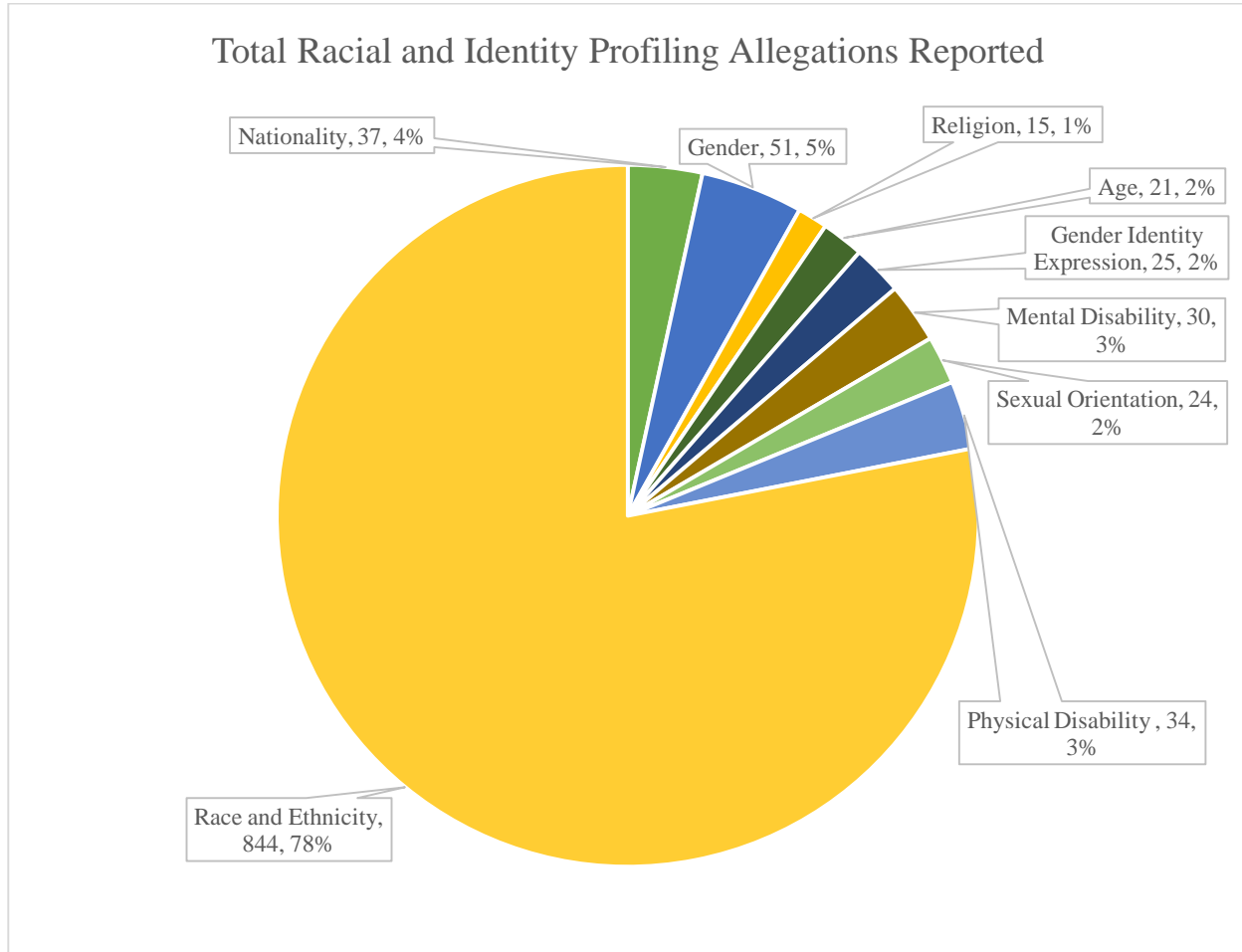


- When examining search yield rates by the presumed level of discretion available to the officer in deciding to conduct a search, yield rates for racial/ethnic groups of color were lower than for White individuals for higher-discretion searches, i.e., searches for which the only basis for search was “consent given.” This was also true for most racial/ethnic groups of color when only examining lower discretion searches (searches in which the basis for search was incident to arrest, vehicle inventory, or search warrant), with the exception of Black and Multiracial individuals, who had higher yield rates than White individuals for lower discretion searches.
- 60.3 percent of all individuals stopped were issued a citation and/or arrested. Native American and Black individuals had the highest arrest rates and the lowest rates of citation. Middle Eastern/South Asian and Asian individuals had the highest citation rates and the lowest arrest rates.



Findings Regarding Civilian Complaint Data

There were 1,081 allegations of racial or identity profiling filed in 2018 with the 134 law enforcement agencies subject to RIPA. Of these, 78 percent of the complaints included allegations of racial or identity profiling.



The following table shows the total number of civilian complaints reported in 2018 by Wave 1 agencies, the number of allegations of racial or identity profiling, and the number of sworn personnel each agency employed in 2018. There were notable disparities in the total complaints and racial and identity profiling allegations reported by agency. The reasons for these disparities likely include: 1) lack of uniformity regarding what constitutes a “civilian complaint” and how to quantify and document complaints; 2) lack of uniformity regarding how to process civilian complaints; 3) varying accessibility and knowledge of an agency’s complaint process; 4) disparate accessibility for people with disabilities; and 5) the potential deterrent impact of Penal Code section 148.6.

*Wave 1 Agency Complaints Reported and
Number of Sworn Personnel Employed in 2018*

Agency	Total Complaints Reported	Profiling Complaints Reported	Sworn Personnel
Los Angeles Police Department	1,907	274 (14%)	9,974
Los Angeles County Sheriff's Department	986	67 (6.7%)	9,426
California Highway Patrol	287	35 (12%)	7,286
San Diego County Sheriff's Department	9	1 (11%)	2,572
San Francisco Police Department	678	21 (3%)	2,306
San Bernardino County Sheriff's Department	104	35 (33%)	2,018
Riverside County Sheriff's Department	46	4 (9%)	1,795
San Diego Police Department	74	15 (20%)	1,731