

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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STOP DATA ANALYSIS SUBCOMMITTEE MEETING MINUTES

July 30, 2021, 2:02 p.m. - 3:36 p.m.

Subcommittee Members Present: Co-Chair Steven Raphael, Andrea Guerrero, Edgar Hampton, Lily Khadjavi

Subcommittee Members Absent: Co-Chair David Swing, LaWanda Hawkins, Brendon Woods

1. Introductions

Co-Chair Raphael called the meeting to order at 2:02 pm. Each subcommittee member introduced themselves.

2. Approval of February 23, 2021 Subcommittee Meeting Minutes

Member Hampton made a motion to approve the minutes. Member Khadjavi seconded the motion. All members voted “Yes”, there were no “no” votes and no abstentions.

3. Overview of Proposed Subcommittee Work & Updates by Department of Justice

Research Data Specialist Kevin Walker from the Department of Justice Research Center presented an overview of the data analyses shared with the subcommittee for discussion at the meeting and a summary of additional analyses that the Research Center was drafting. He stated that the analyses shared in advance of the meeting were the same types of analyses that were included in the 2021 Board Report. He stated that the additional analyses would provide contextual information for the policy-focused sections that the Civil Rights Enforcement Section staff were developing for the Board’s consideration and potential best practices recommendations the Board would make in those subject areas. Mr. Walker stated that these sections would address disparities in the stops of people perceived as transgender, follow up on the disabilities analyses that were included in the 2021 Report, follow up on the preliminary analyses of consent searches in the 2021 Report, and follow up on the parole, probation, known supervision, post release community supervision analyses in the 2021 Board Report.

Mr. Walker provided a brief presentation regarding stop data submission for 2020 and tests for racial and ethnic disparities using 2020 stop data and a summary of the types of analyses that the Research Center was preparing for the policies sections of the 2022 Report. He stated that the eighteen reporting agencies reported 2,934,752 stops in 2020 (1,057,322 fewer stops than those reported in 2019). He stated that CHP submitted the largest number of stops, followed by the Los Angeles Police Department. Mr. Walker presented a graph comparing stop data across perceived racial/ethnic groups to the residential population of the areas served by reporting agencies. He stated that Black individuals constituted a much higher proportion of stopped individuals than the proportion of Black individuals in the residential population, while Multiracial individuals constituted a much smaller proportion of stopped individuals than the proportion of Multiracial individuals in the residential population. He noted that the Research Center began to use 5-year American Community Survey data as a source for residential population data to include information for smaller jurisdictions. Mr. Walker added that while the 5-year survey contains better geographic information, it contains less detailed ethnicity information and for that reason, a population comparison group was not included for the Middle Eastern/South Asian group. He stated that it is likely that Middle Eastern/South Asian individuals were combined in the Asian population comparison group and this is something that the Board may want to discuss.

Mr. Walker stated that overall search rates and discovery rates were similar to the rates in the previous year. He stated that compared to White individuals, Black, Hispanic, Native American, and Pacific Islander individuals were searched at higher rates. He stated that Black individuals had the largest difference in search rate; Black individuals had an 11.9% higher search rate than White individuals. Mr. Walker stated that Black, Hispanic, Native American, and Pacific Islander individuals had lower rates of discovery of contraband than White individuals.

Mr. Walker explained that the veil of darkness analysis compares the proportion of traffic stops of individuals of a particular race during daylight to the group's proportion of traffic stops during darkness. He clarified that this does not mean that stops occurring during the day are compared to stops that occur at night, rather only stops occurring during an intertwilight period are included in the analysis (approximately 5:30-9:30 pm and 5:15-7:15 am). He stated that the analysis compares traffic stops that occurred during these periods of day across the different lighting conditions at different times of the year. Mr. Walker stated that only stops made for traffic violations are included in this analysis and stops for which a call for service was received were excluded from the analysis. He stated that the analysis showed that darkness decreased the rate at which Black and Hispanic individuals were stopped in comparison with White individuals; a higher proportion of the stops of Black and Hispanic individuals occurred during the times of the year when there was daylight during the intertwilight period. Mr. Walker stated that the findings were very similar when CHP stop data was included and when CHP stop data was excluded from the analysis.

Mr. Walker stated that the analysis of data regarding uses of force showed that compared to White individuals, Black individuals and Hispanic individuals had higher odds of having force used against them. He stated that the findings in this analysis were also very similar when CHP data was included and when CHP stop data was excluded.

Mr. Walker stated that the subcommittee had expressed interest in the analysis of the 2020 stop data with respect to the smaller volume of stops during the year. He stated that many of the analyses yielded results that were comparable to the findings of the analysis of 2019 stop data.

Mr. Walker stated that the Research Center was preparing analyses that would add context to the policy-focused sections of the Board's Report. He stated that the Research Center would prepare analyses of search and discovery rates, use of force rates, and reasons for stops distributions across perceived gender and disability categories. He stated that the Research Center would additionally analyze the proportion of stops across gender categories in which reasonable suspicion was the reason for stop, and stops in which reasonable suspicion of violations of sex work-related offense codes was the reason for stop. He stated that they would analyze stops across perceived disability categories in which reasonable suspicion of violations of common offense codes was the reason for stop.

Mr. Walker stated that the Research Center would analyze search and discovery rates and use of force rates for stops that were initiated during community caretaking interactions and stops that were not initiated within those contexts.

Mr. Walker stated that the Research Center would analyze the rate at which officers asked individuals for consent to search them and the rate at which individuals gave consent across perceived race/ethnicity categories. He stated that the Research Center would analyze the proportion of stops in which the stopped individual consented to a search that resulted in a search and the proportion of stops

in which the stopped individual declined to consent to a search that resulted in a search. He stated that they would analyze search and discovery rates for searches in which consent was the only basis for the search, consent was one of multiple bases for the search, and where there were other discretionary bases for the search. Mr. Walker explained that the Research Center would analyze the rate at which officers asked for consent to search in the context of traffic and non-traffic stops across perceived race/ethnicity categories and the rates at which different types of searches were conducted in these contexts.

Mr. Walker stated that the last section for which the Research Center would provide analyses addresses supervision searches and would compare searches in which the only basis for search was a condition of supervision, searches in which a condition of supervision was one of multiple bases for the search, and searches in which there were other discretionary bases for the searches. He stated that they would prepare an analysis of the types of contraband and evidence that officers discovered during stops in which there was a search based on a condition of supervision. He stated that the Research Center would also analyze the reasons for the stops in which there were searches based on a condition of supervision across perceived race/ethnicity categories.

Mr. Walker stated that the Research Center would provide some data for the section of the Report that would begin to address pretext stops, including the distribution of moving versus non-moving traffic violation stops across perceived race/ethnicity categories, and the distribution of offense codes for these two categories of traffic violation stops.

Mr. Walker invited the subcommittee to discuss and provide feedback on the proposed analyses and anything additional that the subcommittee would like to include in the Board Report.

4. Discussion of Proposed Stop Data Analysis Chapter in 2022 Report

Co-Chair Raphael noted how stable the patterns shown by the analyses remained across years. Member Khadjavi asked if the policy-focused analyses would be shared with the State and Local Racial & Identity Profiling Policies subcommittee ahead of their next meeting. Allison Elgart, Deputy Attorney General with the Department of Justice, stated that the Policies subcommittee would meet on August 19, 2021 and staff would not have narrative write-up of the data available ahead of this meeting, but might be able to provide graphs or charts reflecting the results of the analyses. Member Khadjavi asked if the analyses that were shared with the Stop Data Analysis subcommittee could be shared with the Policies subcommittee. Ms. Elgart stated that staff could refer the Policies subcommittee to the materials that were provided for the Stop Data subcommittee. She stated that it was a new format to have topics intersect across the work of multiple subcommittees to use the data to develop best practices recommendations. Mr. Walker stated that if the Policies subcommittee were interested in reviewing some of the results of the policies-focused analyses at their meeting, it would be important to balance the time required for this with the other work of the subcommittee. Member Khadjavi stated that was great to see the work of the two subcommittees intersecting more.

Member Guerrero asked if the population benchmark included in the analyses reflected the population of the state or the population of the jurisdictions that reported stop data. Mr. Walker stated that in a previous full Board meeting, the Board discussed the challenges related to using state population data as a benchmark, particularly during the initial reporting years when not all agencies are reporting. He stated that the 18 agencies that reported data for 2020 serve jurisdictions with a population that does not mirror the state population. He stated that for this reason, the Research Center uses the residential population data for the jurisdictions that are reporting stop data and weights the population based on

the proportion of stops that the agencies reported. Mr. Walker stated that this approach, including its strengths and limitations, was discussed in the Methods Appendix for the 2021 Report and would also be included in an appendix for the 2022 Report.

Member Guerrero recommended that the title of the analysis section reflect that the Board is using a selected residential population and recommended including an explanation in a footnote. She asked how the Research Center was handling the data from CHP in the comparison with residential population data. Mr. Walker stated that the Tests for Disparities section includes both analyses that include all reporting agencies and analyses that exclude CHP's stop data because the CHP's role may differ from the role of municipal agencies. Member Guerrero recommended that the Report indicate when there are significant differences between the analyses that include and exclude CHP data.

Member Guerrero asked for clarification about how the service area of CHP was accounted for in the residential population benchmark. Mr. Walker stated that the proportion of total stops that were reported by each agency was used to weight the residential population data from the agency's jurisdiction in order to create a weighted residential population benchmark. He stated that the Research Center could provide a bar chart that comparing the racial/ethnic distribution of CHP stops with the racial/ethnic distribution of the state population and a separate chart with the racial/ethnic distribution of stops by other agencies compared to residential population of the agencies' jurisdictions weighted to account for the proportion of stops made by each agency. Member Guerrero stated that this would be helpful for lay readers of the Report. Mr. Walker requested Member Khadjavi and Co-Chair Raphael's assistance with developing some of the footnotes and data labels to help to communicate the methodology for taking into account the agencies' stop volume in the calculating the residential population. They agreed.

Member Guerrero recommended that the Department consider if there were other areas in the Report where CHP's stop data should be presented separately. Member Khadjavi agreed that it is valuable to analyze CHP stop data separately so that the volume of stops made by the CHP would not obscure patterns in the stops of smaller municipalities. Mr. Walker shared an example of the analysis of primary offense codes for moving violations and non-moving violations, which showed differences between the full data set and a data set excluding CHP data. He stated that, for this reason, the Department would include both in main body of the Report. He invited the subcommittee to share requests for analyses excluding CHP data as members reviewed the analyses presented by the Department.

Co-Chair Raphael recommended including a chart to show the volume of stops by agency by year to show the change in volume of stops during 2020. He stated that he understood the need to use the ACS summary data in order to include population data for jurisdictions with smaller populations. He recommended including a footnote explaining that the race/ethnicity definitions in RIPA do not match the definitions in the ACS data and explaining how the data for Middle Eastern and South Asian categories are aggregated in the ACS data. Co-Chair Raphael recommended including an intersectional analysis of race, age, and gender using the Veil of Darkness methodology to see if the decline in stops during the time of year that is dark was larger for some groups across intersected identities. Co-Chair Raphael also recommended including in a future Report an analysis comparing moving and non-moving violations using the veil of darkness methodology to assess if there were fewer non-moving violations during times of the year when it is dark. He expressed appreciation for the analyses related to perceived disabilities and stated that the way perceived mental health disabilities were included as a category of analysis separately from other perceived disabilities was helpful.

Member Khadjavi asked about the labels in a table in the Draft Appendix regarding Stops by Identity Group and Traffic Violation Type, in which there were labels for moving violations, equipment violations, and non-moving violations. She recommended that the Report include a definition of the term “moving violation,” and noted that equipment violations are subcategory of non-moving violations. Mr. Walker stated that the values “moving,” “non-moving,” and “equipment” are the data values specified in the regulations from which officers can select. He stated that the Research Center has found some overlapping offense codes listed under non-moving and equipment violation types. Member Khadjavi recommended combining the categories of equipment and non-moving violation types for the analyses for the Report.

Member Khadjavi asked if passenger data was included under moving violation types because some individuals in the one to nine year old perceived age category were reported as being stopped for moving violations. Mr. Walker stated that some of these might be reports of moving violation stops in which the officer took action toward, for instance, an eleven year old, such as asking them to exit the vehicle, and were therefore were required to report the data regarding the individual toward whom they took action. He stated that it is also possible that some of these entries were due to typos in entering the stopped individuals’ perceived age. He stated that when looking at all of the data reported for the particular stop, it may be possible to infer when the age entry may have been a typo, but because there is not a data value for officers to indicate when the person stopped was a passenger, this information is not available. Mr. Walker stated that he believed that the proposed regulations included changes that would make this easier to identify.

Member Khadjavi recommended adding clarification or explanatory footnotes to the tables in the Draft Appendix regarding overall number of actions taken and average number of actions taken during stops with actions across identity groups. Mr. Walker stated that the Research Center could add clarifying information to a table note. He stated that there are 23 reportable actions and this table includes for instance, of all perceived Asian individuals stopped, officers took 0.23 actions per individual - less than one action per individual because in most of these reports officers did not indicate having taken reportable actions. He stated that the next column in the table excluded the stops of Asian individuals in which officers did not indicate that they took any reportable actions; when officers reported taking one or more actions toward perceive Asian individuals, on average, they took 2.59 reportable actions.

Member Khadjavi recommended providing an explanation with the chart regarding “Searches of People and of Property with Consent Given” to explain whether this was the percentage of individuals who gave consent out of the number of individuals who were searched or the number of individuals who gave consent out of the number of individuals who were asked. Mr. Walker stated that the actions “Searches of People or Property with Consent Given” only applied to stops in which officers asked the stopped person for consent to search them or their property. He stated that these were the percentages of individuals who were asked for consent to search their person or property and indicated that the Research Center could add a clarifying table note. Member Khadjavi stated that when we are working so closely with the data it could be difficult to see where clarifications may be needed for readers looking at these analyses for the first time. She added that some of the data in these tables would be helpful to the Policies subcommittee and the full Board for making specific recommendations.

Co-Chair Raphael asked what other types of violations might be captured under the non-moving violations category, apart from equipment and registration violations. Mr. Walker stated that registration violations were one of the most common codes listed under the equipment violation type of stop. He stated that the Research Center was preparing an analysis of the most common types of

offenses. Co-Chair Raphael recommended that instead of comparing moving violations to all other types of violations, the Board may want to compare moving violations, registration violations, and all other types of violations. He stated that knowing the volume of stops for registration violations and how much these type of stops contribute to disparities would help with developing policy recommendations about how to address registration violations.

Member Guerrero asked if enough data was collected across the three reporting years to analyze the data from Wave 1 reporting agencies across these years. Mr. Walker stated that the Department discussed this with experts and noted that during the first reporting year, the agencies reported data for six months, during the second reporting year, agencies reported data for twelve months, and there was a pandemic during the third reporting year. He stated that the differences across the three years would introduce some complexities into analyzing the stop data across period and, in the future, the Department would want to analyze data over time. He stated that it would be possible to analyze data for 2018, 2019, and 2020 for the 2022 Board Report, but because this analysis would be complex, it would need to be balanced with the other analyses that the Board requested.

Co-Chair Raphael thanked Mr. Walker for the presentation and stated that the subcommittee looked forward to seeing the next set of analyses.

5. Public Comment

Richard Hylton stated that it is important to have accurate information for racial/ethnic groups because inaccurate calculations of population lead to inaccurate analysis of disparities across racial/ethnic groups. He stated that the work of the Board seemed to be devoted largely to matters of data collection and less devoted to making actionable recommendations based on data findings. He stated that there is an upward trend in uses of force, which needs the attention of the Board.

6. Discussion of Next Steps

Co-Chair Raphael stated that the subcommittee would need to decide if they wanted to meet again to provide feedback to the Department regarding the additional analyses that would be forthcoming. Mr. Walker stated that Research Center Analysts had been working on analyses about which he was not able to brief the subcommittee during this meeting and there would likely not be time to review all of these analyses during a full Board meeting. There was a consensus among subcommittee members to meet again. Co-Chair Raphael thanked DOJ staff and the Board members for all of their work and thanked the members of the public for providing feedback. He adjourned the meeting at 3:36 pm.

7. Adjourn