

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

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**MEETING OF THE STOP DATA AND EVIDENCE-BASED
RESEARCH SUBCOMMITTEES**

MEETING MINUTES

February 5, 2019 – 10:30 a.m. – 2:00 p.m.

California Department of Justice Office

Oakland

1515 Clay Street
20th Floor, Ste. 2000
Oakland, CA 94612

A combined meeting of the Stop Data and Evidence-Based Research Subcommittees of the California Racial and Identity Profiling Advisory (RIPA) Board was held on Tuesday, February 5, 2019 at 10:30 A.M.

Members Present: Sandra Brown, Andrea Guerrero, Sheriff David Robinson, Angela Sierra, and David Swing.

Members Not Present: Oscar Bobrow, Pastor J. Edgar Boyd, Reverend Ben McBride, Doug Oden, and Timothy Walker.

California Department of Justice Staff Present: Nancy A. Beninati, Supervising Deputy Attorney General, Civil Rights Enforcement Section (CRES); Kelsey Geiser, CRES; Domonique Alcaraz, Deputy Attorney General CRES; Gabriel Martinez, Deputy Attorney General, CRES; Erin Choi, Manager, Client Services Program, Bureau of Criminal Identification and Investigative Services, California Justice Information Services Division (CJIS); Randie Chance, Director of Research, Research Center, Bureau of Criminal Identification and Investigation Services, CJIS; Kevin Walker, CJIS, Jannie Smith, CJIS, Evelyn Reynoso, CJIS, and Tiana Osborne, CJIS.

Wave 1 and Wave 2 Agencies Present: California Highway Patrol (CHP), Fresno Police Department (FPD), Long Beach Police Department (LBPD), Riverside Police Department (RPD), Sacramento Police Department (SPD), San Diego Police Department (SDPD), San Francisco Police Department (SFPD), and San Jose Police Department (SJPD).

Academics Present: Alex Chohlas-Wood (Stanford University), Amy Shoemaker (Stanford University), Chris Burbank (Center for Policing Equity), Emily Owens (UC Irvine), Jack Glaser (UC Berkeley), Rebecca Hetey (Stanford University), and Steve Raphael (UC Berkeley).

1. Introductions and Overview

Co-Chair Guerrero and Co-Chair Robinson welcomed the meeting attendees and thanked all stakeholders for participating in the roundtable. Co-Chair Guerrero noted that in attendance were Board members, academics, and representatives from several Wave 1 and Wave 2 agencies and encouraged all stakeholders to contribute to and continue an open dialogue through the data collection and analysis process.

2. Roundtable Discussion of Data: What Do We Want To Learn From The Data and How Can It Be Used?

Co-Chair Guerrero invited all agency representatives in the room to provide an update on their collection processes and systems.

Kevin Davis from CHP commented that the CHP has not yet begun analyzing its data, but is currently working on ensuring the narrative fields are in the correct format, filled out comprehensively, and devoid of personal identifying information. Mr. Davis estimated the agency has roughly 109,000 entries per month and noted that the largest challenges the agency has faced are ensuring that all personally identifying information is removed from the record and the unique issue for commercial vehicle stops.

Catherine McGuire from SFPD commented that the agency has used the train-the trainer model to implement the legislation. She noted that SFPD is the only Wave 1 agency using the DOJ's SDCS data collection system and commented that a portion of the data was not captured due to a system error. Ms. McGuire commented that San Francisco is required by local mandates to collect and analyze some of the stop information that aligns with AB 953. The agency will begin conducting descriptive analyses and reporting them in April or May of 2019. Ms. McGuire noted that this analysis will be challenging because it will require analysts to devote time and effort to re-code the data to understand the codes and other pieces of information from the DOJ system.

Lieutenant Jeffrey Jordon from SDPD commented that the agency has substantially changed its policies and procedures and has primarily focused on training and auditing to ensure compliance of stop data. In 6 months, the agency has trained 1,800 officers on collecting the information required by AB 953, consensual stops and interactions with mentally ill civilians. Additionally, the agency requires any officer who conducts a field interview to complete a stop data card. SDPD is currently looking to hire an internal analyst to examine the data and is seeking to collaborate with an academic institution to assist with analysis. The agency has continued getting guidance from the DOJ on data collection and training and has utilized in-person training, online training videos, and training videos for supervisors on how to audit records. SDPD has established a process of auditing the stop records against the stops that result in arrest, citation or field interviews. Currently, it is taking officers approximately three minutes or less to complete each stop record. Mr. Jordon commented that the process would be smoother if it was linked to officers' cell phone as many of their servers or routers are not up to par. The agency is currently assessing costs for state reimbursement and assessing what can be spent on improving equipment to increase efficiency. Currently, SDPD is responding to public records act requests for stop data

and it eventually plans to display their data on an open portal. Mr. Jordon suggested that agencies that have not yet begun collecting data should begin preparations early.

Deputy Chief Kathy Lester from SPD commented that the agency has a 20-year history of stop data collection and analysis. Lamberth Associates conducted study assessing driving demographics and vehicle stops approximately 10 years ago. The study found that the frequency with which the agency stopped the black civilians was about twice as high as the driving population and Hispanics was close twice as much as well. Ms. Lester commented that it would like additional benchmark data such as criminal or victimization data included as a factor to understand stop data results. Ms. Lester commented that uniform crime reporting (UCR) data is a potentially helpful benchmark and noted on the necessity to use standardized data. Ms. Lester noted the importance of being able to contextualize the data to get at solutions to address inconsistencies or disparities shown.

- *Discussion on Uniform Crime Reporting (UCR) and National Incident-Based Reporting System (NIBRS) Data*
 - California is not required to submit federal data until 2020.
 - Alex Chohlas-Wood from Stanford University commented that NIBRS data, a federal database with annual crime statistics by jurisdiction with individual records of each crime, is available publicly by agency and allows researchers to conduct a detailed breakdown.
 - SDPD might have NIBRS up by the end of the year.
 - FPD might have NIBRS up by August/September.
 - LBPD is considering NIBRS data.
 - Steve Raphael from UC Berkeley commented that UCR data is summary-based and counts the higher charge. Mr. Raphael noted that this information can be very useful in contextualizing the data and understanding the base rate.
 - LBPD noted how NIBRS and UCR information does not include information on purpose of stops and may not be as comparable as LEA's perceive it to be.

Lieutenant Mike Kihmm from SJPD commented that the agency's 1,200 officers began data collection on January 1, 2019 using the DOJ SDCS system. The agency previously collected profiling data in its CAD system, but to capture all of the information required by AB 953, they began using the DOJ collection system. The agency has utilized the train-the-trainer model of training and is currently looking to hire a compliance team. Mr. Kihmm commented how the agency wants to see some analyses done on calls for service versus self-initiated stops as was done in a prior study conducted on SJPD by University of Texas, El Paso.

Captain Donald Gross from FPD commented that the agency has been collecting similar data since 2000. Mr. Gross noted how the agency wants to utilize contextual variables such as community demographics, socio-economic status, and crime rates in its data analyses.

- *Discussion on Benchmarks*

- Mr. Gross commented noted the difficulty of understanding data in terms of ethnic or racial disparities or disparities due to socioeconomic status, noting the importance of putting data in the context of socioeconomic status.
- Co-Chair Guerrero commented that understanding the reasoning behind disparities must go deeper than finding correlations with poverty and crime.
- Jack Glaser from UC Berkeley commented on the importance of investment and compliance with the data collection, noting that if compliance is low, it is possible that the results will be a skewed or biased picture. Mr. Glaser commented on the importance of auditing police-initiated encounters and on benchmarking. He noted that the Lambert approach is the most labor intensive and expansive approach, but the most accurate way to determine disparities. However, Mr. Glaser noted that this approach is not practical for most departments to conduct on an ongoing basis. Mr. Glaser noted that looking at UCR, NIBRS, and calls for service data can miss the mark for most discretionary stops and that benchmarking on actual offending rates will not reveal much on profiling. Mr. Glaser suggested another approach is analyzing yield rates and arrest rates.
- Ms. McGuire commented that stops are not random and there must be a reason to stop, so comparing to census rates is misleading.
- Emily Owens from UC Irvine commented that a potential issue with utilizing benchmark data is that racial disparities could already exist in the benchmarked data and noted the importance of finding the right denominator. Ms. Owens noted that the quality of calls for service data could differ based on the vendor, noting the importance of consistency in data measurement of data across agencies to allow for comparison. Ms. Owens commented that there is little evidence-based guidance on what impact policies have on civilian stops because we do not have the data, noting that this data gives academics and analysts an opportunity to recommend what policies should be changed or implemented to impact racial disparities. However, this will only work if compliance is built in the field to allow the data to be appropriately analyzed and compared.
- Mr. Jordon suggested that the approach to discretionary stops utilized in the Stanford study on the Oakland Police Department be incorporated into the research.
- Member Brown commuted that Fair and Impartial Policing has conducted a study on the Cincinnati Police Department that compares data before, during, and after training on racial profiling to assess effectiveness.
- Chris Burbank from the Center for Policing Equity commented that analysts need to do more than just report the data – they need to assess the underlying cause that is behaviorally driven so that it does not reoccur. Mr. Burbank commented that geolocation is an important tool in behavioral assessment.
- Amy Shoemaker from Stanford University commented that the veil-of-darkness tests has some limitations and is flawed in that it is used darkness as a proxy for colorblindness. Mr. Shoemaker suggested using the threshold test to combat the drawbacks of different benchmarking methods and commented that the risk-

adjusted regression test has potential as a way to control for/address included variable bias.

- Mr. Raphael discussed that the inclusion of finer or more benchmarks will inevitably lead to a drop in disparities and how it is difficult to determine if the results are accurate or a byproduct of over/under controlling of factors through benchmarking. Mr. Raphael commented that it is important to present a range when utilizing a benchmarking approach and noted that researchers need to utilize a dose of humility in analyzing and presenting the data because it is extremely difficult to be conclusive about what is going on.
- Ms. Lester commented that law enforcement is attempting to identify the root causes of disparities but is missing the behavior piece.
- Ms. Owens commented that the RIPA data puts California much further ahead in understanding details about each department and mentioned how stop data could be used to create benchmarks down the line
- Mr. Jordon commented that the SDPD has decided to have officers fill out RIPA field interview cards with the goal of standardizing the data collected, but understands that different agencies will be collected and reporting the data slightly differently. Mr. Jordon commented that it would be helpful to researchers to understand how different departments collect and present their data.

Anna Reyes from LBPD commented that this is the first time the agency has had to collect stop data. The agency wanted to integrate RIPA data collection into the CAD system, but could not, so has been using the San Diego Sheriffs Department's system with mobile devices. The agency has conducted approximately 60 several hour sessions with 2-3 trainers to train all their officers at shift meetings. When the officers first began collecting the data, it took them approximately 15 minutes, but currently takes officers approximately 2-3 minutes to fill each stop data entry out via mobile devices, which allows them to have geo-location. The agency has also incorporated additional questions into the stop data form not required by AB 953 such as: "did you perceive the race of the individual prior to the stop?"

3. Public Comment

Denise Friday Hall asked how this research relates to hot spot policing, targeting, and mapping. Ms. Hall also asked if agencies are exploring other less lethal force options, such as pepper ball guns and nets, and if agencies are training officers to deal with people who may not be able to hear their commands.

Katie Mathews from Disability Rights California asked what constitutes a consensual stop. Ms. Mathews noted how in her line of work, she has review cases of "consensual" stops and found that they were not consensual. Ms. Mathews noted the importance of assessing how information from consensual stop interviews can be incorporated into the data.

4. Break

The meeting recessed for approximately thirty minutes.

5. Continued Discussion of Stop Data Analysis

Co-Chair Guerrero and Co-Chair Robinson provided an overview of the morning discussion session. The co-chairs found six main areas of benchmarks were discussed:

1. Population/Socioeconomic status (SES)/Demographic benchmarks
2. Incident data
 - a. NIBRS/UCR/agency level data
3. Calls for service data
 - a. RIPA only has a yes/no question for calls for service
4. Geolocation data
5. Post stop action data/ yield rates
6. Training data
 - a. Pre/post training data

Co-Chair Robinson commented that the two priority topics of analyses for RIPA are traffic stop data analysis and pedestrian stop data analysis.

Mr. Burbank commented that that in calls for service analyses is important to understand how the policing system (i.e. how agencies handle call for service calls) and community members (i.e. those calling in the calls for service) contribute to disparate treatment.

Mr. Glaser commented that it will be important to see how data on discrepancies in departments change over time and compare that to how the agency's policies and procedures have changed.

Rebecca Hetey from Stanford University commented that in their analysis of Oakland Police Department, they took a tiered analysis approach to handcuffing without arrest and found probation and automatic searches relevant in outcomes.

Mr. Chohlas-Wood mentioned how time intensive it will be to run both statewide and agency specific analyses from a researcher standpoint.

Ms. Hetey commented that the DOJ can assist departments and researchers in setting up an infrastructure and guidance on how to best assess the data.

Ms. Lester commented that there is a strength in third party researchers or analysis and of tiers of analysis.

Co-Chair Guerrero commented that it may be beneficial for the DOJ to build out a toolkit and to continue to engage agencies and in the public in answering queries about the data collection and questions.

Ms. McGuire commented that SFPD utilized geolocation data as it is hard to strip the narrative fields of personal identifying information, making it difficult to map.

Mr. Kihmm commented on the importance of looking at regions as well as agencies.

Ms. Owens commented the conducting a survey of each agency to have a better understanding of their data collection and stop data policies would help researcher and the public better compare

the data. This survey could include a description of what (if applicable) stop data collection looked like before and after AB 953 requirements and discussion on how the collection of AB 953 data could be used as a treatment effect in quasi-experiment looking at some other topic of interest. It could also collect information on how long stop data cards take to complete and how it affects policies decisions to stop individuals.

Ms. Reyes commented on the additional information LBPD is collection including if the person stopped resides in Long Beach, if the person there for a special event, and if the officer perceived race or ethnicity prior to making the stop.

Mr. Glaser emphasized the importance of compliance and standardization, noting that comparisons cannot be made unless everyone is collecting the data meaningfully.

Mr. Kihmm commented that RIPA data does not have a field that captures officer reason for using force and suggested additions made to the actions taken items, specifically regarding use of force questions to have an improved contextual narrative on why force was used and what caused force to be used.

Member Swing suggested the Board explore more context around reasons for use of force.

6. Adjourn

Co-Chairs Guerrero and Robinson noted that this data and this process provides a great opportunity to bridge the gap between law enforcement, academics, and the community, and thanked all stakeholders for coming to the table to help facilitate that.

Ms. Beninati encouraged anyone with questions, suggestions, or feedback to contact the RIPA email. Ms. Beninati commented that the DOJ will do a regulatory clean up in the future and encouraged all stakeholder to continue providing input for potential changes.

Co-Chair Guerrero adjourned the meeting at 1:32.