

POLICY-FOCUSED DATA ANALYSIS

I. YOUTH INTERACTION WITH LAW ENFORCEMENT

A. Introduction

*“All youth deserve multiple chances. Some get them. Others do not. Whether you end up incarcerated or in college should not be based on where you live, the color of your skin or how much money your family makes. Some communities have Youth Development while others have containment and suppression. We are a product of those communities that are over-policed and disinvested in. We are more likely to make police contact, not based on our behavior, but how our public resources are spent.”*¹

This year’s report focuses on the role of racial and other prohibited biases in youth and police officer encounters, in large part, because of the larger racial disparities that the Board has observed in the stops of youth in previous years. In a global context, the United States is a carceral outlier in the confinement of youth.² Looking just at pretrial detention, for example, the United States detains approximately 60 out of 100,000 youth, which is the highest rate of 92 reporting countries in the United Nations,³ higher than the average of countries in South America (approximately 19 out of 100,000 youth), the Middle East and North Africa (approximately 7 out of 100,000 youth), and Central and Eastern Europe (approximately 6 out of 100,000 youth).⁴

The Board, in prior reports, examined the role of the “school-to-prison pipeline” in police stops and made recommendations aimed at reducing interactions between students and law enforcement and racial and disability disparities in the course of those interactions, from the initiation to the outcomes.⁵ Schools, however, are only one pathway for youth to become involved in the criminal legal system, and indeed the majority of law enforcement stops of youth

¹ Hayward Burns Institute, *Los Angeles County: Youth Justice Reimagined* (Oct. 2020) L.A. County, p. 9 <<https://burnsinstitute.org/wp-content/uploads/2020/11/Youth-Justice-Reimagined-2020.pdf>> [as of XX, 2024].

² Trejos-Castillo et al., *The Square One Project Learned Helplessness, Criminalization, and Victimization in Vulnerable Youth* (Dec. 2020) p. 6 <<https://squareonejustice.org/paper/learned-helplessness-criminalization-and-victimization-in-vulnerable-youth-by-elizabeth-trejos-castillo-evangelina-lopoo-and-anamika-dwivedi-december-2020/>> [as of XX, 2024].

³ Nowak, *The United Nations Global Study on Children Deprived of Liberty* (2019) p. 262 <<https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/294>> [as of July 25, 2024]; Trejos-Castillo et al., *The Square One Project Learned Helplessness, Criminalization, and Victimization in Vulnerable Youth* (Dec. 2020) p. 5. <<https://squareonejustice.org/paper/learned-helplessness-criminalization-and-victimization-in-vulnerable-youth-by-elizabeth-trejos-castillo-evangelina-lopoo-and-anamika-dwivedi-december-2020/>> [as of XX, 2024].

⁴ Nowak, *The United Nations Global Study on Children Deprived of Liberty* (2019) p. 262 <<https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/294>> [as of July 25, 2024].

⁵ See, e.g., Racial and Identity Profiling Advisory Board (2024). *Annual Report*. <<https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>> [as of XX, 2024], p. 122.

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occur in other settings.⁶ The 2021 RIPA data indicated that youth are at higher risk of law enforcement contact that results in being handcuffed, searched, or detained curbside or in a patrol car than adults.⁷ This data informs the Board’s examination this year of youth and police interaction, and an even broader challenge facing youth: what some experts have referred to as the “community-to-prison pipeline,” another pathway that funnels youth into the criminal legal system.⁸

“The arrest disparity is the entrance to a maze with fewer exits for African American youth than their white peers.”

The United States remains a carceral outlier even though arrest rates for people under 18 years old, which peaked in 1996, have continued to decline.⁹ Nationally, in most years, only about five percent of youth arrests are for offenses categorized as violent crimes.¹⁰ While the overall decline in rates of youth arrests is a positive development, the Board continues to be concerned about the disparities in stops of youth in California.

For racialized youth,¹¹ exposure to police encounters emerges as early as the onset of adolescence.¹² These police encounters are more likely to result in further entanglement in the criminal legal system for racialized youth than White youth. This disparity between White youth and youth of color is a longstanding issue.¹³ As scholars have found, “The arrest disparity is the

⁶ Racial and Identity Profiling Advisory Board (2023), *Annual Report*. <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2024], pp. 137-138.

⁷ Racial and Identity Profiling Advisory Board (2023), *Annual Report*. <<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of XX, 2024], p. 9 [“Within all racial and ethnic groups, the highest observed percentage of stops in which officers handcuffed, searched, or detained individuals curbside or in a patrol car was for adolescents (10-14 years old and 15-17 years old)”].

⁸ Redfield and Nance, “Joint Task Force on Reversing the School-to-Prison Pipeline Preliminary Report” (February 2016) American Bar Association pp. 67 [“we should really be talking about a community-to-prison pipeline or a cradle-to-prison pipeline. It starts even before young people enter the school building”]. <<https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1765&context=facultypub>> [As of XX, 2024]; Holder et al., *Concentrated Incarceration and The Public-Housing-To-Prison Pipeline in New York City Neighborhoods* (2022) 119 PNAS 36, p. 1.

⁹ Cohen et al. (2016) *When Does a Juvenile Become an Adult?* 88 Temple Law Review 769, 773; Rovner, *Youth Justice by the Numbers* (2023) The Sentencing Project, p. 7.

¹⁰ Rovner, *Youth Justice by the Numbers* (2023) The Sentencing Project, p. 6.

¹¹ The term racialized youth refers to youth whose racial or ethnic identity is constructed in opposition to the dominant white identity in society. (Kumasi and Hughes-Hassell, *Shifting Lenses on Youth Literacy and Identity* (2017) 3 Knowledge Quest 45, 12-21, p. 13.)

¹² Weaver and Geller, *De-Policing America’s Youth: Disrupting Criminal Justice Policy Feedbacks That Distort Power and Derail Prospects* (2019) 685 AAPSS 1, 190–226, p. 201; Del Toro et al., *The Policing Paradox: Police stops predict youth’s school disengagement via elevated psychological distress* (2022) 58 Dev. Psychol. 7, 1402-1412, p. 1.

¹³ For example, data examining rates of arrests from 2003 to 2013 found that Black youth are more than twice as likely to be arrested than White youth; once arrested, Black youth are more likely to have their cases referred to juvenile court; among those cases referred to court, they are less likely to receive diversion; among those cases that are adjudicated, they are less likely to receive probation and more likely to be committed to secure placement in a juvenile facility. (Rovner, “Racial Disparities in Youth Commitments and Arrests,” The Sentencing Project (April

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entrance to a maze with fewer exits for African American youth than their white peers.”¹⁴ Reform of law enforcement policies that contribute to the profiling of racialized youth has been seen as critical to reducing the troubling racial disparities impacting Black youth across later stages of the criminal legal system.¹⁵

This year’s Report focuses on youth and policing beyond the school context and builds on the Board’s prior recommendations to address the issue of racial profiling of youth.

B. Research Shows Youth Are Uniquely Impacted by Law Enforcement Encounters

For this section, the Board broadly defines “youth” as inclusive of “transition age youth,” which the federal government defines as persons between 16 and 24 years of age.¹⁶

Within this definition of youth, the Board looks at different age ranges because of significant legal and developmental differences between these groups. Science supports including transition age youth in the Board’s definition of youth:

It is well established that the brain undergoes a “rewiring” process that is not complete until approximately 25 years of age. This discovery has enhanced our basic understanding regarding adolescent brain maturation and it has provided support for behaviors experienced in late adolescence and early adulthood. Several investigators consider the age span 10-24 years as adolescence, which can be further divided into substages specific to physical, cognitive, and social-emotional development.¹⁷

The Board considers several factors in identifying the age categories used for the analyses in this section, including the minimum age (12) whereby California juvenile courts can exercise jurisdiction over youth and the age categories the Board has used in prior reports.¹⁸

2016) <<https://www.sentencingproject.org/app/uploads/2022/08/Racial-Disparities-in-Youth-Commitments-and-Arrests.pdf>> [as of XX, 2024].)

¹⁴ Rovner, “Racial Disparities in Youth Commitments and Arrests,” The Sentencing Project (April 2016) <<https://www.sentencingproject.org/app/uploads/2022/08/Racial-Disparities-in-Youth-Commitments-and-Arrests.pdf>> [as of XX, 2024].

¹⁵ Bratton and Howard Smith, *Growing Up a Suspect: An Examination of Racial Profiling of Black Children and Effective Strategies to Reduce Racial Disparities in Arrests* (2018) 45 N. Ky. L. Rev. 137, 154.

¹⁶ Interagency Working Group on Youth Programs, *Transition & Aging Out* (2022) Youth.gov. <<https://youth.gov/youth-topics/transition-age-youth> [as of September 2, 2024].

¹⁷ Arrain et al., *Maturation of the Adolescent Brain* (2013) 2013 *Neuropsychiatric Disease and Treatment* 9, 449-461, pp. 451-452 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3621648/>> [as of XX, 2024].

¹⁸ Welf. & Inst. Code, §§ 601, 602; California Department of Justice (July 5, 2019) *SB 439 Compliance* [Information Bulletin] p. 1 <https://oag.ca.gov/sites/all/files/agweb/pdfs/info_bulletins/2019-dle-04.pdf>.

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Considering these factors, the following perceived age categories were used in the analysis of the RIPA data in this Report: 1 to 7 years, 8 to 11 years, 12 to 14 years, 15 to 17 years, 18 to 24 years, and 25 years and older.

1. Racial Disparities in Law Enforcement Contact with Youth

Nationally, researchers have found police encounters with racialized youth are often qualitatively different from those with White youth. Racialized youth are stopped more frequently, and when stopped, they experience more intrusive police contact than their White counterparts.¹⁹ When “holding socioeconomic context constant race makes a difference in how youth are treated by police and in their perceptions of officers.”²⁰

Researchers suggest that both over-policing of communities of color and law enforcement intervention with residents who look “out of place” in a community contribute to these disparities in policing.²¹ Racial disparities in some youth contacts can be explained by structural racism, which contributes to residential segregation, with predominantly Black neighborhoods being particularly heavily policed.²² Research “provides evidence that place is an important determinant of police suspicion.” For instance, researchers observed that Black drivers in predominantly white suburban areas were “more likely to be the subject of mobile data terminal queries (an indicator for suspicion) and that queries about Black[] [people] increased with distance from the city.”²³ Another study on the views of White and Black youth revealed that White youth reported being stopped by the police while “(1) associating with Black males, (2) visiting or traveling through racially mixed or majority-Black neighborhoods, or (3) dressed in hip-hop clothing.”²⁴ Because racialized youth are more likely to live in areas with a heavier law enforcement presence, they experience a greater likelihood of law enforcement contact than White youth who live in less-policed neighborhoods.²⁵

¹⁹ Geller, *Youth-Police Contact: Burdens and Inequities in an Adverse Childhood Experience, 2014-2017* (“*Youth-Police Contact: Burdens and Inequities*”) (2021) 111 *Am. J. Public Health* 7, 1300-1308, pp. 1300-1302, 1306 <<https://pubmed.ncbi.nlm.nih.gov/34014760/>> [as of XX, 2024].

²⁰ Brunson and Weitzer, *Police Relations with Black and White Youths in Different Urban Neighborhoods* (2009) 44 *Urban Affairs Review*, 858-885, p. 870.

²¹ Carroll and Gonzalez, *Out of Place: Racial Stereotypes and the Ecology of Frisks and Searches Following Traffic Stops* (2014) 51 *Journal of Research in Crime and Delinquency* 5, 559–584, p. 563; Glover, *Police Discourse on Racial Profiling* (2007) 23 *Journal of Contemporary Criminal Justice* 3, 239–247, p. 239.

²² Geller, *Youth-Police Contact: Burdens and Inequities in an Adverse Childhood Experience, 2014-2017* (“*Youth-Police Contact: Burdens and Inequities*”) (2021) 111 *Am. J. Public Health* 7, 1300-1308, p. 1306 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8493138/>> [as of XX, 2024].

²³ Carroll and Gonzalez, *Out of Place: Racial Stereotypes and the Ecology of Frisks and Searches Following Traffic Stops* (2014) 51 *Journal of Research in Crime and Delinquency* 5, 559–584, p. 563.

²⁴ Brunson and Weitzer, *Police Relations with Black and White Youths in Different Urban Neighborhoods* (2009) 44 *Urban Affairs Review*, 858-885, p. 879.

²⁵ Geller, *Youth-Police Contact: Burdens and Inequities in an Adverse Childhood Experience, 2014-2017* (“*Youth-Police Contact: Burdens and Inequities*”) (2021) 111 *Am. J. Public Health* 7, 1300-1308, p. 1306 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8493138/>> [as of XX, 2024].

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Racial segregation does not fully account for the disparities, however. Some studies show that racial disparities in policing were present in counties with a low concentration of Black youth, higher ratios of Black to White socioeconomic inequality, and higher levels of economic competition.²⁶

One phenomenon that may play a role in youth encounters with law enforcement and contribute to racial disparities from the initiation of a stop to its conclusion is the perceived overestimation of the maturity of racialized youth, also known as *adultification*. Adultification bias is the perception of children of color as significantly older — and more likely to be guilty or dangerous — than White children of the same age. This perception bias may cause law enforcement officers to perceive Black youth as more threatening, to exercise their discretion in a more punitive manner, to use more force, and to impose harsher penalties on Black youth.²⁷ “Even seasoned police officers sampled in [a] study consistently overestimated the age of Black adolescent felony suspects by approximately 4.6 years.”²⁸ One study associated the adultification bias with an implicit bias that dehumanizes Black people and has “unique effects on the perception of Black male children.”²⁹ Adultification bias causes Black youth to be seen as less entitled to the presumption of innocence and the protections that come with childhood, and to instead be seen as dangerous, which can subject a Black child to more intrusive or forceful police actions.³⁰ This bias facilitates the use of force against youth of color and perceptions of police violence against

²⁶ Andersen, *Race, ethnicity, and structural variations in youth risk of arrest: Evidence from a national longitudinal sample* (2015) 42 *Criminal Justice and Behavior* 9, 900-916, pp. 901-902.

²⁷ Epstein et al. (2017). *Girlhood Interrupted: The erasure of Black girls' childhood*. Georgetown Law Center on Poverty and Inequality, p. 4; Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children* (2014) 106 *J. of Personality & Soc. Psychol.* 4, 526-545, p. 535.

²⁸ Epstein et al. (2017). *Girlhood Interrupted: The erasure of Black girls' childhood*. Georgetown Law Center on Poverty and Inequality, p. 4, citing Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children* (2014) 106 *J. of Personality & Soc. Psychol.* 4, 526-545, p. 532 [“The magnitude of this overestimation bears repeating. Because Black felony suspects were seen as 4.53 years older than they actually were, this would mean that boys would be misperceived as legal adults at roughly the age of 13 and a half”].

²⁹ Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children* (2014) 106 *J. of Personality & Soc. Psychol.* 4, 526-545, pp. 532, 535 [“The observed associations between dehumanization and violent outcomes for Black children provide further support for our hypothesis that Black children, in contexts of dehumanization, are prematurely treated as adults. Again, the implicit dehumanization of Black children predicted the extent to which police officers overestimate the age of Black suspects, how culpable those Black suspects are perceived to be, and the extent to which officers were more likely to use force on Black suspects than suspects of other races throughout their career, controlling for how much suspects resist arrest or are located in high-crime areas. It is important to highlight that these racial disparities were not predicted by traditional measures of explicit or implicit racial prejudice. Instead, these disparities may be a result of exposure to dehumanizing representations of Blacks”].

³⁰ Epstein et al. (2017). *Girlhood Interrupted: The erasure of Black girls' childhood*. Georgetown Law Center on Poverty and Inequality. p. 1; Bratton and Smith, *Growing Up a Suspect: An Examination of Racial Profiling of Black Children and Effective Strategies to Reduce Racial Disparities in Arrests* (2018) 45 *N. Ky. L. Rev.* 137, 154; see also Taylor-Thompson, *Treating All Kids as Kids* (May 24, 2021) Brennan Center for Justice; Perillo et al. *Examining the Consequences of Dehumanization and Adultification in Justification of Police Use of Force Against Black Girls and Boys* (2023) 47 *American Psychological Association* 36, 38 [“Engaging in ... dehumanization does not entail literally seeing individuals as nonhuman or subhuman but rather ascribing them to fewer traits associated with humanity”].

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them as more justified.³¹

Adultification begins to impact Black boys as early as age ten, and is greatest for Black girls between the ages of 5 and 14.³² In one study, experienced law enforcement officers consistently overestimated the age of Black and Latine children in criminal legal contexts, whereas White children were not subjected to these overestimations, and were perceived as their actual chronological ages, if not younger.³³ The officers overestimated the age of Black youth suspected of felonies by 4.59 years.³⁴ In contrast, officers *underestimated* the age of White youth by 0.78 years.³⁵ This means, for example, that officers may see a 10-year-old Black child as 15 years old—but a White child as just 9 years old.

Further, one expert, Dr. Aaron Kupchik,³⁶ looking at the 2023 RIPA data noted disparities in officer perception of the relative ages of Black youth and White youth when youth were stopped *together*. When this occurs, the data suggests that officers perceived the Black youth to be slightly older than the White youth (.19 years, or 2.3 months) older on average. This racial gap in perceived age is most visible for female youth, among whom Black youth are perceived to be .33 years (4 months) older on average.³⁷

³¹ Epstein et al. (2017). *Girlhood Interrupted: The erasure of Black girls' childhood*. Georgetown Law Center on Poverty and Inequality. pp. 1 and 4; Goff et al, *The Essence of Innocence: Consequences of dehumanizing Black children* (2014) 106 J. of Personality and Social Psychology 4, 526-545, pp. 526, pp. 529, 536 <<https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>> [as of XX, 2024].

³² Goff et al, *The Essence of Innocence: Consequences of dehumanizing Black children* (2014) 106 J. of Personality and Social Psychology 4, 526-545, pp. 526, 529, 536 <<https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>> [as of XX, 2024]; Perillo et al., *Examining the Consequences of Dehumanization and Adultification in Justification of Police Use of Force Against Black Girls and Boys* (2023) 47 American Psychological Association, p. 36; Epstein et al. (2017). *Girlhood Interrupted: The erasure of Black girls' childhood*. Georgetown Law Center on Poverty and Inequality. p. 1.

³³ Goff et al, *The Essence of Innocence: Consequences of dehumanizing Black Children* (2014) 106 J. of Personality and Social Psychology 4, 526-545, pp. 534-535 <<https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>> [as of XX, 2024].

³⁴ Goff et al, *The Essence of Innocence: Consequences of dehumanizing Black Children* (2014) 106 J. of Personality and Social Psychology 4, 526-545, p. 535 <<https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>> [as of XX, 2024].

³⁵ Goff et al, *The Essence of Innocence: Consequences of dehumanizing Black Children* (2014) 106 J. of Personality and Social Psychology 4, 526-545, p. 535 <<https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>> [as of XX, 2024].

³⁶ Aaron Kupchik is a professor of Sociology and Criminal Justice at the University of Delaware. He is an expert in the field of policing and punishment of youth in schools, courts, and correctional facilities.

³⁷ The methodology used involved looking at those stops that involved a group of young people. There is no reason to assume that when they are part of a group, Black youth are actually older than their white peers. Additional analyses, in which youths' actual ages can be analyzed to verify these conclusions, would allow for a more conclusive analysis of adultification. Because RIPA data records the officer's perception and not an individual's actual age, however, it would be difficult to conduct a more conclusive analysis of the RIPA data.

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2. Impact of Law Enforcement Interactions³⁸ on Youth

“[T]he single most common proactive policing strategy—directing officers to make contact with individual boys and young men in ‘high-crime’ areas—may impose a terrible cost.”

Negative police encounters could have a harmful impact in a child’s life, and the earlier this negative experience occurs, the more harmful that impact is likely to become.³⁹ One study found that “the frequency of police stops predicted more frequent engagement in delinquent behavior 6, 12, and 18, mo[nths] later, whereas delinquent behavior did not predict subsequent reports of police stops.”⁴⁰ The research clarifies that it is not the absence of cordial language that defines a police encounter as “negative;” rather, it is the set of practices commonly associated with “proactive policing” that are the most negatively consequential on youth.⁴¹ A wealth of research demonstrates that negative law enforcement encounters can undermine children and teens’ sense of safety and stability, and contribute to the development of stress, anxiety, post-traumatic stress disorder, and depression.⁴²

Studies also show that direct contact with law enforcement — and vicarious exposure to proactive policing practices, such as when a child observes their parent or family members stopped because of strict enforcement of low-level crimes or extensive use of police stops — are associated with negative education outcomes, including reduced test scores and lower grade point averages.⁴³

³⁸ The Board defines “law enforcement interactions” as those interactions between youth and law enforcement that would constitute a stop for the purposes of the RIPA data. Those interactions are defined by statute and the Code of Regulations as detentions, or interactions that results in searches. (Gov. Code, § 12525.5; Cal. Code Regs., tit. 11, § (a)(20).)

³⁹ Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 PNAS 17, 8261-8268, p. 8267.

⁴⁰ Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 PNAS 17, 8261-8268, p. 8266.

⁴¹ Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 PNAS 17, 8261-8268, p. 8261.; Rios, Mano Dura Legitimacy Policing and Latino Stop and Frisk, at page 67 stating, “Officers used courtesy and punitive strategies during stops. Although officers often voiced or conveyed a positive intention during the initial contact with gang-associated Latinos, the final outcome of these encounters were often negative.”

⁴² Geller, *Youth-Police Contact: Burdens and Inequities in an Adverse Childhood Experience, 2014-2017* (“Youth-Police Contact: Burdens and Inequities”) (2021) 11 Am. J. Public Health. pp. 1300-1302, p. 1306 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8493138/>> [as of Nov. 29, 2022]; Jackson et al., *Police Stops Among At-Risk Youth: Repercussions for Mental Health* (2019) Journal of Adolescent Health 1-6, p. 2; Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 PNAS 17, 8261-8268, pp. 8263, 8266.

⁴³ Gottlieb and Wilson, *The effect of direct and vicarious police contact on the educational achievement of urban teens* (2019) Children and Youth Services Review 103, 190–199, p. 196; St. John et al., “Reducing Adverse Police Contact Would Heal Wounds for Children and Their Communities” (June 14, 2022) Child Trends: Trauma and Resilience, <<https://childtrends.org/publications/reducing-adverse-police-contact-would-heal-wounds-for-children-and-their-communities>> [as of May 8, 2024].

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Researchers conclude that contact with law enforcement — including simply being *stopped* by police — could have long-term consequences on youth, including higher levels of law-violating behavior and fewer educational and employment opportunities.⁴⁴ One study of more than 2,000 middle-school students showed that youth who were merely stopped (but not arrested) by police showed lower levels of school commitment, poorer grades, less participation in prosocial activities, less anticipated guilt, and higher levels of delinquency,⁴⁵ and that being stopped increases delinquency by 60 percent.⁴⁶

A study of the mental well-being among youth who witnessed police stops demonstrated notable findings regarding the effects of those stops on their mental health.⁴⁷ In that study, researchers looked at a random sample of more than 2,500 youth with no history of being directly stopped by police, and more than 1,400 youth who reported “having witnessed police stops in their neighborhoods and/or schools,” but who themselves had never been directly stopped by the police.⁴⁸ Researchers assessed: (1) whether witnessed police stops affected youth mental well-being (depression, anxiety, and happiness); (2) whether the level of police officer intrusiveness⁴⁹ affected youth mental well-being; (3) whether youth experienced emotional distress (fear, anger, or feeling unsafe) during the witnessed stop, and to what degree the amount of police officer intrusiveness affected such distress; and (4) whether there were any variations by youth sex and/or youth race and ethnicity.⁵⁰

The researchers made three main findings. First, youth who witnessed stops had poorer mental well-being than those who had not witnessed any stops, including greater depression and anxiety and lower levels of happiness.⁵¹ Second, among those youth who had witnessed stops, any type of officer intrusiveness — pat-downs, searches, use of harsh language, racial slurs, threats of

⁴⁴ Wiley and Esbensen, *The Effect of Police Contact: Does Official Intervention Result in Deviance Amplification?* (2013) 62 *Crime & Delinquency* 3, 283-307, p. 285.

⁴⁵ Wiley et al., *The Unintended Consequences of Being Stopped or Arrested: An Exploration of the Labeling Mechanisms Through Which Police Contact Leads to Subsequent Delinquency* (2013) 51 *Criminology* 4, 927-966, p. 931.

⁴⁶ Wiley et al., *The Unintended Consequences of Being Stopped or Arrested: An Exploration of the Labeling Mechanisms Through Which Police Contact Leads to Subsequent Delinquency* (2013) 51 *Criminology* 4, 927-966, p. 951.

⁴⁷ Jackson et al., *Youth Mental Well-Being Following Witnessed Police Stops* (2022) 99 *J. of Urban Health* 783-793, pp. 790-791.

⁴⁸ Jackson et al., *Youth Mental Well-Being Following Witnessed Police Stops* (2022) 99 *J. of Urban Health* 783-793, p. 785.

⁴⁹ “Police officer intrusiveness” was measured by asking youth who witnessed stops whether the stop involved: (1) a frisk them or pat them down; (2) a search of bags or pockets; (3) the officer’s use of harsh language; (4) the officer’s use of racial slurs; (5) the officer’s threat of physical force; (6) the officer’s use of physical force; or (7) the officer’s use of handcuffs. (Jackson et al., *Youth Mental Well-Being Following Witnessed Police Stops* (2022) 99 *J. of Urban Health* 783-793, p. 786.)

⁵⁰ Jackson et al., *Youth Mental Well-Being Following Witnessed Police Stops* (2022) 99 *J. of Urban Health* 783-793, p. 784.

⁵¹ Jackson et al., *Youth Mental Well-Being Following Witnessed Police Stops* (2022) 99 *J. of Urban Health* 783-793, pp. 790-791.

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physical force or actual use of force, or handcuffing — was consistently associated with diminished mental well-being, explained in part by the emotional distress reported during the witnessed stop.⁵² Third, youth of color (Latine, Black, other race) reported less anxiety than their White counterparts after witnessing an intrusive stop, while Black and Latine youth reported greater reductions in happiness than White youth.⁵³ This last finding suggests that — at least in the case of witnessed stops — “there may be critical racial/ethnic differences in mental health responses, even if youth across the board are more likely to experience adverse mental health.”⁵⁴

These disparities impact not only youth who have committed violations but also youth engaged in lawful activity. One study found that non-delinquent Black and Latino boys faced the same risk of law enforcement surveillance as “self-reported” delinquent boys.⁵⁵ The research showed that “[p]rior law-abiding behaviors did not protect boys against future police stops, yet being stopped by police was associated with increased engagement in delinquent behavior.”⁵⁶ Black youth “expressed hopelessness regarding the situation because they felt that officers would never see them as anything other than symbolic assailants, even when they were engaged in entirely lawful activity.”⁵⁷

These studies shed light on the enduring consequences of typical police interactions with youth. Indeed, the “applied police model, which emphasizes extensive police contact at low levels of suspicious behavior, can lower the educational performance of African American boys, with implications for child development and racial inequality.”⁵⁸ “[T]he single most common proactive policing strategy⁵⁹—directing officers to make contact with individual boys and young men in ‘high-crime’ areas—may impose a terrible cost.”⁶⁰

⁵² Jackson et al., *Youth Mental Well-Being Following Witnessed Police Stops* (2022) 99 J. of Urban Health 783-793, p. 791.

⁵³ Jackson et al., *Youth Mental Well-Being Following Witnessed Police Stops* (2022) 99 J. of Urban Health 783-793, p. 791.

⁵⁴ Jackson et al., *Youth Mental Well-Being Following Witnessed Police Stops* (2022) 99 J. of Urban Health 783-793, p. 791.

⁵⁵ Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 PNAS 17, 8261-8268, pp. 8261-8262, 8267.

⁵⁶ Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 PNAS 17, p. 8267.

⁵⁷ Brunson and Weitzer, *Police Relations with Black and White Youths in Different Urban Neighborhoods* (2009) 44 Urban Affairs Review, 858-885, p. 879.

⁵⁸ Legewie and Fagan, *Aggressive Policing and the Educational Performance of Minority Youth* (April 2019) 84 American Sociological Review 2, 220-247, p. 239.

⁵⁹ “Proactive policing” has also been described as a model “in which officers actively engage citizens in high-crime areas to detect imminent criminal activity or disrupt circumstances interpreted as indicia that ‘crime is afoot.’” Geller et al., *Aggressive Policing and the Mental Health of Young Urban Men* (Dec. 2014) 104 American Journal of Public Health 12, 2321-2327, p. 2321. It encompasses tactics such as stop-and-frisk or *Terry* stops.

⁶⁰ Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 PNAS 17, 8261-8268, p. 8267.

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C. Youth-Specific RIPA Stop Data Analysis

As discussed above, proactive policing practices, which often emphasize enforcement of quality of life and other low-level violations as a tool for intrusive police activities in areas deemed high-crime areas, can have harmful effects on youth, particularly youth of color. Part of what drives disparities in police encounters and facilitates the resulting negative consequences on youth, are implicit biases such as the adultification bias. This year’s RIPA data suggests that police departments across California may be engaging in proactive policing practices.

In 2023, law enforcement officers reported 823,773 stops involving youth 24 years old or younger (17.5 percent of all stops).

TABLE X. TOTAL STOPS BY AGE (YOUTH UNDER 25)

	<u>Age 01-07</u>	<u>Age 08-11</u>	<u>Age 12-14</u>	<u>Age 15-17</u>	<u>Age 18-24</u>	<u>Total Under 25</u>
Stops	3,603	3,165	10,647	69,969	736,389	823,773

Table X. Total Stops by Perceived Age (Youth, 12 to 24) and Race and Ethnicity

<u>Race/Ethnicity</u>	<u>Age 12-14</u>	<u>Age 15-17</u>	<u>Age 18-24</u>
Asian	2.9%	3.1%	5.0%
Black	16.6%	11.1%	11.2%
Hispanic/Latine(x)	52.6%	47.4%	51.7%
Middle Eastern/South Asian	1.5%	3.1%	4.5%
Multiracial	1.7%	1.5%	1.3%
Native American	0.5%	0.3%	0.3%
Pacific Islander	0.5%	0.5%	0.6%
White	23.7%	33.1%	25.5%

1. Demographics of Youth Who Are Interacting with Law Enforcement in California

In 2022, California was home to approximately 39 million people, of whom over 12 million (nearly one in three) Californians were under 25 years of age and nearly nine million (approximately one in five) Californians were under 18 years of age.⁶¹ Racial demographics for

⁶¹ Statista (2024). *Distribution of Resident Population in California, by Age Group*. <https://www.statista.com/statistics/912915/california-population-share-age-group/> [31.2 percent of Californians

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youth differ from those of older age groups in the state.⁶² For example, a majority of California children are Latine (51.9 percent of children 0-17 and 50.1 percent of youth 18-24), while 40.2 percent of all Californians are Latine.⁶³ The following chart shows racial distribution within age groups in California.

Racial Identity across Age Groups in California⁶⁴

	0-17 years	18-24 years	Overall
Latine	51.9%	50.1%	40.2%
White	23.5%	26.2%	34.2%
Asian/Pacific Islander	12.1%	12.5%	15.2%
Black	4.6%	5.6%	5.3%
Native American	0.2%	0.3%	0.2%
Multiracial/Other	7.8%	5.3%	4.8%

LGBT population in California largely reflects the racial and ethnic diversity of the state and younger Californians are much more likely than older Californians to identify as LGBT.⁶⁵ An estimated 234,000 youth ages 13-17 identify as lesbian, gay, or bisexual, and an estimated 22,200 youth ages 13-17 identify as transgender.⁶⁶ Among transition age youth, about 13.6 percent of youth ages 18-24 (about 514,400 youth) identify as lesbian, gay, bisexual, and/or transgender, while Californians older than 24 are less likely to identify as LGBT.⁶⁷

Current national estimates of disability prevalence from different data sources range from 8 percent to over 30 percent of the population.⁶⁸ Understanding that these are comparatively

were under 25 years of age and 22.8 percent were under 18 years of age.] [as of Apr. 26, 2024]; U.S. Census Bureau American Community Survey 2017-2021 5-Year Estimates; U.S. Census Bureau (2023). *Quick Facts: California*. <<https://www.census.gov/quickfacts/fact/table/CA/PST045222#PST045222>> [as of Apr. 29, 2024].

⁶² Johnson et al. (2023). *Race and Diversity in the Golden State*. Public Policy Institute of California. <<https://www.ppic.org/publication/race-and-diversity-in-the-golden-state/>>.

⁶³ Johnson et al. (2023). *Race and Diversity in the Golden State*. Public Policy Institute of California. <<https://www.ppic.org/publication/race-and-diversity-in-the-golden-state/>>.

⁶⁴ Johnson et al. (2023). *Race and Diversity in the Golden State*, Public Policy Institute of California. <<https://www.ppic.org/publication/race-and-diversity-in-the-golden-state/>>.

⁶⁵ Johnson, *California's LGBT Population* (June 8, 2022) Public Policy Institute of California.

⁶⁶ Conron, *LGBT Youth Population in the United States* (2020) UCLA School of Law Williams Institute. p. 1 <<https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Youth-US-Pop-Sep-2020.pdf>> [as of XX, 2024].

⁶⁷ Flores and Conron. (2023). *Adult LGBT Population in the United States*. UCLA School of Law Williams Institute. p. 13. <<https://oag.ca.gov/system/files/media/ripa-notice-agenda-06242024.pdf>> [as of June 6, 2024]. [an estimated 8.1 percent of Californians ages 25-34 identify as LGBT, an estimated 3.7 percent of Californians ages 35-49 identify as LGBT, an estimated 2.5 percent of Californians ages 50-6 identify as LGBT, and an estimated 1.6 percent of Californians who are 65 and older identify as LGBT.]

⁶⁸ National Center on Birth Defects and Developmental Disabilities. (2024). *Disability Datasets*. <<https://www.cdc.gov/ncbddd/disabilityandhealth/datasets.html>> [as of Aug. 14, 2024]. Even when the Census Bureau's American Community Survey and the Center for Disease Control's Behavioral Risk Factor Surveillance System use the same set of six questions, differences in data collection methods and response rates produce different

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conservative estimates, in this Report, the Board references data about disability prevalence from the American Community Survey because it provides California-specific estimates for youth and adults.⁶⁹ Californians over 18 make up a larger percentage of the total number of those with disabilities (an estimated 8.3 percent of Californians, or more than two million people) compared to Californians 17 and younger (an estimated 3.7 percent of Californians, or approximately 320,000 people).⁷⁰

2. Reason for Stops

This section discusses the data collected on the reasons officers reported for stopping youth. As shown below, there are large disparities between youth of color and White youth in the stop data. The disparities within this data suggest that bias may affect an officer's decision to stop youth and how racial and identity profiling applies to stops of youth.

a. Reasonable Suspicion—Generally

The 2023 RIPA data shows that the percentage of stops for reasonable suspicion varied across racial or ethnic groups. Consistently across all age groups, however, Black youth had a larger percentage of stops based on reasonable suspicion compared to other racial or ethnic groups.

Perceived Race and Ethnicity: Among youth perceived be 12 to 14, 72.9 percent of the stops of youth perceived to be Black (1,288 stops) and 64.0 percent of stops of youth perceived to be Latine (3,589 stops) were based on reasonable suspicion. Comparatively, 51.4 percent of the stops of youth perceived to be White were based on reasonable suspicion (1,296 stops).

Among youth perceived be 15 to 17, 54.0 percent of the stops of youth perceived to be Black (4,194) and 36.7 percent of stops of youth perceived to be Latine (12,152 stops) were based on reasonable suspicion. In comparison, only 18.9 percent of the stops of youth perceived to be White were based on reasonable suspicion (4,368 stops).

Among youth perceived be 18 to 24, 17.4 percent of the stops of youth perceived to be Black (14,278 stops) and 12.3 percent of stops of youth perceived to be Native American (229 stops) were based on reasonable suspicion, compared to only 7.8 percent of the stops of youth perceived to be White (14,588 stops).

prevalence estimates.

⁶⁹ National Center on Birth Defects and Developmental Disabilities. (2024). *Disability Datasets*. <<https://www.cdc.gov/ncbddd/disabilityandhealth/datasets.html>> [as of Aug. 14, 2024]. Even when the Census Bureau's American Community Survey and the Center for Disease Control's Behavioral Risk Factor Surveillance System use the same set of six questions, differences in data collection methods and response rates produce different prevalence estimates.

⁷⁰U.S. Census Bureau. "Selected Social Characteristics in the United States." *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP02*, 2022, <<https://data.census.gov/table/ACSDP5Y2022.DP02?q=DP02&t=Disability&g=040XX00US06>> As of [Aug. 14, 2024].

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Perceived Gender: Youth perceived as gender nonconforming or transgender had a larger percentage of stops for reasonable suspicion than youth perceived as cisgender.

Among youth perceived to be 12 to 14, 72.1 percent of stops of youth perceived to be transgender or gender nonconforming (93 stops) were based on reasonable suspicion, compared to 61.6 percent of stops of youth perceived to be cisgender (6,477 stops).

Among youth perceived to be 15 to 17, 54.4 percent of stops of youth perceived to be transgender or gender nonconforming (261 stops) were based on reasonable suspicion. In contrast, 31.3 percent of stops of youth perceived to be cisgender were based on reasonable suspicion (21,748 stops). Among youth perceived to be 18 to 24, 18.7 percent of stops of youth perceived to be transgender or gender nonconforming (615 stops) were based on reasonable suspicion, compared to 9.7 percent of stops of youth perceived to be cisgender (70,748 stops).

b. Reasonable Suspicion—Analysis of Specific Offenses

The Board in this section conducts a closer review of seven specific offenses commonly seen in police interactions with youth. In continuation of the Board’s work to address pretextual stops, the Board reviews stops related to loitering and pedestrian roadway violations. The Board chose to review stops related to disturbing the peace, trespassing, and vandalism because disparities in these stops could indicate the proactive policing of youth. Finally, the Board reviews stops related to an example of an age-based offense, underage drinking, because this offense is specific to youth. Youth advocates have recommended that law enforcement redirect all instances of status offenses, like underage drinking to pre-arrest diversion services.⁷¹

This section includes comparisons of stop data to the estimated population in California to examine whether racial and ethnic groups are overrepresented in stops compared to their proportion of the population. Population estimates analyses assume that the distribution of stops will generally resemble the overall racial and ethnic distribution of residents of California.

(1) Loitering

Despite extensive policing reform, there has been substantial continuity in policing practices to regulate urban order related to conceptions about the ideal use of public space.⁷² The labeling of otherwise innocuous behavior of standing or waiting on the street as “loitering” shapes and

⁷¹ Mendel. (2024). *Protect and Redirect: America’s growing movement to divert youth out of the justice system*. The Sentencing Project. < <https://www.sentencingproject.org/app/uploads/2024/03/Protect-and-Redirect-Americas-Growing-Movement-to-Divert-Youth-Out-of-the-Justice-System.pdf>> [as of Sept. 3, 2024].

⁷² Bland. (2021). ‘*Lurking*’ and ‘*Loitering*’: the genealogy of languages of police suspicion in Britain. *Policing and Society*. P. 665.

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reinforces perceptions of normal behavior as deviant or criminal.⁷³ In certain communities, “loitering” is viewed as disruptive to the ideal regular ordering of the urban environment.⁷⁴

There were racial differences in the proportions of stops of youth that officers reported for suspected loitering violations.

Of all stops of youth 1 to 17 for suspected loitering violations, 46.2 percent were of youth perceived as Latine (98 stops), 21.7 percent were of youth perceived as Black (46 stops), and 25.5 percent were of youth perceived as White (54 stops).

While the proportion of stops of White youth perceived to be 1 through 17 years for suspected loitering offenses was comparable to the proportion of White youth in California’s population, the proportion of stops of Latine and Black youth for suspected loitering offenses greatly surpassed the proportion of those groups in the population.

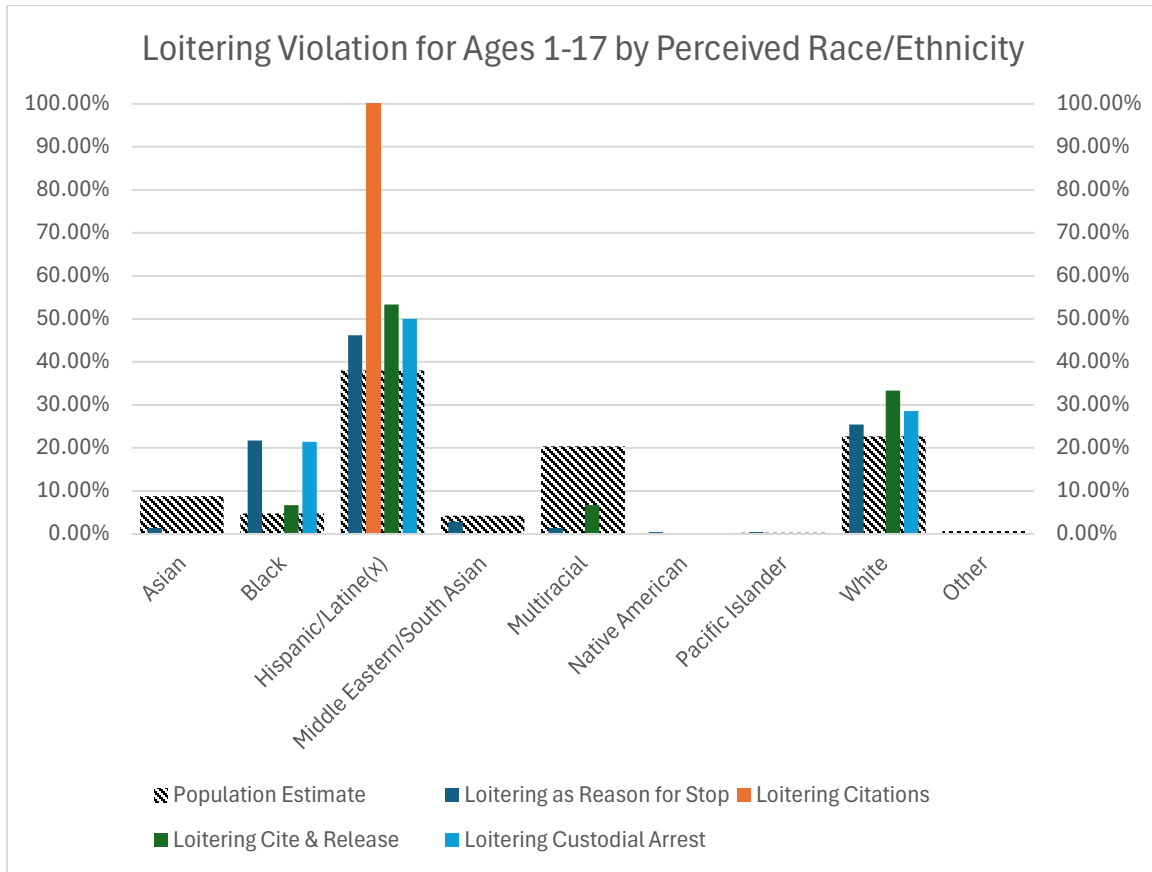
Figure X. Suspected Loitering Violations for Youth 1-17, separated by Perceived Race/Ethnicity

⁷³ Bland. (2021). *‘Lurking’ and ‘Loitering’: the genealogy of languages of police suspicion in Britain*. Policing and Society. P. 665.

⁷⁴ Bland. (2021). *‘Lurking’ and ‘Loitering’: the genealogy of languages of police suspicion in Britain*. Policing and Society. P. 668. Following ratification of the Thirteenth Amendment to the U.S. Constitution in 1865, Southern states “quickly passed ‘Black Codes’ – new laws that explicitly applied only to Black people and subjected them to criminal prosecution for “offenses” such as loitering, breaking curfew, vagrancy, having weapons, and not carrying proof of employment.” Equal Justice Initiative. (2013). *Convict Leasing*. <<https://cji.org/news/history-racial-injustice-convict-leasing/>> [as of Aug. 7, 2024].

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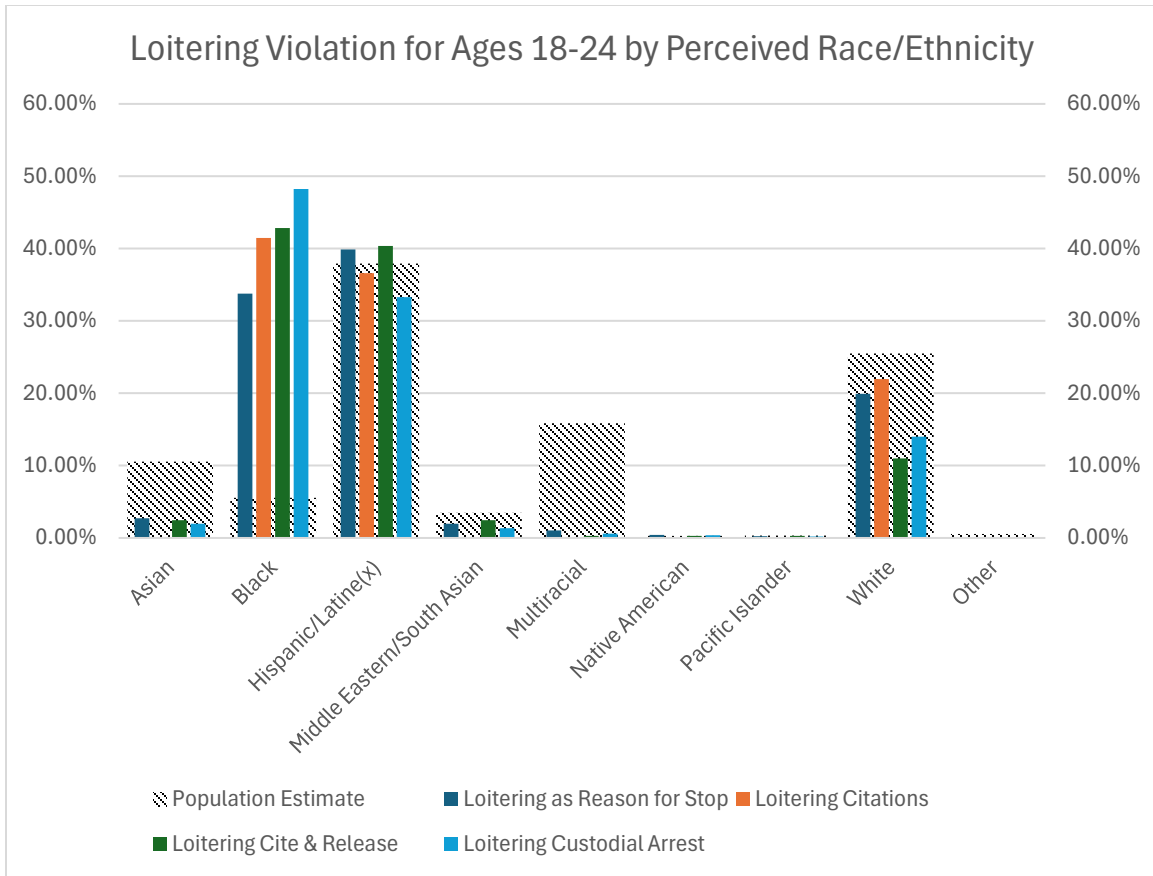
Of all stops of youth 18 to 24 for suspected loitering violations, 39.9 percent were of youth perceived as Latine (686 stops), 33.8 percent were of youth perceived as Black (581 stops), and 19.9 percent were of youth perceived as White (343 stops).

While the proportion of stops of White youth perceived to be 18 to 24 for suspected loitering offenses was lower than the proportion of White youth in California’s population, the proportion of stops of Latine youth for suspected loitering offenses was comparable to the proportion of Latine youth in the population and the proportion of stops of Black youth for suspected loitering offenses vastly surpassed the proportion of Black youth in the population.

Figure X. Suspected Loitering Violations for Youth 18-24, separated by Perceived Race/Ethnicity

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(2) Pedestrian Roadway Violations

There were racial differences in the proportions of stops of youth that officers reported for suspected pedestrian roadway violations.

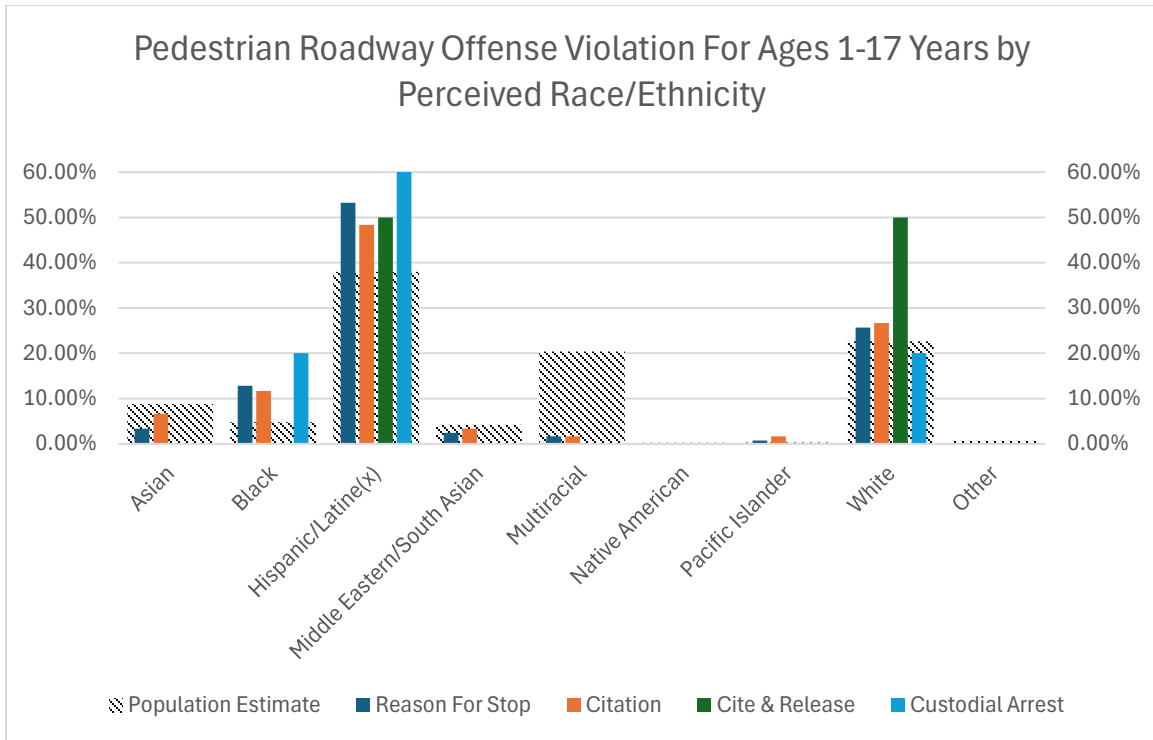
Of all stops of youth 1 to 17 for suspected pedestrian roadway violations, 53.3 percent were of youth perceived as Latine (220 stops), 12.8 percent were of youth perceived as Black (53 stops), and 25.7 percent were of youth perceived as White (106 stops).

While the proportion of stops of White youth for suspected pedestrian roadway violations was comparable to the proportion of White youth in California’s population, the proportion of stops of Latine and Black youth for suspected pedestrian roadway violations greatly surpassed the proportion of those groups in the population.

Figure X. Suspected Pedestrian Roadway Offenses Youth 1-17, separated by Perceived Race/Ethnicity

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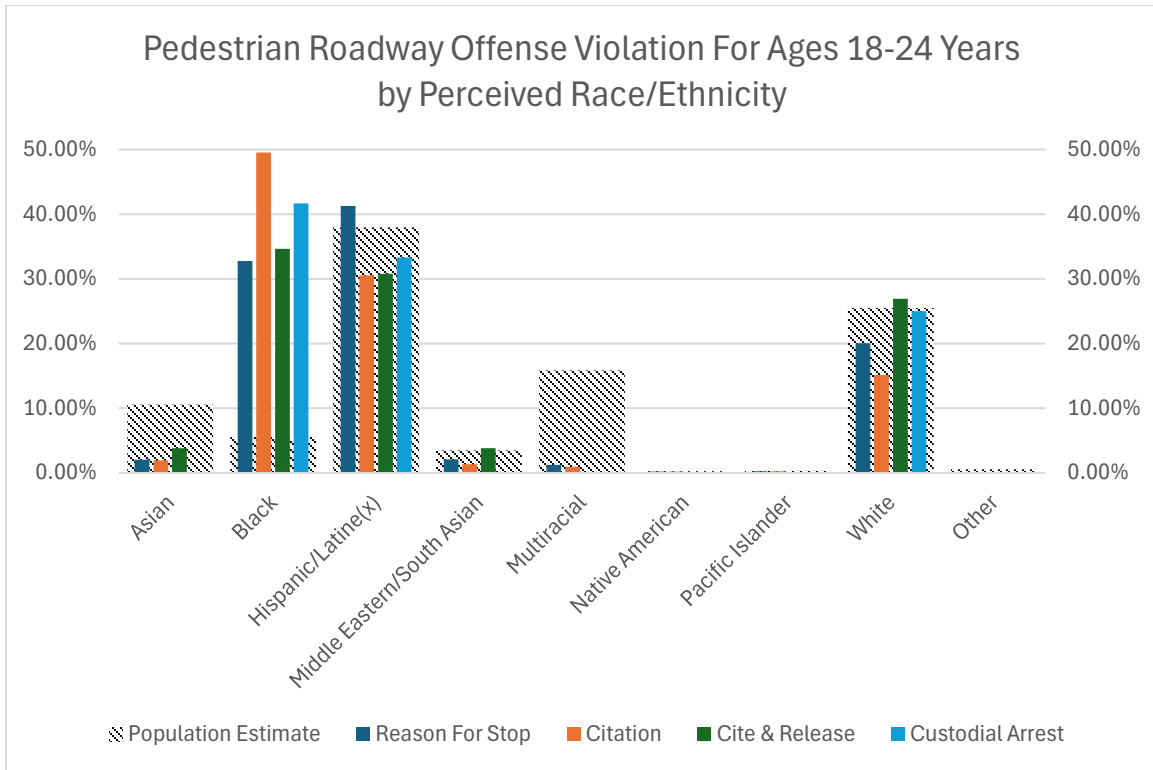
Of all stops of youth 18 to 24 for suspected pedestrian roadway violations, 41.3 percent were of youth perceived as Latine (1209 stops), 32.7 percent were of youth perceived as Black (959 stops), and 20.0 percent were of youth perceived as White (587 stops).

While the proportion of stops of White youth for suspected pedestrian roadway violations was substantially lower than the proportion of White youth in California’s population, the proportion of stops of Latine youth for suspected pedestrian roadway violations was greater than the proportion of Latine youth in the population and the proportion of Black youth stopped for suspected pedestrian roadway violations vastly surpassed the proportion of Black youth in the population.

Figure X. Suspected Pedestrian Roadway Violations Youth 18-24, separated by Perceived Race/Ethnicity

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(3) Disturbing the Peace

There were racial differences in the proportions of stops of youth that officers reported for suspected disturbing the peace violations.

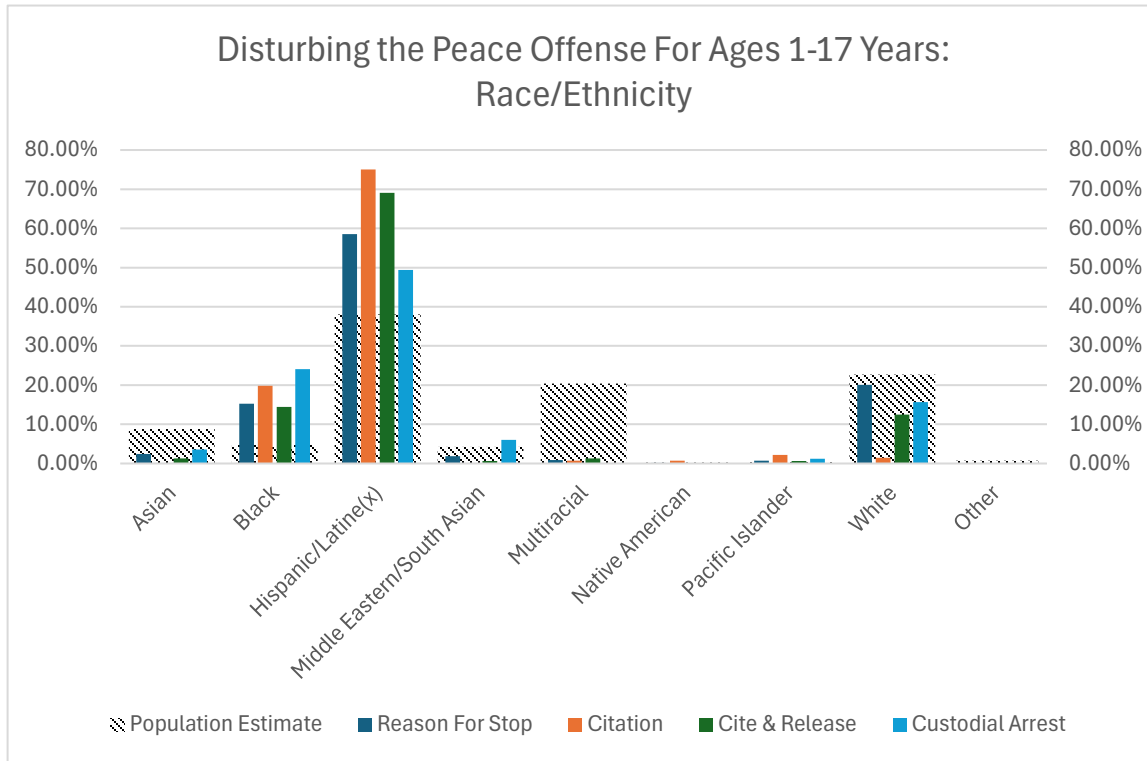
Of all stops of youth 1 to 17 for suspected disturbing the peace violations, 58.5 percent were of youth perceived as Latine (641 stops), 15.3 percent were of youth perceived as Black (167 stops), and 20.1 percent were of youth perceived as White (220 stops).

While the proportion of stops of White youth for suspected disturbing the peace violations was comparable to the proportion of White youth in California’s population, the proportion of stops of Latine and Black youth for suspected disturbing the peace violations greatly surpassed the proportion of those groups in the population.

Figure X. Suspected Disturbing the Peace violations Youth 1-17, separated by Perceived Race/Ethnicity

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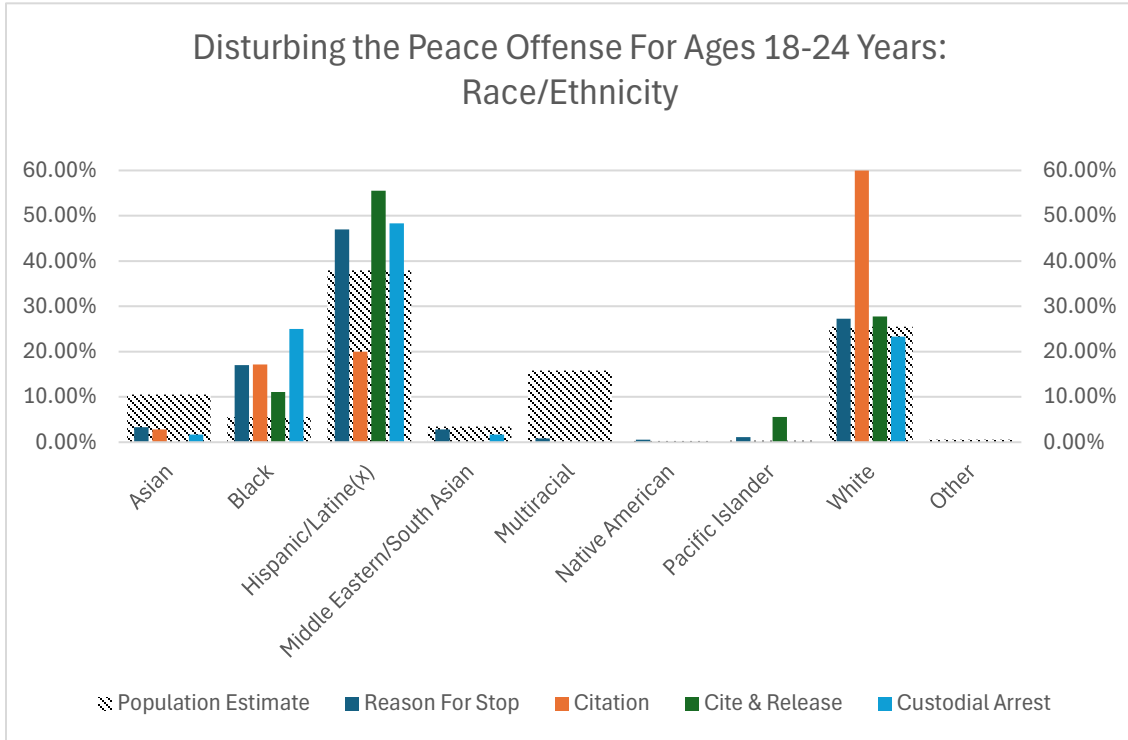
Of all stops of youth 18 to 24 for suspected disturbing the peace violations, 47.0 percent were of youth perceived as Latine (857 stops), 17.1 percent were of youth perceived as Black (311 stops), and 27.3 percent were of youth perceived as White (497 stops).

While the proportion of stops of White youth for suspected disturbing the peace violations was comparable to the proportion of White youth in California’s population, the proportion of stops of Latine and Black youth for suspected disturbing the peace violations surpassed the proportion of those groups in the population.

Figure X. Suspected Disturbing the Peace Violations Youth 18-24, separated by Perceived Race/Ethnicity

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(4) Trespassing

There were racial differences in the proportions of stops of youth that officers reported for suspected trespassing violations.

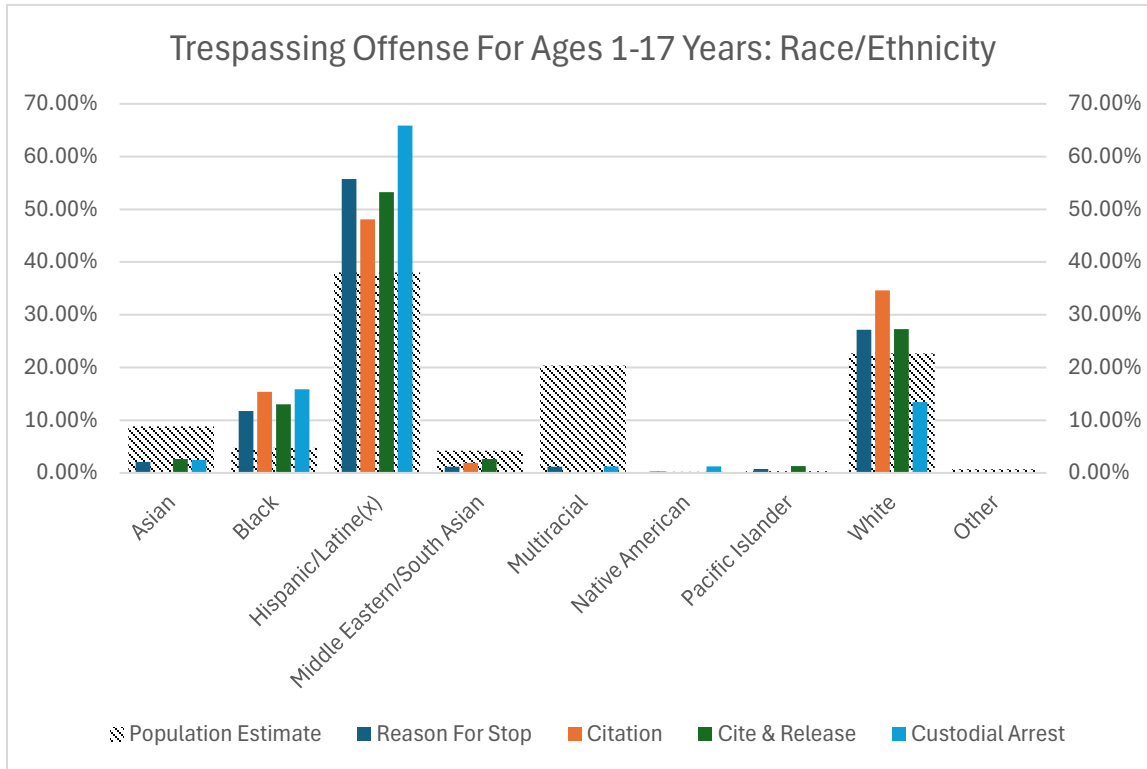
Of all stops of youth 1 to 17 for suspected trespassing violations, 55.7 percent were of youth perceived as Latine (673 stops), 11.8 percent were of youth perceived as Black (142 stops), and 27.2 percent were of youth perceived as White (328 stops).

The proportion of stops of Latine, Black, and White youth perceived to be 1 through 17 for suspected trespassing violations was greater than the proportion of those groups in the population. The disproportionality in relation to residential population was greater for Latine and Black youth.

Figure X. Suspected Trespassing Violations Youth 1-17, separated by Perceived Race/Ethnicity

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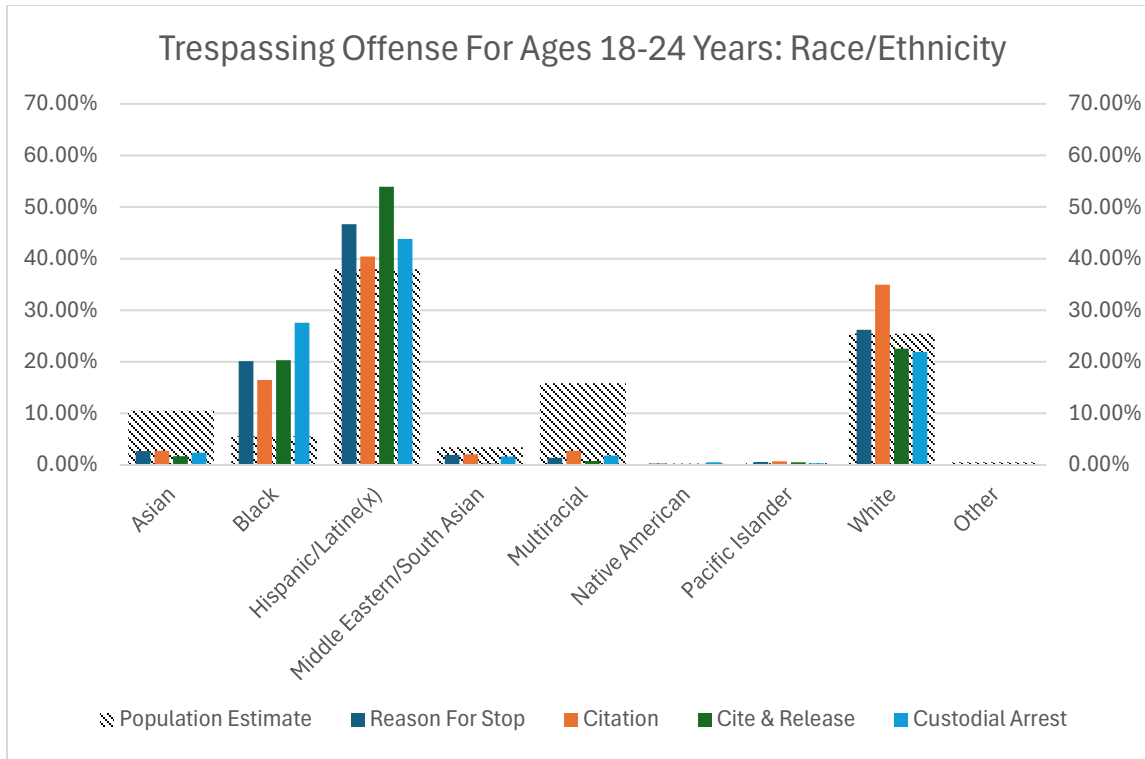
Of all stops of youth 18 to 24 for suspected trespassing violations, 46.7 percent were of youth perceived as Latine (2,020 stops), 20.2 percent were of youth perceived as Black (872 stops), and 26.2 percent were of youth perceived as White (1,135 stops).

While the proportion of stops of White youth perceived to be 18 through 24 for suspected trespassing violation was comparable to the proportion White youth in California’s population, the proportion of stops of Latine and Black youth for suspected trespassing violations greatly surpassed the proportion of those groups in the population.

Figure X. Suspected Trespassing Violations Youth 18-24, separated by Perceived Race/Ethnicity

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(5) Vandalism

There were racial differences in the proportions of stops of youth that officers reported for suspected vandalism violations.

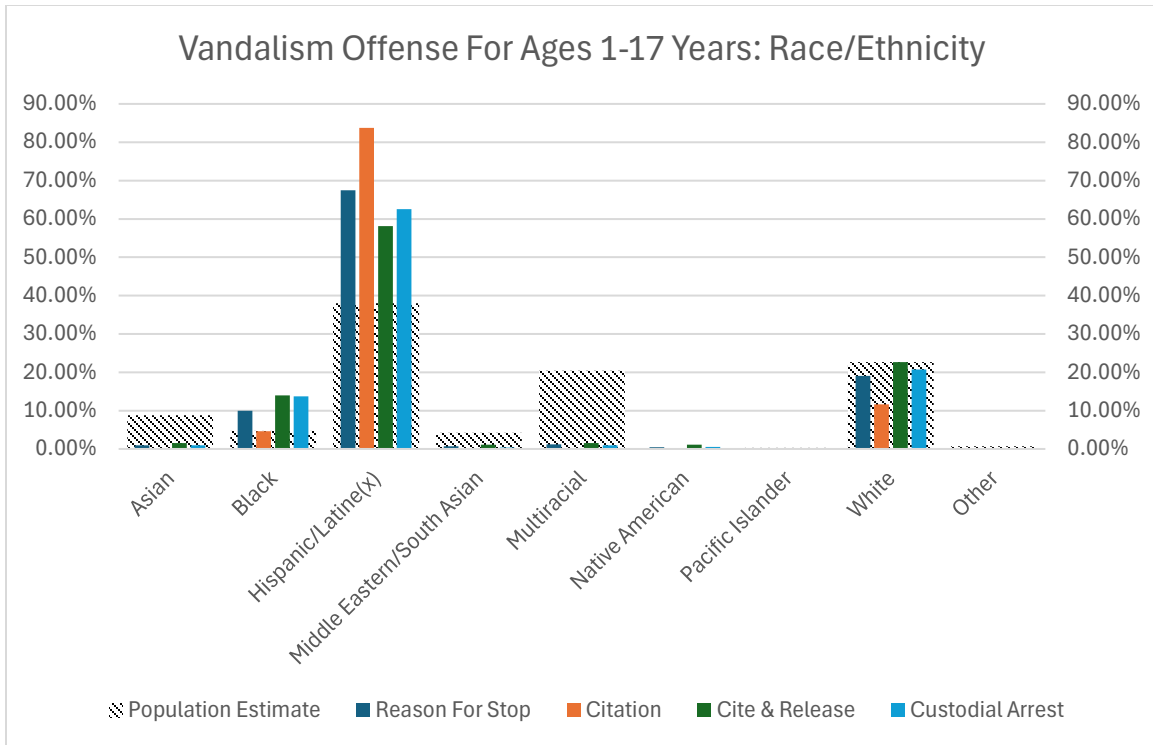
Of all stops of youth 1 to 17 for suspected vandalism violations, 67.5 percent were of youth perceived as Latine (1,138 stops), 10.0 percent were of youth perceived as Black (168 stops), and 19.1 percent were of youth perceived as White (322 stops).

While the proportion of stops of White youth for suspected vandalism violations was slightly lower than the proportion of White youth in California’s population, the proportion of stops Black youth for suspected vandalism violations was greater than the proportion of Black youth in the population and the proportion of stops of Latine youth for suspected vandalism violations greatly surpassed the proportion of Latine youth in the population.

Figure X. Suspected Vandalism Violations Youth 1-17, separated by Perceived Race/Ethnicity

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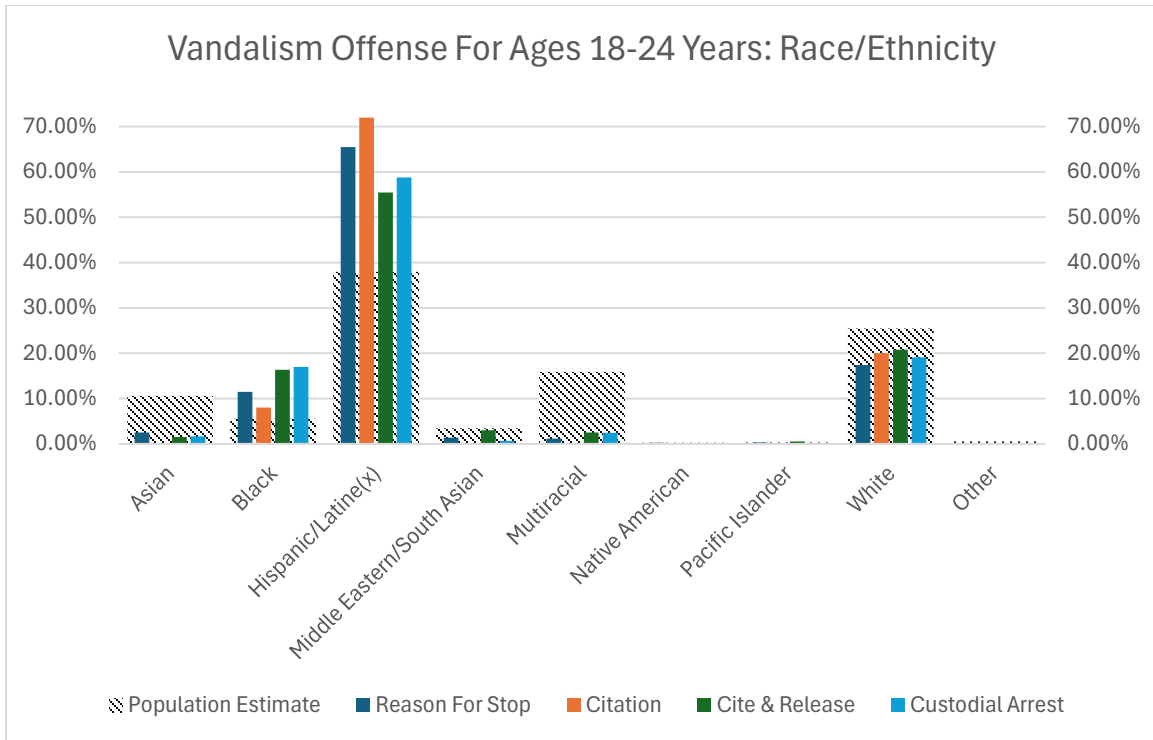
Of all stops of youth 18 to 24 for suspected vandalism violations, 65.5 percent were of youth perceived as Latine (1,306 stops), 11.5 percent were of youth perceived as Black (229 stops), and 17.4 percent were of youth perceived as White (348 stops).

While the proportion of stops of White youth for suspected vandalism violations was lower than the proportion of White youth in California’s population, the proportion of stops of Black youth for suspected vandalism violations was greater than the proportion of Black youth in the population, and the proportion of stops of Latine youth for suspected vandalism violations vastly surpassed the proportion of Latine youth in the population.

Figure X. Suspected Vandalism Violations Youth 18-24, separated by Perceived Race/Ethnicity

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(6) Status Offenses

The term “delinquency offense” refers to an offense a minor commits that is processed in juvenile court that would be prosecuted in criminal court if an adult committed the same offense.⁷⁵ “Status offenses” are actions that are illegal only because of a youth’s age.⁷⁶ Nationally, in 2019, status offenses accounted for about 11 percent of the cases in juvenile courts.⁷⁷ Of all cases processed in juvenile courts, law enforcement agencies referred 18 percent of status offense cases, compared with 83 percent of delinquency cases.⁷⁸ Among status offense cases, law enforcement agencies were more likely to be the referral source for those related to curfew, underage drinking, and possession of alcohol than other status offense cases.⁷⁹

Girls are charged more often with status offenses than delinquency offenses. While nationally, girls were involved in only 28 percent of the delinquency cases formally processed in 2019, they

⁷⁵ Puzanchera et al. (2022). *Youth and the Juvenile Justice System: 2022 notional report*. National Center for Juvenile Justice. pp. 92, 139.

⁷⁶ Youth.gov (2023). *Youth Involved with the Juvenile Justice System*. <<https://youth.gov/youth-topics/juvenile-justice/youth-involved-juvenile-justice-system>> [as of XX, 2024].

⁷⁷ Puzanchera et al. (2022). *Youth and the Juvenile Justice System: 2022 notional report*. National Center for Juvenile Justice. p. 168.

⁷⁸ Puzanchera et al. (2022). *Youth and the Juvenile Justice System: 2022 notional report*. National Center for Juvenile Justice. p. 168.

⁷⁹ Puzanchera et al. (2022). *Youth and the Juvenile Justice System: 2022 notional report*. National Center for Juvenile Justice. pp. 139, 168.

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were involved in 44 percent of status offense cases.⁸⁰ Unhoused youth are also particularly vulnerable to status offenses.⁸¹

As previously mentioned, the Board below reviews stops related to underage drinking as an example of an age-based offense, specific to youth.

(a) Underage Drinking

In California, the use of alcohol is prohibited for youth younger than 21.⁸² There were racial differences in the proportions of stops of youth that officers reported for suspected underage drinking.

Of all stops of youth 1 through 17 years for suspected underage drinking, 55.7 percent were of youth perceived as Latine (357 stops) and 31.8 percent were of youth perceived as White (204 stops). The proportion of stops of Latine and White youth perceived to be 1 through 17 for suspected underage drinking was greater than the proportion of those groups in the population. The disproportionality in relation to residential population was greater for Latine youth.

Figure X. Suspected Underage Drinking Violations Youth 1-17, separated by Perceived Race/Ethnicity

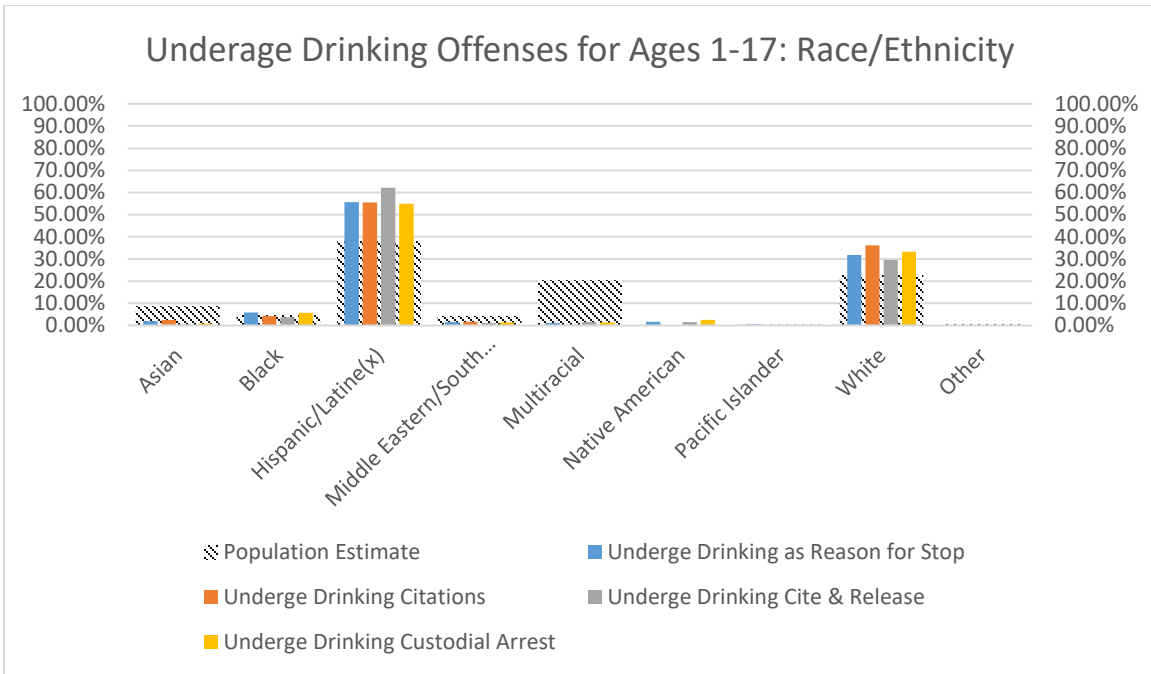
⁸⁰ Puzanchera et al. (2022). *Youth and the Juvenile Justice System: 2022 notional report*. National Center for Juvenile Justice. p. 169.

⁸¹ Toolis & Hammack, *The Lived Experience of Homeless Youth: A Narrative Approach* (2015) 2 *Qualitative Psychology* 1, pp. 50-68.

⁸² Cal. Bus. & Prof. Code 25662(A); 25663(A); 25663(B); 25665; Cal. Pen. Code 303; Cal. Pen. Code 647(F); Cal. Veh. Code 23136(A); Cal. Veh. Code 23140(A) [Updated]; 25658(B); 25658(C); 25658.5; Cal. Pen. Code 303 (A); 23140 [Repealed].

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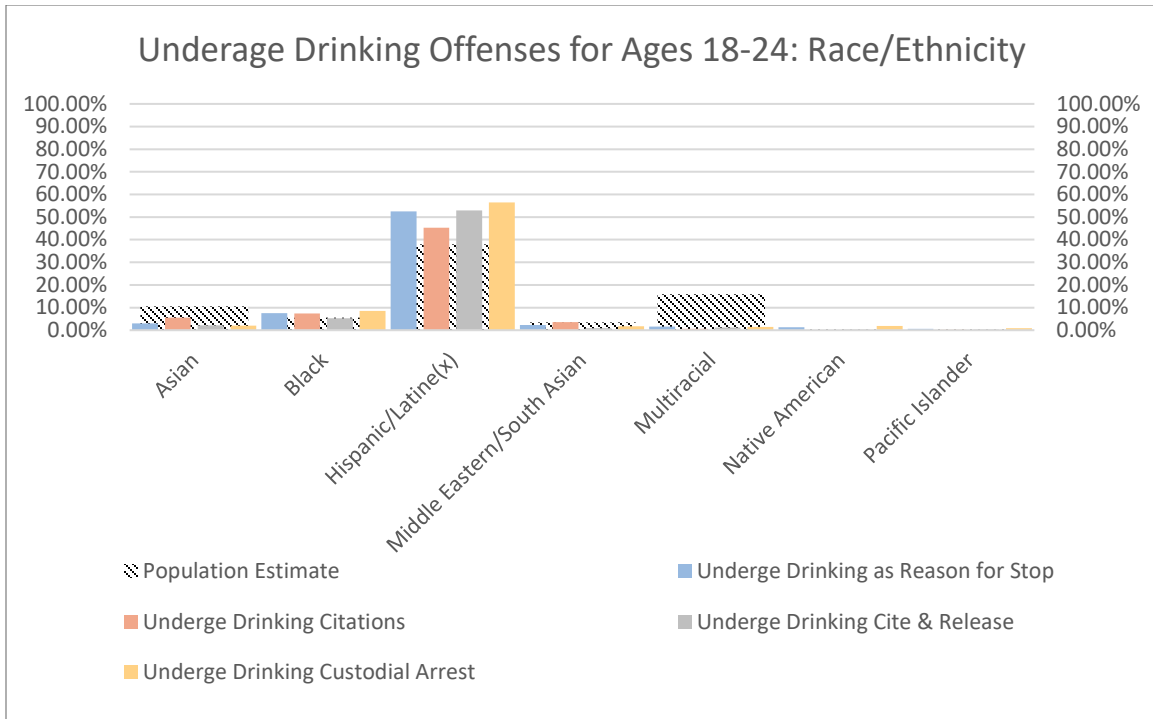
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Of all stops of youth for suspected underage drinking within the 18 to 24 category, 52.6 percent were of youth perceived as Latine (1,488 stops) and 31.0 percent were of youth perceived as White (877 stops). In this age group, the proportion of stops of Latine and White youth for suspected underage drinking was greater than the proportion of those groups in the population. The disproportionality in relation to residential population was greater for Latine youth. Figure X. Suspected Underage Drinking Violations Youth 18-24, separated by Perceived Race/Ethnicity

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National research shows that use of alcohol by high school students has declined since the mid-1990s and reached historic lows in 2019.⁸³ While there were not large changes in students’ perception about the availability of alcohol across this period, students’ decreased use of alcohol was tied to the students’ perceptions of possible harm from use.⁸⁴ This suggests the importance of a public health approach to addressing youth use of alcohol.

c. Traffic Violations

There were racial differences in the proportion of traffic stops officers reported for equipment, moving, and non-moving violations in stops of youth. Among traffic stops of youth perceived to be 15 to 17, Latine youth had 26.3 percent of their traffic stops for equipment violations (4,767 stops) and Black youth had 24.7 percent of their traffic stops for equipment violations (702 stops), while White youth had 15.4 percent of their traffic stops for equipment violations (2,721 stops).

Among traffic stops of youth perceived to be 15 to 17, both Black and Pacific Islander youth had 13.5 percent of their stops for non-moving violations (384 and 29 stops respectively), while White youth had 7.3 percent of their stops for non-moving violations (1,290 stops).

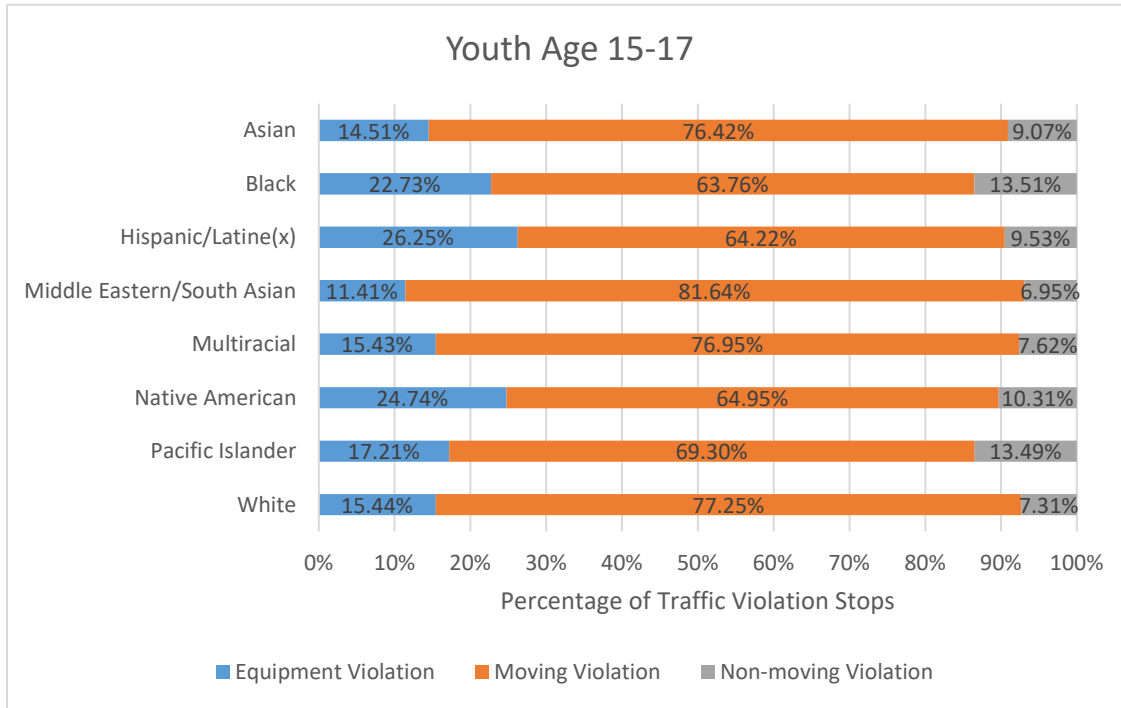
⁸³ Puzanchara et al. (2022). Offending by youth in *Youth in the Juvenile Justice System*. National Center for Juvenile Justice. pp. 59 & 62.

⁸⁴ Puzanchara et al. (2022). Offending by youth in *Youth in the Juvenile Justice System*. National Center for Juvenile Justice. p. 63.

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Figure X. Type of Traffic Violation as Reason for Stop by Race and Ethnicity, Youth (15-17)



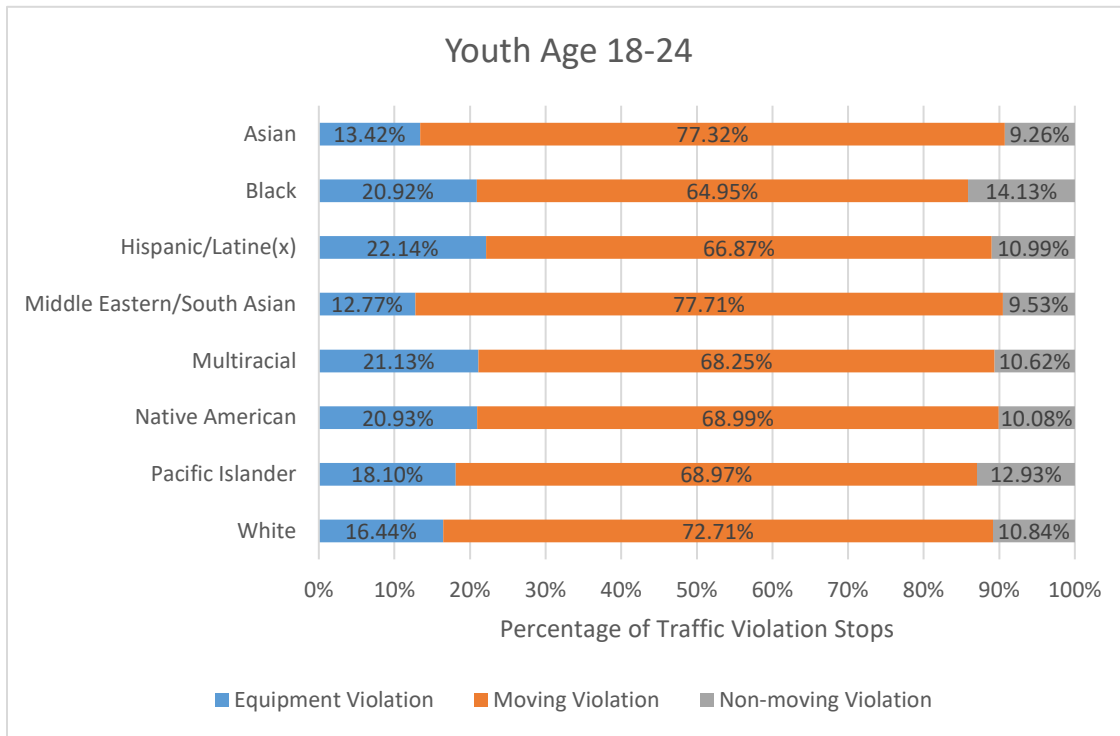
Among traffic stops of youth perceived to be 18 to 24, Multiracial youth had 21.1 percent of their stops for equipment violations (1,830 stops) and Native American youth had 20.9 percent of their stops for equipment violations (330 stops), while White youth had 16.4 percent of their stops for equipment violations (28,096 stops).

In this age group, Black youth had 14.1 percent of their traffic stops for nonmoving violations (9,278 stops) and Pacific Islander youth had 12.9 percent of their stops for nonmoving violations (472 stops), while White youth had 10.8 percent of their stops for nonmoving violations (28,096 stops).

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Figure X. Type of Traffic Violation as Reason for Stop by Race and Ethnicity, Youth (18-24)



3. Calls for Service

Officers reported calls for service related to 51.5 percent of the stops of youth perceived to be 12 to 14 (5,481 stops), 22.0 percent of the stops of youth perceived to be 15 to 17 (15,384 stops), and 5.9 percent of the stops of youth perceived to be 18 to 24 (43,647 stops).

The stop data shows racial, gender, and disability disparities in the percentage of stops for which there was a related call for service.

Perceived Race and Ethnicity: Among youth perceived to be 12 to 14, officers reported that 66.0 percent of the stops of youth perceived to be Pacific Islander (35 stops) and 59.8 percent of stops of youth perceived to be Black (1,057 stops) had a related call for service, compared to 47.9 percent of the stops of youth perceived to be White (1,207 stops). Among youth perceived to be 15 to 17, officers reported that 37.0 percent of the stops of youth perceived to be Black (2,872 stops) and 33.8 percent of stops of youth perceived to be Native American (67 stops) had a related call for service, compared to 15.1 percent of the stops of youth perceived to be White (3,503 stops). Among youth perceived to be 18 to 24, officers reported that 10.2 percent of the stops of youth perceived to be Black (8,427 stops) and 9.4 percent of stops of youth perceived to be Native American (175 stops) had a related call for service, compared to 4.9 percent of the stops of youth perceived to be White (9,136 stops).

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Perceived Gender: Among youth perceived to be 12 to 14, officers reported that 72.9 percent of stops of youth perceived to be transgender or gender nonconforming (94 stops) had a related call for service, compared to 51.2 percent of the stops of youth perceived to be cisgender (5,387 stops). Among youth perceived to be 15 to 17, officers reported that 43.5 percent of stops of youth perceived to be transgender or gender nonconforming (209 stops) had a related call for service, compared to 21.8 percent of the stops of youth perceived to be cisgender (15,175 stops). Among youth perceived to be 18 to 24, officers reported that 13.3 percent of stops of youth perceived to be transgender or gender nonconforming (439 stops) had a related call for service compared to 5.9 percent of the stops of youth perceived to be cisgender (43,208 stops).

Perceived Disability: Among youth perceived to be 12 to 14, officers reported that 76.7 percent of the stops of youth perceived to have a disability had a related call for service (560 stops) compared to 49.6 percent of stops of youth perceived to not have a disability (4,921 stops). Among youth perceived to be 15 to 17, officers reported that 75.1 percent of the stops of youth perceived to have a disability had a related call for service (1,049 stops) compared to 20.9 percent of stops of youth perceived to not have a disability (14,335 stops). Among youth perceived to be 18 to 24, officers reported that 61.0 percent of the stops of youth perceived to have a disability had a related call for service (2,422 stops) compared to 5.6 percent of stops of youth perceived to not have a disability (41,225 stops).

4. Actions Taken by Officers During Stops

The section below discusses actions taken by officers during stops, which can inform how bias may impact the actions an officer takes during a stop and the need to address detrimental effects of those actions on youth.

a. Use of Force Actions Generally

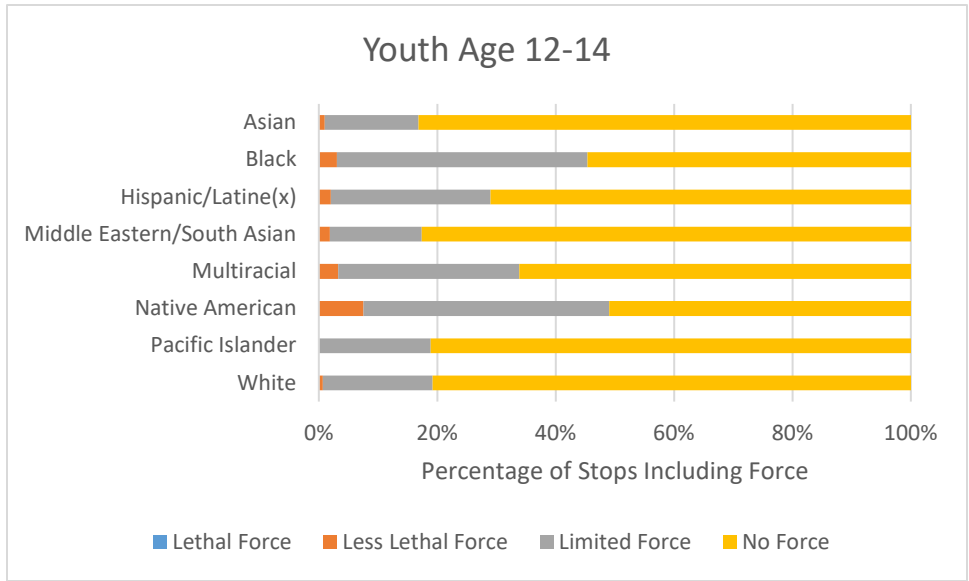
The 2023 RIPA data shows racial and disability disparities in the use of force on youth. Compared to the other age categories, officers reported the use of force most frequently during stops of people aged 12 to 14 (29.0 percent of stops; 3,088 incidents where force was used), followed by people aged 15 to 17 (21.2 percent of stops; 14,408 incidents where force was used).

Perceived Race and Ethnicity: Among children perceived to be 12 to 14, officers used force on 49.1 percent of the children they stopped who they perceived to be Native American (26 children) and 45.4 percent of the children they stopped who they perceived to be Black (802 children), including the use of lethal force on two children. In contrast, officers used force on 23.7 percent of the children they stopped who they perceived to be White (484 children).

Figure X. Youth (12-14) Use of Force by Race and Ethnicity

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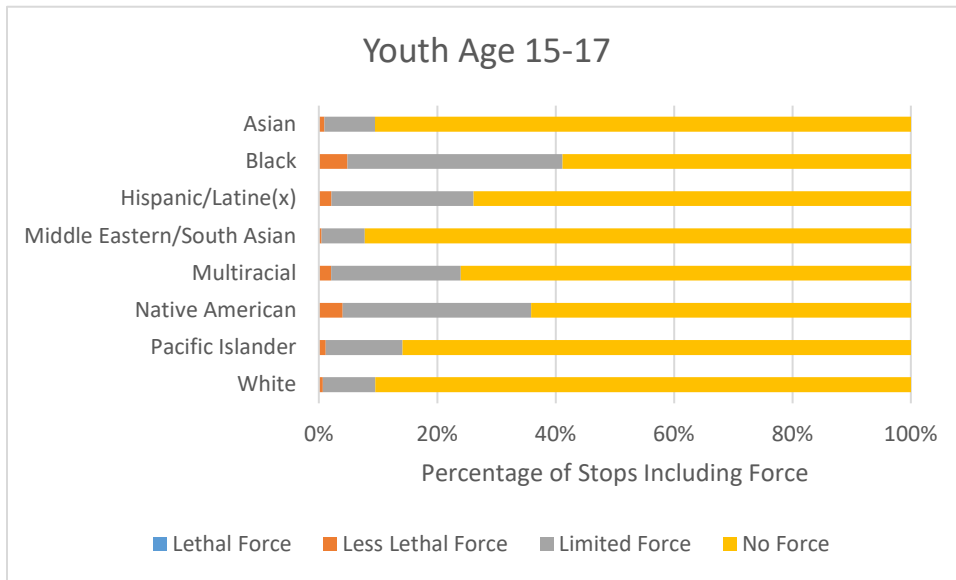


Among youth perceived to be 15 to 17, officers used force on 41.2 percent of the youth they stopped who they perceived to be Black (3,197 youth) and 35.9 percent of the youth they stopped who they perceived to be Native American (71 youth). In contrast, officers used force on 9.5 percent of the youth they stopped who they perceived to be White (2,207 youth).

Figure X. Youth (15-17) Use of Force by Race and Ethnicity

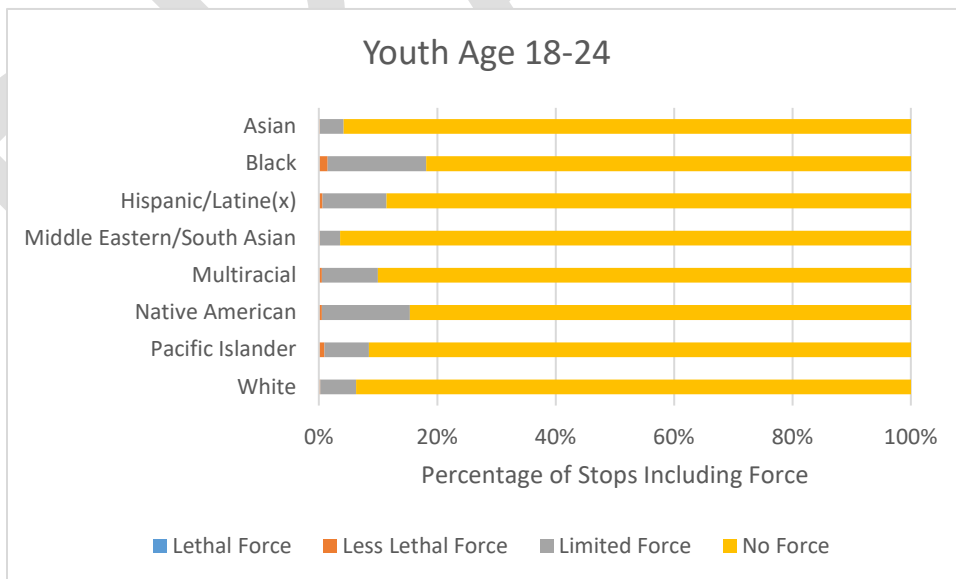
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Among youth perceived to be 18 to 24, officers used force on 18.2 percent of the youth they stopped who they perceived to be Black (14,497 youth) and 15.4 percent of the youth they stopped who they perceived to be Native American (288 youth). Officers used force on 7.4 percent of the youth they stopped who they perceived to be White (11,863 youth).

Figure X. Youth (18-24) Use of Force by Race and Ethnicity



Perceived Disability: There were disparities in the use of force on youth perceived to have a disability.

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Among children perceived to be 12 to 14, officers used force on 42.1 percent of the children they stopped who they perceived to have a disability (307 children). They used force on 28.0 percent of the children they stopped who they perceived not to have a disability (2,781 children).

Among youth perceived to be 15 to 17, officers used force on 45.3 percent of the youth they stopped who they perceived to have a disability (632 youth). They used force on 20.7 percent of the youth they stopped who they perceived not to have a disability (14,176 youth).

Among youth perceived to be 18 to 24, officers used force on 52.1 percent of the youth they stopped who they perceived to have a disability (2,066 youth). They used force on 9.9 percent of the youth they stopped who they perceived not to have a disability (72,473 youth).

b. Use of Force—Handcuffing

Compared to the other age categories, officers reported the use of handcuffs most frequently during stops of youth 12 to 14 (27.2 percent of stops; 2,895 youth handcuffed), followed by youth 15 to 17 (19.2 percent of stops; 13,441 youth handcuffed).

There were racial, disability, and gender disparities in the handcuffing of youth during stops.

Perceived Race and Ethnicity: Among children perceived to be 12 to 14, officers handcuffed 49.1 percent of the children they stopped who they perceived to be Native American (26 children handcuffed) and 43.3 percent of the children they stopped who they perceived to be Black (765 children handcuffed). Officers handcuffed 17.7 percent of the children they stopped who they perceived to be White (447 children handcuffed).

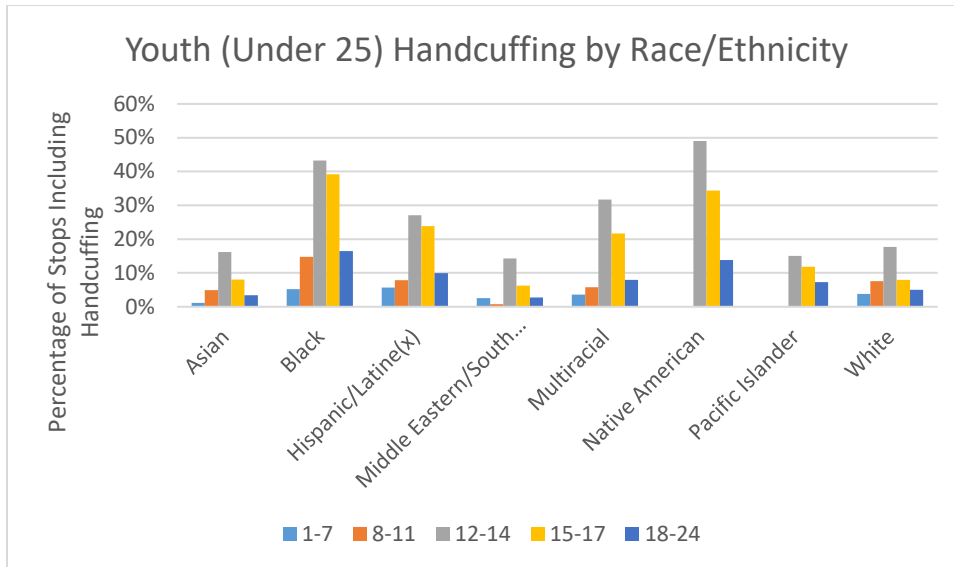
Among youth perceived to be 15 to 17, officers handcuffed 39.2 percent of the youth they stopped who they perceived to be Black (3,041 youth handcuffed) and 34.3 percent of the youth they stopped who they perceived to be Native American (68 youth handcuffed). Officers handcuffed 8.0 percent of the youth they stopped who they perceived to be White (1,845 youth handcuffed).

Among youth perceived to be 18 to 24, officers handcuffed 16.4 percent of the youth they stopped who they perceived to be Black (13,533 youth handcuffed) and 13.9 percent of the youth they stopped who they perceived to be Native American (259 youth handcuffed). Officers handcuffed 5.0 percent of the youth they stopped who they perceived to be White (9,479 youth handcuffed).

Figure X. Percentage of Stops Including Youth Handcuffing by Race and Ethnicity

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Perceived Disability: Among children perceived to be 12 to 14, officers handcuffed 39.9 percent of the children they stopped who they perceived to have a disability (291 children handcuffed). They handcuffed 26.3 percent of the children they stopped who they perceived not to have a disability (2,604 children handcuffed).

Among youth perceived to be 15 to 17, officers handcuffed 43.7 percent of the youth they stopped who they perceived to have a disability (610 youth handcuffed). They handcuffed 18.7 percent of the youth they stopped who they perceived not to have a disability (12,831 youth handcuffed).

Among youth perceived to be 18 to 24, officers handcuffed 50.7 percent of the youth they stopped who they perceived to have a disability (2,011 youth handcuffed). They handcuffed 8.5 percent of the youth they stopped who they perceived not to have a disability (62,387 youth handcuffed).

Perceived Gender: Among youth perceived to be 12 to 14, officers handcuffed 32.6 percent of the youth they stopped who they perceived to be transgender or gender nonconforming (42 children handcuffed). They handcuffed 27.1 percent of youth they stopped who they perceived to be cisgender (2,853 children handcuffed).

Among youth perceived to be 15 to 17, officers handcuffed 4.3 percent of the youth they stopped who they perceived to be transgender or gender nonconforming (142 youth handcuffed). They handcuffed 1.8 percent of the youth they stopped who they perceived to be cisgender (13,299 youth handcuffed).

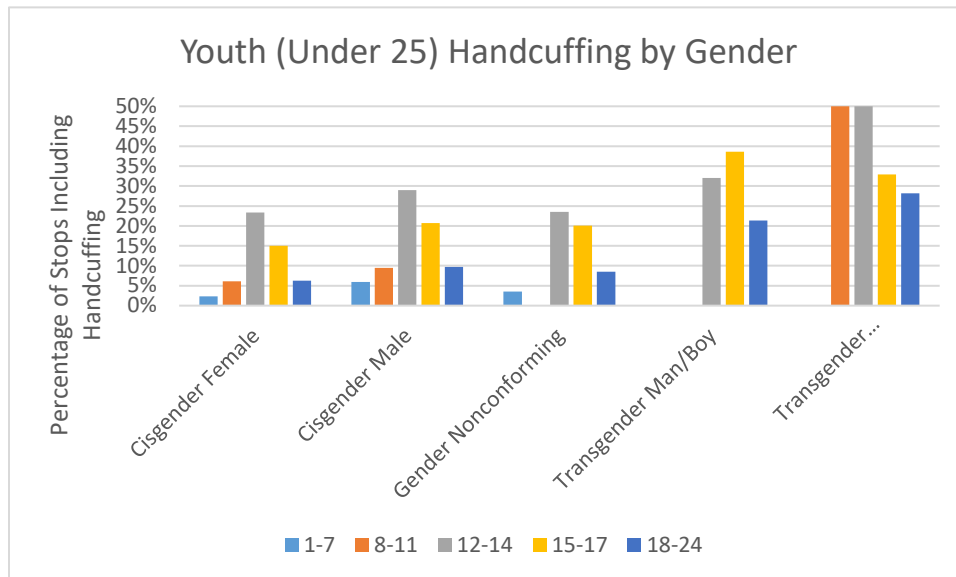
Among youth perceived to be 18 to 24, officers handcuffed 12.7 percent of the youth they stopped who they perceived to be transgender or gender nonconforming (503 youth handcuffed).

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They handcuffed 8.0 percent of the youth they stopped who they perceived to be cisgender (63,895 youth handcuffed).

Figure X. Percentage of Stops Including Youth Handcuffing by Gender



c. Curbside or Patrol Car Detentions

Compared to the other age categories, officers reported the highest percentage of curbside or patrol car detentions during stops of youth 12 to 14 (36.1% of stops; 3,844 youth detained curbside or in a patrol car), followed by stops of youth 15 to 17 (24.1% of stops; 16,863 youth detained curbside or in a patrol car).

(1) Curbside Detentions

The stop data showed racial disparities in the curbside detention of youth.

Perceived Race and Ethnicity: Among youth perceived to be 12 to 14, officers detained 28.3 percent of the youth they stopped who they perceived to be Native American (15 detained curbside) and 22.9 percent of the youth they stopped who they perceived to be Latine on the curb (1,281 detained curbside). Officers detained 18.2 percent of the youth they stopped who they perceived to be White on the curb (460 detained curbside).

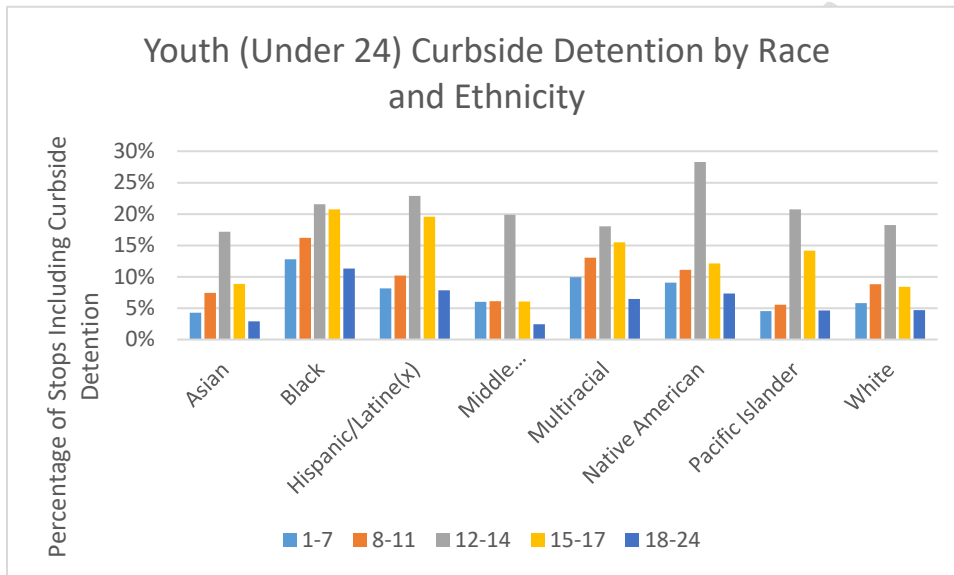
Among youth perceived to be 15 to 17, officers detained 20.7 percent of the youth they stopped who they perceived to be Black (1,611 youth detained curbside) and 19.6 percent of the youth they stopped who they perceived to be Latine on the curb (6,481 youth detained curbside). Officers detained 8.4 percent of the youth they stopped who they perceived to be White on the curb (1,950 youth detained curbside).

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Among youth perceived to be 18 to 24, officers detained 11.3 percent of the youth they stopped who they perceived to be Black (9,298 youth detained curbside) and 7.9 percent of the youth they stopped who they perceived to be Latine on the curb (29,862 youth detained curbside). Officers detained 4.7 percent of the youth they stopped who they perceived to be White on the curb (8,775 youth detained curbside).

Figure X. Youth Curbside Detention by Race and Ethnicity



(2) Patrol Car Detentions

The stop data shows racial and disability disparities in the patrol car detention of youth.

Perceived Race and Ethnicity: Among youth perceived to be 12 to 14, officers detained 28.5 percent of the youth they stopped who they perceived as Black (503 detained in patrol cars) and 28.3 percent of the youth they stopped who they perceived as Native American in a patrol car (15 detained). Officers detained 16.5 percent of the youth they stopped who they perceived as White in a patrol car (415 youth detained).

Among youth perceived to be 15 to 17, officers detained 25.1 percent of the youth they stopped who they perceived as Black (1,950 detained in patrol cars) and 21.2 percent of the youth they stopped who they perceived as Native American in a patrol car (42 detained). Officers detained 6.2 percent of the youth they stopped who they perceived as White in a patrol car (1,445 detained in patrol cars).

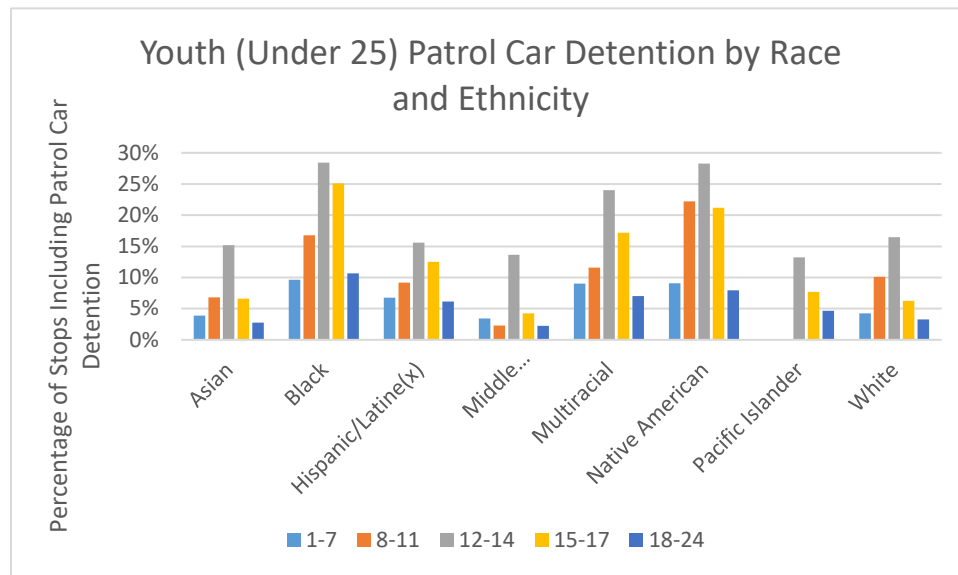
Among youth perceived to be 18 to 24, officers detained 10.7 percent of the youth they stopped who they perceived as Black in a patrol car (8,771 detained) and 8.0 percent of the youth they

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stopped who they perceived as Native American (149 detained). Officers detained 3.3 percent of the youth they stopped who they perceived as White in a patrol car (6,182 youth detained).

Figure X. Youth Patrol Car Detention by Race and Ethnicity



Perceived Disability: Among youth perceived as 12 to 14, officers detained 34.3 percent of the youth they stopped who they perceived to have a disability in a patrol car (250 detained). They detained 16.9 percent of the youth they stopped who they perceived not to have a disability in a patrol car (1,677 detained).

Among youth perceived to be 15 to 17, officers detained 32.3 percent of the youth they stopped who they perceived to have a disability in a patrol car (451 detained). They detained 11.0 percent of the youth they stopped who they perceived not to have a disability in a patrol car (7,565 detained).

Among youth perceived to be 18 to 24, officers detained 27.3 percent of the youth they stopped who they perceived to have a disability in a patrol car (1,083 detained). They detained 5.5 percent of the youth they stopped who they perceived not to have a disability in a patrol car (40,007 detained).

d. Searches

The RIPA data reveals that search rates during stops varied among youth by age group. Compared to the other age categories, officers reported the highest percentage of searches during stops of youth 12 to 14 (30.4% of stops; 3,236 searches), followed by stops of youth 15 to 17 (22.5% of stops; 15,705 searches). Black youth 15 to 17 were searched at more than four times

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the rate of White youth, and Latine youth were searched at more than three times the rate of White youth.

(1) Canine Searches

The stop data shows disparities in the use of canines to search youth across perceived racial and ethnic identities and perceived English fluency.

Perceived Race and Ethnicity: Officers used canines to search four youths they stopped who they perceived as Black and 12 to 14 years old (0.23% of stops). They used canines to search seven youths officers perceived as Latine and 12 to 14 (0.12% of stops) and one youth they perceived as White and 12 to 14 years old (0.04% of stops).

Officers used canines to search 32 youths they stopped who they perceived as Black and 15 to 17 (0.41% of stops). They used canines to search 55 youths officers perceived as Latine and 15 to 17 (0.17% of stops) and nine youths they perceived as White and 15 to 17 years old (0.04% of stops).

Officers used canines to search 16 youths they stopped who they perceived as Multiracial and 18 to 24 (0.16% of stops). They used canines to search three youths they stopped who they perceived as Native American and 18 to 24 (0.16% of stops) and 63 youths they stopped and perceived as White and 18 to 24 (0.03% of stops).

Perceived English Fluency: Officers used canines to search one youth they stopped who they perceived to have limited English fluency and 12 to 14 years old (0.24% of stops). They used canines to search 11 youth officers perceived to be fluent in English and 12 to 14 years old (0.11% of stops).

Officers used canines to search eight youths they stopped who they perceived to have limited English fluency and 15 to 17 years old (0.33% of stops). They used canines to search 94 youths they perceived to be fluent in English and 15 to 17 years old (0.14% of stops).

Officers used canines to search 65 youths they stopped who they perceived to have limited English fluency and 18 to 24 years old (0.24% of stops). They used canines to search 447 youths they stopped who they perceived to be fluent in English and 18 to 24 years old (0.06% of stops).

e. Photographing of Youth

The stop data shows racial disparities in officers photographing youth during stops.

Officers photographed eight youths they stopped who they perceived as Multiracial and 12 to 14 years old (4.37% of stops). They photographed 232 youths they stopped who they perceived as Latine and 12 to 14 years old (4.14% of stops) and 65 youths they stopped and perceived as White and 12 to 14 years old (2.58% of stops).

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Officers photographed 18 youths they stopped who they perceived as Pacific Islander and 15 to 17 years old (5.31% of stops). They photographed 10 youths they stopped who they perceived as Native American and 15 to 17 years old (5.05% of stops) and 249 youths they stopped and perceived as White and 15 to 17 years old (1.07% of stops).

Officers photographed 131 youths they stopped who they perceived as Multiracial and 18 to 24 years old (1.33% of stops). They photographed 43 youths they stopped who they perceived as Pacific Islander and 18 to 24 years old (1.05% of stops) and 976 youths they stopped and perceived as White and 18 to 24 years old (0.52% of stops).

5. Results of Stops

When completing the “result of stop” field, officers must report the outcome of the stop (for example, no action taken, warning or citation given, arrest, or psychiatric hold). Officers select multiple results of stop where necessary (e.g., an officer cited an individual for one offense and warned them about another). This information helps to illuminate how bias could impact an officer’s decisions during a stop, and how those decisions can impact racial and ethnic groups more often when compared to White youth.

a. No Reportable Action Taken Data and Warning Only Results of Stops

The percentage of stops that result in no reportable action taken is higher among younger age groups (12-14, 15-17) and lower among transitional age youth and adults (perceived 18-24 and 25+). Officers reported that 12.2 percent of the stops of youth perceived as 12 to 14 years old resulted in no action (1,299 stops resulting in no action), 10.3 percent of stops of youth perceived as 15 to 17 years old resulted in no action (7,207 stops resulting in no action), and 6.7% of stops of youth perceived as 18 to 24 years old resulted in no action (49,338 stops resulting in no action).

Disparities in stops that result in officers taking no reportable action should be carefully evaluated to determine whether the stop was sufficiently supported by reasonable suspicion.

b. Field Interview Cards (Associating with Other Youth)

(1) Gang Profiling

Gang profiling is the practice through which law enforcement agencies document individuals as an alleged member, associate, or affiliate of a gang and place their identities in gang databases.⁸⁵ Research discussed in this section reveals that gang profiling may be used as a proxy for racial

⁸⁵ Catalyst California. (Apr. 2024). *New Report from Pillars of the Community and Catalyst California Exposes the San Diego Police Department’s Racist Gang Profiling*. <<https://www.catalystcalifornia.org/campaign-tools/maps-and-data/end-gang-profiling-in-southeast-san-diego-data-and-stories-from-community-members>> [as of July 26, 2024].

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profiling. Officers use field interview cards when interrogating and designating people as alleged gang members.⁸⁶ Officers use fact based and uncorroborated information when designating people as gang members or associates in databases.⁸⁷

CalGang is a shared gang database, meaning it is accessed by law enforcement agencies outside of the agency that created the records it includes.⁸⁸ Several regulations establish the criteria for designating an organization as a criminal street gang, designating a person as a gang member or associate, the policies and procedures for providing notice to a person whose information is in the database, responding to information requests and removal requests, for sharing information from a shared database, and the retention period for maintaining information about individuals in a shared database.⁸⁹

California law requires law enforcement agencies to provide written notice to individuals prior to designating them as a suspected gang member, associate, or affiliate in a shared gang database.⁹⁰ The notice must include the basis for the designation.⁹¹ If the person is younger than 18, the law enforcement agency must provide the notice to them and their guardian.⁹² The law allows for an exemption of the notice requirement when providing the notice would “compromise an active criminal investigation or compromise the health or safety of the minor” who has been designated as a gang member, associate, or affiliate.⁹³ These notices must also describe the process for the person who has been designated as a gang member, their guardian, if they are under 18, or their attorney to contest their designation in the gang database.⁹⁴

Additionally, individuals can make a written request to any law enforcement agency in California about whether they have been designated as a suspected gang member, associate, or affiliate in any shared database to which the agency has access and, if so, what law enforcement

⁸⁶ Catalyst California. (Apr. 2024). *New Report from Pillars of the Community and Catalyst California Exposes the San Diego Police Department’s Racist Gang Profiling*. <<https://www.catalystcalifornia.org/blog/new-report-from-pillars-of-the-community-and-catalyst-california-exposes-the-san-diego-police-departments-racist-gang-profiling>> [as of July 26, 2024].

⁸⁷ Cal. Pen. Code 186.34 (a)(2). In 1987, the Los Angeles County Sheriff’s Department developed the first gang database in the U.S. (REALSearch Action Research Center. (2012). *Tracked and Trapped: Youth of color, gang databases and gang injunctions*. Youth Justice Coalition. p. 1. <<https://www.youth4justice.org/wp-content/uploads/2012/12/TrackedandTrapped.pdf>>; Catalyst California. (Apr. 2024). *New Report from Pillars of the Community and Catalyst California Exposes the San Diego Police Department’s Racist Gang Profiling*. <<https://www.catalystcalifornia.org/blog/new-report-from-pillars-of-the-community-and-catalyst-california-exposes-the-san-diego-police-departments-racist-gang-profiling>> [as of July 30, 2024].)

⁸⁸ Pen. Code, 186.34 (a)(4).

⁸⁹ Pen. Code, 186.36 (1)(4); Pen. Code, 186.36 (1)(2); Pen. Code, 186.36 (1)(5); Pen. Code, 186.36 (1)(6), Pen. Code, 186.36 (1)(7), Pen. Code 186.36 (1)(3).

⁹⁰ Pen. Code, 186.34 (c)(1).

⁹¹ Pen. Code, 186.34 (c)(1).

⁹² Pen. Code, 186.34 (c)(1).

⁹³ Pen. Code, 186.34 (c)(1).

⁹⁴ Pen. Code, 186.34 (c)(2).

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agency made that designation.⁹⁵ A person who has been designated as a suspected gang member, associate, or affiliate can request information from the law enforcement agency that made the designation about the basis for that designation.⁹⁶ This information may be help a person who has been designated as a gang member, associate, or affiliate to contest that designation.⁹⁷ Law enforcement agencies must provide a written response to these requests within 30 days.⁹⁸

If a person submits written documentation to a local law enforcement agency contesting their designation as a gang member, associate, or affiliate, the agency must provide a written response within 30 days either affirming that they have removed the person from the database or stating the agency’s reason for denying the request.⁹⁹ If the agency denies the request or fails to respond by the deadline, the person requesting removal from the gang database can ask the court to review the documentation they provided to the agency and the agency’s decision and order the agency to remove the person from the database.¹⁰⁰ There are deadlines and rules for making this request to the court.¹⁰¹

(2) Demographics of Individuals Entered in CalGang

Youth as young as 13 are entered into the CalGang system.¹⁰² On September 30, 2023, the CalGang database included information for about 19,146 people, and, of those, 172 were youth 13 to 17 years old.¹⁰³

Law Enforcement Agency ¹⁰⁴	Number of Youth 13-17 Years Old Designated in CalGang Database
Los Angeles County Sheriff’s Department	37
Riverside Police Department	24

⁹⁵ Pen. Code, 186.34 (d)(1).

⁹⁶ Pen. Code, 186.34 (d)(1)(B).

⁹⁷ Pen. Code, 186.34 (e).

⁹⁸ Pen. Code, 186.34 (d)(3).

⁹⁹ Pen. Code, 186.34 (e).

¹⁰⁰ Pen. Code, 186.34 (e); Pen. Code, 186.35 (c).

¹⁰¹ Pen. Code, 186.35 (b).

¹⁰² Racial and Identity Profiling Advisory Board (2023). *Annual Report*. pp. 121, 123

<<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>> [as of Mar. 19, 2024].

¹⁰³ California Department of Justice. (2023). *Attorney General’s Annual Report on CalGang*. p. 1

<<https://oag.ca.gov/system/files/media/ag-annual-report-calgang-2023.pdf>> [as of August 1, 2024]; California

Department of Justice. (2023). *AG Annual Report on CalGang 2023: 2023 dataset*. <

<https://www.oag.ca.gov/system/files/media/calgang-ag-dataset-2023.xlsx>> [as of August 1, 2024].

¹⁰⁴ California Department of Justice. (2023). *AG Annual Report on CalGang 2023: 2023 dataset*. <

<https://www.oag.ca.gov/system/files/media/calgang-ag-dataset-2023.xlsx>> [as of August 1, 2024].

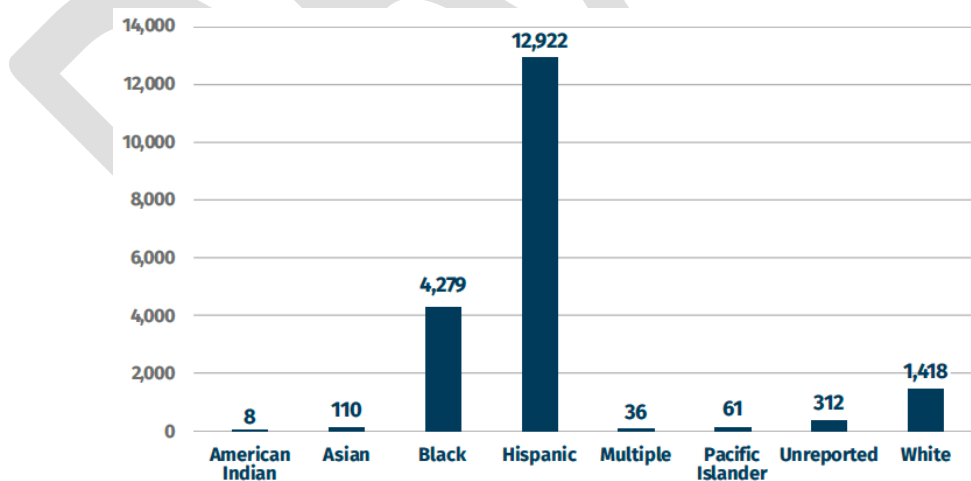
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San Diego Police Department	20
Riverside County District Attorney's Office	19
Escondido Police Department	17
Santa Ana Police Department	11
Riverside County Sheriff's Department	10
San Bernardino County Sheriff's Department	7
San Luis Obispo County Sheriff's Department	5
Fontana Police Department	4
South Gate Police Department	3
Huntington Park Police Department	2
Inglewood Police Department	2
National City Police Department	2
Riverside County Probation Department	2
Burbank Police Department	1
Chula Vista Police Department	1
Gardena Police Department	1
Hawthorne Police Department	1
Orange County Sheriff's Department	1
Orange Police Department	1
Placentia Police Department	1

There are also stark racial disparities in the law enforcement agencies' designations of people as suspected gang members, associates, or affiliates in CalGang.

Racial/Ethnic Distribution of People Designated in CalGang



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(3) Field Interview Cards

Field interview cards are one of the source documents for the information law enforcement agencies enter into the statewide CalGang database.¹⁰⁵

In many law enforcement agencies in California, a field interview card is one of the documents officers complete to record and “track[] contacts made during stops and investigations, as well as arrests. . . . [A field interview card] is generally [but not always] entered into a searchable database.”¹⁰⁶ A review of the policies of the Wave 1 and Wave 2 agencies show that there are no policies prohibiting the use of field interview cards for youth or prohibiting their entry into the CalGang database. Just one agency, the San Diego Police Department, has a policy regarding the use of field interview cards in youth interactions, but this policy is administrative only.¹⁰⁷

These databases record information about the interaction, such as who the person is with, if they have any monikers or nicknames, and any alleged criminal affiliations.¹⁰⁸

Some agencies, like LAPD, use field interview cards to collect information about a person’s social media accounts.¹⁰⁹ In a study of the Gang Suppression Team in a predominantly Latine community in a mid-size California city, researchers observed that officers regularly tracked social media accounts using information they obtained from field interview cards.¹¹⁰

They asked questions like, “What’s your Twitter handle?” or “What’s your Facebook ID? You don’t have anything to hide, do you?” Their justification was typically, “I want to see what you are up to.” Civilians appeared obligated to provide officers with their social media information to demonstrate innocence. These social media accounts were later scanned by officers, during down time or criminal investigations . . . Information from these accounts was regularly collected to use as evidence in potential criminal cases.¹¹¹

¹⁰⁵ California Department of Justice. (2023). *Attorney General’s Annual Report on CalGang*. p. 1 <<https://oag.ca.gov/system/files/media/ag-annual-report-calgang-2023.pdf>> [as of July 30, 2024].

¹⁰⁶ Off. of the Inspector General, *Review of Stops Conducted by the Los Angeles Police Department in 2019* (“OIG Review of LAPD Stops”) (Oct. 2020) p. 39 <https://www.oig.lacity.org/_files/ugd/b2dd23_d3e88738022547acb55f3ad9dd7a1dcb.pdf> [as of Nov. 29, 2022].

¹⁰⁷ San Diego Police Department Procedure 6.03—Field Interview Report [“Officers are to forward the gold copy or a photocopy of any Field Interview conducted on individuals found or contacted on school campuses to School Police at MS 726A. Distribute the original and yellow copy as outlined above in this procedure. If the youth/juvenile is involved in high-risk behavior (refer to DP 3.08, Juvenile Procedures, for criteria), a copy of the Field Interview Report needs to be sent to the Juvenile Services Team Sergeant in the command where the juvenile was contacted”].

¹⁰⁸ *The CalGang Criminal Intelligence System* (Aug. 2016) Cal. State Auditor Report 2021-130, at p. 11 <<https://www.auditor.ca.gov/pdfs/reports/2015-130.pdf>> [as of Nov. 29, 2022].

¹⁰⁹ *LAPD Field Interview (FI) Cards NR21240j1* (“*Field Interview Cards*”) (Sep. 2021) <<https://www.lapdonline.org/newsroom/lapd-field-interview-fi-cards-nr21240j1/>> [as of XX, 2024]

¹¹⁰ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. *American Sociological Review*. pp. 59, 64, 69.

¹¹¹ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. *American*

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The study also found that police officers often assumed individuals who identified as Latine were members of a gang, simply because of their racial and ethnic background.¹¹² Indeed, researchers found that the LAPD’s policies “conflated ‘criminal gang member’ with ‘Latino,’ further stigmatizing an already racially criminalized population.”¹¹³ The practice entailed physical surveillance, typically in the form of stop-and-frisk, and social media surveillance of suspected Latine gang members or those associated with them. Through these surveillance practices, officers took photographs with geographic tags and created digital profiles of individuals stopped or surveilled. Officer scanned social media accounts “to track gang-associated Latino activities, routines, conflicts, and whereabouts.”¹¹⁴ Officers then uploaded information obtained through surveillance into CalGang. By entering data points into the CalGang database that were strongly associated with Latines as an ethnic or racial group and by engaging in proactive policing based information generated through CalGang database, LAPD officers subject suspected Latine gang members to what the researchers described as “racialized vulnerability to police scrutiny.”¹¹⁵ Researchers found that individuals subject to such policies harbored “feelings of indignity and violation,” and expressed how they felt officers were using these tactics “as a means of tracking them.”¹¹⁶ Conversely, officers described such tactics as “techniques for making suspects behave,” reinforcing the notion that these policies were being used to stigmatize and control marginalized communities under the guise of normal police interaction.¹¹⁷

The 2023 RIPA also shows racial disparities in the use of field interview cards. In 2023, officers reported completing 23,296 field interview cards during stops of youth. Officers likely completed additional field interview cards during interactions with youth that did not meet the definition of “stop” in the stop data reporting regulations. Field interview cards completed during those interactions are not captured in the stop data, however.

Compared to other age categories, officers completed field interview cards during a higher percentage of stops of youth perceived to be 12-14 years old (11.1 percent of stops).

Figure X. Percentage of Youth (12-14) Stops Including Field Interview Cards by Race and Ethnicity

Sociological Review. p. 69.

¹¹² Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 69.

¹¹³ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 68.

¹¹⁴ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 68.

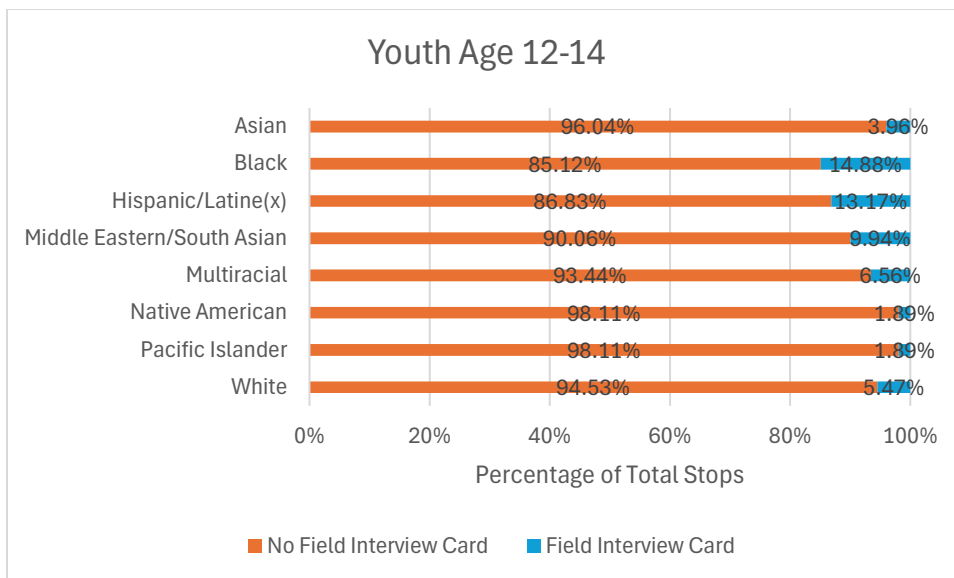
¹¹⁵ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 69.

¹¹⁶ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 69.

¹¹⁷ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 69 [noting that such encounters “served to expand racialized punitive social control”].

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II. LAW ENFORCEMENT POLICIES RELATED TO YOUTH

As of 2022, there are over 12 million (nearly one in three) Californians under 25 years of age, and nearly nine million (approximately one in five) Californians under 18 years of age.¹¹⁸ Given the size of this population, its unique vulnerabilities, and the data indicating disparities, it is crucial to adopt youth-specific policies that seek to eliminate disparities, are developmentally appropriate, and provide additional protections.

The policies of law enforcement agencies, such as those related to the use of force, can influence, or shape the quality and outcomes of an officer’s interactions with youth. Researchers recommend that state and local agencies “assemble diverse groups of experts and stakeholders to draft model standards and policies that integrate best practices for working with youth.”¹¹⁹ These policies and standards would convey the clear expectations for outcomes of interactions with youth from leadership to rank and file and help “develop oversight mechanisms to ensure compliance.”¹²⁰

¹¹⁸ Statista (2024). *Distribution of Resident Population in California, by Age Group*.

<<https://www.statista.com/statistics/912915/california-population-share-age-group/>> [31.2 percent of Californians were under 25 years of age and 22.8 percent were under 18 years of age.] [as of Apr. 26, 2024]; U.S. Census Bureau American Community Survey 2017-2021 5-Year Estimates; U.S. Census Bureau (2023). *Quick Facts: California*. <<https://www.census.gov/quickfacts/fact/table/CA/PST045222#PST045222>> [as of Apr. 29, 2024].

¹¹⁹ Thureau, “Where’s The State? Creating and Implementing State Standards For Law Enforcement Interactions with Youth” (May 2017) *Strategies for Youth*, 3 <https://strategiesforyouth.org/sitefiles/wp-content/uploads/2017/06/SFY_StandardsReport_053117.pdf> [as of XX, 2024].

¹²⁰ Thureau, “Where’s The State? Creating and Implementing State Standards For Law Enforcement Interactions with Youth” (May 2017) *Strategies for Youth*, 3 <https://strategiesforyouth.org/sitefiles/wp-content/uploads/2017/06/SFY_StandardsReport_053117.pdf> [as of XX, 2024].

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In 2021, the Board surveyed Wave 1 and 2 agencies about various policies, including their policies on civilian complaints, and reported its findings in its 2022 Report. In June, July, and August of 2024, the Board requested updated policies from Wave 1 and Wave 2 agencies relating to youth and policing and civilian complaint processes. Among some of the questions were:

14. *How does your agency define youth?*
15. *Does your agency have a written policy pertaining to questioning of youth?*
18. *Does your agency have a written use of force policy specific to youth?*¹²¹

The below chart shows those agencies’ responses to the survey, as well as those agencies’ policies in other areas, such as the use of field interview cards with youth and youths’ entry into the CalGang database.

LEA POLICIES Youth	Policies Regulating Use of Force Against Youth ¹²²	Policies Prohibiting Deception in Youth Interviews	Policies Prohibiting Field Interview (FI) Cards for Youth	Policies Prohibiting Entering Youth into CalGang Database	Policies Mandating Pre-Arrest Youth Diversion ¹²³
Lexipol ¹²⁴	✓	?	✗	✗	✗
CHP	✓	✗	✗	✗	✗
Fresno PD	✓	✗	✗	✗	✗
LAPD	✓	✗	✗	✗	?
LASD	✓	✗	✗	✗	?

¹²¹ A copy of the survey can be found in the appendix.

¹²² Agencies with a ✓ in this category have at least some use of force policies related to youth. As shown below, almost all these policies relate to force used against youth *after* they have been placed in custody.

¹²³ Pre-arrest youth diversion is a topic covered in section II.A. of this section, below.

¹²⁴ Lexipol is a private company that provides law enforcement agency policy and training manuals and documents that reflect federal and state statutes, case law, regulation, and best practices. Many law enforcement agencies in California purchase Lexipol’s policies and implement them as their own policies for their officers. As noted in the Board’s 2022 Report, “Most of the policies are 2-3 pages in length and include nearly identical language with few exceptions, likely because the agencies have not made any changes to the template provided by Lexipol.” Racial and Identity Profiling Advisory Board (2022). Annual Report. p. 150 <<https://oag.ca.gov/system/files/media/ripa-board-report-2022.pdf>> [as of May 17, 2024]. (For more information on Lexipol, please see <http://www.lexipol.com/>.)

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LEA POLICIES Youth	Policies Regulating Use of Force Against Youth¹²²	Policies Prohibiting Deception in Youth Interviews	Policies Prohibiting Field Interview (FI) Cards for Youth	Policies Prohibiting Entering Youth into CalGang Database	Policies Mandating Pre-Arrest Youth Diversion¹²³
Long Beach PD	✘	✘	✘	✘	✘
Oakland PD	✓	✘	✘	✘	✘
OC Sheriff	✓	✘	✘	✘	✘
Riverside SD	✓	✘	✘	✘	✘
Sacramento SD	✓	✘	✘	✘	✘
Sacramento PD	✓	✘	✘	✘	✘
San Jose PD	✓	✘	✘	✘	✘
San Diego SD	✓	✘	✘	✘	✘
SFSD	✓	✘	✘	✘	✘
San Bernardino SD	✓	✘	✘	✘	✘
Riverside SD	✓	✘	✘	✘	✘

✘ indicates there is not a policy addressing the issue; ✓ indicates there is a policy addressing the issue; ? indicates more research is required or policy unclear.

A. Special Considerations for Youth: Use of Force

Like all California residents, youth are protected by state and federal laws that govern law enforcement officers, and officers are required to comply with these laws when they interact with youth. In California, a “peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.”¹²⁵ California law further requires “officers to utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible as well” as a requirement that “an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably

¹²⁵ Cal. Pen. Code, § 835a, subd. (b).

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perceived level of actual or threatened resistance,” and an officer shall use deadly force “only when necessary in defense of human life.”¹²⁶

However, there are no California state laws that distinguish between the amount or type of force law enforcement can use against youth as compared to adults. The decision to impose limits on use of force relating to youth is left to the individual agencies and to the individual officers themselves. A review of use of force policies from the largest 15 law enforcement agencies in California, as well as private company Lexipol, indicates few, if any, *additional* protections or guidelines relating to the use of force toward youth.

As noted above, the 2023 RIPA data shows racial and disability disparities in the use of force on youth. For example, officers handcuffed youth perceived to be Black or Native American and 12 to 14 years old at rates more than twice as high (49.1% and 43.1%, respectively) as White youth (17.7%). These disparities were magnified for youth perceived to be between 15 to 17 years old; officers handcuffed youth in this age category and perceived to be Native American at a rate of 39.2 percent, perceived to be Black 34.3 at a rate of percent, and perceived to be White at a rate of just 8.0 percent. Officers also handcuffed youth perceived to be between 15 to 17 years old and to have a disability at more than twice the rate (43.7%) than those youth perceived not to have a disability (18.7%).

Similarly, the 2023 RIPA data shows racial disparities in law enforcement interactions which include officers pointing firearms at youth. For example, officers pointed their firearms at youth perceived to be Black, Latine, or Native American and 12 to 14 years old at much higher rates (2.9%, 2.0%, and 7.5%, respectively) than White youth (0.6%). These disparities persisted for youth perceived to be between 15 to 17 years old; officers pointed firearms at youth in this age category who were perceived to be Black at a rate of 4.6 percent, Latine at a rate of 2.1 percent, and Native American at a rate of 4.0 percent, compared to rates of youth perceived to be White at (again) 0.6 percent.¹²⁷

Generalized use of force actions show similar trends. The 2023 RIPA data shows officers used force against youth perceived to be Black or Native American and 12 to 14 years old at rates more than twice as high (45.4% and 49.1%) as White youth (19.2%). Again, these disparities were magnified for youth perceived to be between 15 to 17 years old; officers used force in this age category against youth perceived to be Black or Native American more than more than three times (41.1% and 35.9%, respectively) as often as White youth (9.5%). Officers used force

¹²⁶ Gov. Code, § 7286, subd. (b)(1)-(2). Further, the decision by a peace officer to use force “shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies,” and is “evaluated from the perspective of a reasonable officer in the same situation, based on the totality of circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Pen. Code, § 835a, subd. (a)(3)-(4).)

¹²⁷ See Table 20, “Youth Use of Force by Identity Group,” and Table 24, “Youth Stops by Age Group Including Firearm Pointed,” Appendix.

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against youth perceived to be between 15 to 17 years old and to have a disability at more than twice the rate (45.3%) than those youth perceived not to have a disability (20.7%).¹²⁸

In the absence of use of force policies specific to youth, there is a high likelihood such disparities will persist. Without youth-specific policies, the decision to use force on youth, and the type of force used, is left entirely to officer discretion and, in the absence of effective training on engaging and deescalating with youth, the lack of youth-specific force policies could be even more detrimental to youth. As noted earlier, research shows youth of color are likely to suffer from adultification bias, or the misperception of youth of color as significantly older (and more likely to be guilty or dangerous) than White children of the same age. This misperception bias may cause law enforcement officers to perceive Black youth as more threatening, to exercise their discretion in a more punitive manner, and to use more force on Black youth.¹²⁹ Policies coupled with trainings that limit the use of force against youth generally and prioritize de-escalation may mitigate against such outcomes.

1. Use of Force in the Field vs. After Youth Have Been Placed in Custody

When looking at law enforcement policies relating to use of force on youth, it is important to distinguish between permitted use of force “in the field”— that is, during a police encounter outside of the confines of a police station — and the permitted use of force after youth have already been placed in custody. Just one agency, LAPD, has a policy that directs officers’ use of force in the field. That policy looks at what officers should do when detaining youth suspected of committing a felony, a misdemeanor, or a low-level citable offense. According to the policy, youth who are suspected of *felony* offenses should not “normally be handcuffed; however, there may be circumstances that would make the handcuffing of a juvenile arrestee inappropriate.”¹³⁰ Youth who are suspected of committing *misdemeanor* offenses may be handcuffed at the officer’s discretion.¹³¹ Youth suspected of “*citable* offenses or other non-violent offenses” should not be handcuffed unless the officer “can clearly articulate a specific reason why the handcuffing was appropriate.”¹³²

Other than this policy, there are no law enforcement policies submitted by Wave 1 or Wave 2 agencies that relate to any special considerations or prohibitions regarding the use of force against youth *in the field*. Rather, most law enforcement policies focus on placing limits on the use of force while youths are *in temporary custody at the station*.¹³³

¹²⁸ See Table 20, “Youth Use of Force by Identity Group,” Appendix.

¹²⁹ Epstein et al. (2017). *Girlhood Interrupted: The erasure of Black girls’ childhood*. Georgetown Law Center on Poverty and Inequality. p. 1; Goff et al., *Measuring Racial Disparities in Police Use of Force: Methods Matter* (2021) 37 J. of Quantitative Criminology 2, 1083-1113.

¹³⁰ Los Angeles Police Department, Juvenile Manual 7.30—Handcuffing of Juveniles.

¹³¹ Los Angeles Police Department, Juvenile Manual 7.30—Handcuffing of Juveniles.

¹³² Los Angeles Police Department, Juvenile Manual 7.30—Handcuffing of Juveniles, emphasis added.

¹³³ California Highway Patrol, HPM 100.69(3)—Arrests and Custody of Minors; San Francisco Police Department General Order 7.01—Policies and Procedures for Juveniles Detention, Arrest, and Custody 4, 6

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a. Use of Handcuffs on Youth While in Police Custody

Law enforcement policies regarding the use of handcuffs while in police custody vary widely across agencies. While most agencies permit youth to be handcuffed while in temporary custody, the Riverside County Sheriff's Department and the Fresno Police Department limit the use of handcuffs or restraints on youth 13 years old or younger, unless the youth "is suspected of a dangerous felony or when the [officer] has a reasonable suspicion that the juvenile may resist" or attempt to escape.¹³⁴ Further, Riverside notes that youth who are detained pursuant to a child protective custody warrant "should not be handcuffed or physically restrained unnecessarily," but if they "become threatening, violent, or combative," they may be restrained for the safety of the deputy or others.¹³⁵ The San Jose Police Department permits children 12 and under to be handcuffed if they are suspected of committing murder or sexual assault, or they are a danger to themselves or others.¹³⁶

Some agency policies do permit handcuffing, but state that youth should not be handcuffed to a stationary object (San Diego Police Department,¹³⁷ Riverside Sheriff's Department,¹³⁸ Fresno Police Department¹³⁹) or handcuffed to an adult (Los Angeles Sheriff's Department,¹⁴⁰ Sacramento Sheriff's Department¹⁴¹). Two agencies, the Oakland Police Department and the San Francisco Police Department,¹⁴² permit the handcuffing of youth to stationary objects, subject to

<<https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO7.01%20Juvenile%20Policies%20and%20Procedures.pdf>> [as of March 26, 2024];

Sacramento Sheriff's Department General Order 21/01

<https://www.dropbox.com/scl/fo/q0qinzwfvxg3dbwgjyra/h/General%20Orders?dl=0&preview=21-01+Prisoner+Security-Handcuffing.pdf&subfolder_nav_tracking=1> [as of March 28, 2024]; 14. Sacramento Police Department General Order GO 580.02—Use of Force

<<https://www.cityofsacramento.gov/content/dam/portal/police/Transparency/policy/GO/Section-500/GO-58002-Use-of-Force-122321.pdf>> [as of March 28, 2024].

¹³⁴ Riverside County Sheriff's Department Standards Manual 306.2.3—Restraint of Juveniles

<<https://www.riversidesheriff.org/DocumentCenter/View/6956/Department-Standards-Manual-71522>> [as of May 9, 2024]; Fresno Police Department Manual 306.4—Application of Handcuffs <<https://www.fresno.gov/wp-content/uploads/2024/04/PolicyManual-Redacted-April-2024.pdf>> as of May 9, 2024].

¹³⁵ Riverside County Sheriff's Department Standards Manual 323.7—Child Protective Custody Warrants – Use of Force and Restraints <<https://www.riversidesheriff.org/DocumentCenter/View/6956/Department-Standards-Manual-71522>> [as of May 9, 2024].

¹³⁶ San Jose Police Department Line/Operations Procedures L 3011.5—Handcuffing Juveniles.

¹³⁷ San Diego Police Department Procedure 3.08—Juvenile Procedures.

¹³⁸ Riverside County Sheriff's Department Standards Manual 324—Temporary Custody of Juveniles <<https://www.riversidesheriff.org/DocumentCenter/View/6956/Department-Standards-Manual-71522>> [as of May 9, 2024].

¹³⁹ Fresno Police Department Policy Manual 324—Temporary Custody of Juveniles <<https://www.fresno.gov/wp-content/uploads/2024/04/PolicyManual-Redacted-April-2024.pdf>> [as of May 9, 2024].

¹⁴⁰ Los Angeles Sheriff's Department, Manual of Policies and Procedures 5-02/100.60—Transportation and Handcuffing of Juveniles.

¹⁴¹ Sacramento Police Department General Order GO 580.02—Use of Force

<<https://www.cityofsacramento.gov/content/dam/portal/police/Transparency/policy/GO/Section-500/GO-58002-Use-of-Force-122321.pdf>> [as of March 28, 2024]

¹⁴² San Francisco Police Department General Order 7.01—Policies and Procedures for Juveniles Detention, Arrest,

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the watch commander’s approval.¹⁴³

b. Hobble restraints and TASERs On Youth While in Police Custody

Law enforcement policies regarding the use of restraints, TASERs, or other devices on youth also vary across agencies, but notably, there are fewer agencies that have specific policies relating to or prohibiting such uses of force. The Orange County Sheriff’s Department advises that “[d]ue caution should be considered” when applying the “Hobble restraint procedure,”¹⁴⁴ an “Electronic Control Device,”¹⁴⁵ or a “Conducted Energy Device” (i.e., a TASER)¹⁴⁶ on youth in custody, but the agency does not preclude their use, and the agency’s policies do not otherwise differentiate between the use of force toward youth and adults.

Similarly, the Riverside County Sheriff’s Department and the Fresno Police Department advise that the use of a TASER on youth “should generally be avoided” unless other available options are ineffective or would endanger the deputy or others.¹⁴⁷ As with the Orange County Sheriff’s Department, these agencies do not preclude the use of the TASER on youth, and the agencies’ policies do not otherwise differentiate between the use of force towards youth compared to adults.

and Custody 4, 6 <<https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO7.01%20Juvenile%20Policies%20and%20Procedures.pdf>> [as of May 17, 2024].

¹⁴³ Oakland Police Department General Order O-09—Detention of Juvenile Offenders <<https://public.powerdms.com/oakland/tree/documents/489>> [as of March 28, 2024].

¹⁴⁴ Orange County Sheriff’s Department Policy Manual 306.4—Use of Hobble Restraint <<https://ocsheriff.gov/sites/ocsd/files/2024-04/Department%20Manual%20%28Lexipol%29%202024-04-18.pdf>> [as of May 9, 2024]. According to the policy, “The Ripp Hobble is made of one-inch wide polypropylene webbed belting with a tested strength of 700 lbs. The hobble has a one-inch wide side, alligator-jawed, friction-locking clip and steel-snap swivel. The overall length of the hobble shall be a minimum of 42 inches.” The policy also refers to the EZ Leg Control Belt, which “is a black nylon belt that is 2 inches wide with a 7 inch loop at the end with a tensile strength of 518 pounds. The control belt is equipped with a 2 inch black buckle, 2 inch D-Ring, and 3 inch Aluminum Carabiner. The overall length of the control belt is 90 inches.” (Orange County Sheriff’s Department Policy Manual 306.3—Authorized Equipment.)

¹⁴⁵ Orange County Sheriff’s Department Policy Manual 309.5—Use of the Electronic Control Device <<https://ocsheriff.gov/sites/ocsd/files/2024-04/Department%20Manual%20%28Lexipol%29%202024-04-18.pdf>> [as of May 9, 2024].

¹⁴⁶ Orange County Sheriff’s Department Policy Manual 312.5—Use of the Conducted Energy Device (CED) – TASER X26 <<https://ocsheriff.gov/sites/ocsd/files/2024-04/Department%20Manual%20%28Lexipol%29%202024-04-18.pdf>> [as of May 9, 2024].

¹⁴⁷ Riverside County Sheriff’s Department Standards Manual 310.5.2—Use of the TASER – Special Deployment Considerations <<https://www.riversidesheriff.org/DocumentCenter/View/6956/Department-Standards-Manual-71522>> [as of May 9, 2024]; Fresno Police Department Policy Manual 309.4 Electronic Control Device (ECD) – Special Deployment Considerations <<https://www.fresno.gov/wp-content/uploads/2024/04/PolicyManual-Redacted-April-2024.pdf>> [as of May 9, 2024].

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c. Other Agency Policies

Some law enforcement policies are specific to just one agency. One agency, LAPD, prohibits the use of force on youth to compel them to participate in an in-person identification procedure, or lineup.¹⁴⁸ One agency, the Long Beach Police Department, has no policy relating to use of force on youth either in the field or while in custody.

2. Law Enforcement Agencies Should Adopt Policies Restricting the Use of Force on Youth Except When Absolutely Necessary

Law enforcement policies relating to use of force on youth are especially important, as the research shows officer interactions with youth frequently result in the use of force. Nationally, youth are involved in just 3.5 percent of law enforcement interactions, but account for 30.1 percent of those involving force.¹⁴⁹ The majority (81%) of police use of force against youth are initiated by police.¹⁵⁰

Disturbingly, Black children — who only represent 15 percent of youth in the United States — made up more than 50 percent of youth against whom force was used nationwide.¹⁵¹ Further, data shows that the use of force against women has been growing at a much higher rate than the use of force against men nationwide; as such, it is important to understand the unique vulnerabilities that Black girls may face in connection to police use of force.¹⁵²

The use of force on youth can be harmful in several ways, affecting their ability to cope with stressful situations later in life.¹⁵³ In the immediate aftermath, police use of force against youth and adolescents can lead to acute distress. It may also lead to “a cascade of psychological

¹⁴⁸ Los Angeles Police Department Juvenile Manual (2017) 002012.100—Juvenile Refuses to Participate in Line-Up <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2021/09/05_01_2011_DB_OSO_Juvenile-Manual.pdf> [as of May 12, 2024].

¹⁴⁹ Thurau, “Where’s The State? Creating and Implementing State Standards For Law Enforcement Interactions with Youth” (May 2017) Strategies for Youth, 5 <https://strategiesforyouth.org/sitefiles/wp-content/uploads/2017/06/SFY_StandardsReport_053117.pdf> [as of XX, 2024].

¹⁵⁰ Thurau, “Where’s The State? Creating and Implementing State Standards For Law Enforcement Interactions with Youth” (May 2017) Strategies for Youth, 5 <https://strategiesforyouth.org/sitefiles/wp-content/uploads/2017/06/SFY_StandardsReport_053117.pdf> [as of XX, 2024].

¹⁵¹ The Associated Press, *Tiny wrists in cuffs: How police use force against children* (Oct. 2021) NPR <<https://www.npr.org/2021/10/20/1047618263/tiny-wrists-in-cuffs-how-police-use-force-against-children>> [as of XX, 2024].

¹⁵² Tapp and Davis, *Contacts Between Police and the Public, 2020* (2022) U.S. DOJ Special Report, p. 5 <<https://bjs.ojp.gov/media/document/cbpp20.pdf>> (noting that the rate of use of force reported by women increased from 1.1 percent in 2018 to 1.2 percent in 2020, and that during the same period, the rate of reported use of force by men decreased from 3 percent to 2.7 percent); Perillo et al., *Examining the Consequences of Dehumanization and Adultification in Justification of Police Use of Force Against Black Girls and Boys* (2023) 47 American Psychological Association 36, 37.

¹⁵³ American Psychiatric Association, “Position Statement on Police Interactions with Children and Adolescents in Mental Health Crisis,” <<https://www.psychiatry.org/getattachment/085c5817-87e3-4fd9-8885-ed1d83ec7266/Position-Police-Interactions-with-Children-Adolescents-in-Crisis.pdf>> [as of XX, 2024].

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sequelae,” including the development or worsening of mental illness, and result in traumatization, serious injury, lower attainment in education and employment, or death.¹⁵⁴

Given the risk of harm to youth from police use of force, researchers and advocates have continuously recommended that law enforcement adopt policies and procedures which use “developmentally appropriate, trauma-informed de-escalation tactics” before exerting force on children.¹⁵⁵ This includes providing warnings and a sufficient time for youth to respond to officer commands, restricting the use of TASERS and other weapons meant to subdue individuals, restricting the pointing of weapons at youth, and refraining from engaging in “unnecessary, overly aggressive, or otherwise improper actions” that may cause the situation to escalate.¹⁵⁶ Such policies should also include appropriate training for police officers to avoid the unnecessary escalation of police interactions with youth.¹⁵⁷ Law enforcement should employ alternatives to arrest when appropriate, and — if it is necessary to detain youth suspected of an offense — limit the use of physical restraints as much as possible.¹⁵⁸

B. Special Considerations for Youth: Questioning by Law Enforcement

Law enforcement interactions with youth — even the initial stop, covered by RIPA data — often involve some form of police questioning, be it requests for information to be included in a field interview card, a consent to search property, or questioning related to a law enforcement investigation. Adolescents are less capable of understanding their constitutional rights than their adult counterparts, and are more prone to falsely confessing to a crime they did not commit.¹⁵⁹ Research suggests that “[b]ecause adolescents are more impulsive, are easily influenced by

¹⁵⁴ American Psychiatric Association, “Position Statement on Police Interactions with Children and Adolescents in Mental Health Crisis,” <<https://www.psychiatry.org/getattachment/085c5817-87e3-4fd9-8885-ed1d83ec7266/Position-Police-Interactions-with-Children-Adolescents-in-Crisis.pdf>> [as of XX, 2024].

¹⁵⁵ Strategies for Youth, “Policy 5: Use of Force with Youth,” <<https://strategiesforyouth.org/Model-Policy5.pdf>> [as of August 1, 2024].

¹⁵⁶ Strategies for Youth, “Policy 5: Use of Force with Youth,” <<https://strategiesforyouth.org/Model-Policy5.pdf>> [as of August 1, 2024].

¹⁵⁷ Herz, *Improving Police Encounters with Juveniles: Does Training Make a Difference?* (2001) 3 Just. Rsch. & Pol’y 57, 59 (2001).

¹⁵⁸ Strategies for Youth, “Policy 5: Use of Force with Youth,” <<https://strategiesforyouth.org/Model-Policy3.pdf>> [as of August 1, 2024].

¹⁵⁹ See, e.g., Luna, *Juvenile False Confessions: Juvenile Psychology, Police Interrogation Tactics, And Prosecutorial Discretion* (2018) 18 Nev. L.J. 291, 297 <<https://scholars.law.unlv.edu/nlj/vol18/iss1/10/>> [as of XX, 2024]; Meyer & Reppucci, *Police Practices and Perceptions Regarding Juvenile Interrogation and Interrogative Suggestibility* (2007) 25 Behav. Sci. & L. 757, 763; Ceci & Bruck, *Suggestibility of the Child Witness: A Historical Review and Synthesis* (1993) 113 Psychol. Bull. 3, 403-409; Note, *Questioning the Reliability of Children’s Testimony: An Examination of the Problematic Elements* (1995) 19 Law & Psychol. Rev. 203-215; Owen-Kostelnick et al., *Testimony and Interrogation of Minors: Assumptions About Maturity and Morality* (2006) 61 Am. Psychologist 4, 286-304; Redlich, *The Susceptibility of Juveniles to False Confessions and False Guilty Pleas* (2010) 62 Rutgers L.Rev. 943, 952; Viljoen et al., *Legal Decisions of Preadolescent and Adolescent Defendants: Predictors of Confessions, Pleas, Communication with Attorneys, and Appeals* (2005) 29 Law & Hum. Behav. 3, 253; Note, *No Match for the Police: An Analysis of Miranda’s Problematic Application to Juvenile Defendants* (2011) 38 Hastings Const. L.Q. 1053, 1066-1069.

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others (especially by figures of authority), are more sensitive to rewards (especially immediate rewards), and are less able to weigh in on the long-term consequences of their actions, they become more receptive to coercion.”¹⁶⁰ The context of custodial interrogation is believed to exacerbate these pressures.

1. Special Considerations for Youth of Color During Police Questioning

Youth generally are more susceptible to police coercion and pressure than adults and are more suggestible than adults to the inherent power imbalance between officer and suspect in a custodial setting.¹⁶¹ Research shows there are unique vulnerabilities that make youth of color even more subject to coercive tactics during interrogations that could lead to false confessions. One of those additional vulnerabilities is racial bias in the officer’s assessment of whether the youth is being deceptive. Another of those vulnerabilities is adultification bias, or the likelihood that the officer would perceive the youth as older — and therefore, guiltier — than their White peers.¹⁶²

Research shows that the behavior of youth of color in interrogations may affect officers’ assessment of whether they are being deceptive.¹⁶³ Cross-cultural differences in nonverbal communication styles could cause youth of color “to appear more deceptive” to police during interrogations, which could cause an officer to increase pressure on the youth to confess.¹⁶⁴ For example, there are significant race-based differences even in nonverbal behaviors in response to questioning, and some behaviors — for example, inappropriate smiling or minimal eye contact

¹⁶⁰ See, e.g., Luna, *Juvenile False Confessions: Juvenile Psychology, Police Interrogation Tactics, And Prosecutorial Discretion* (2018) 18 Nev. L.J. 291, 297 <<https://scholars.law.unlv.edu/nlj/vol18/iss1/10/>> [as of XX, 2024]; Meyer & Reppucci, *Police Practices and Perceptions Regarding Juvenile Interrogation and Interrogative Suggestibility* (2007) 25 Behav. Sci. & L. 757, 763; Ceci & Bruck, *Suggestibility of the Child Witness: A Historical Review and Synthesis* (1993) 113 Psychol. Bull. 3, 403-409; Note, *Questioning the Reliability of Children’s Testimony: An Examination of the Problematic Elements* (1995) 19 Law & Psychol. Rev. 203-215; Owen-Kostelnick et al., *Testimony and Interrogation of Minors: Assumptions About Maturity and Morality* (2006) 61 Am. Psychologist 4, 286-304; Redlich, *The Susceptibility of Juveniles to False Confessions and False Guilty Pleas* (2010) 62 Rutgers L.Rev. 943, 952; Viljoen et al., *Legal Decisions of Preadolescent and Adolescent Defendants: Predictors of Confessions, Pleas, Communication with Attorneys, and Appeals* (2005) 29 Law & Hum. Behav. 3, 253; Note, *No Match for the Police: An Analysis of Miranda’s Problematic Application to Juvenile Defendants* (2011) 38 Hastings Const. L.Q. 1053, 1066-1069.

¹⁶¹ Kassin et al., *Police-Induced Confessions: Risk Factors and Recommendations* (Feb. 2010) 34 Law and Human Behavior 1, 8.

¹⁶² Epstein et al. (2017). *Girlhood Interrupted: The erasure of Black girls’ childhood*. Georgetown Law Center on Poverty and Inequality. pp. 1 and 4; Goff et al, *The Essence of Innocence: Consequences of dehumanizing Black children* (2014) 106 J. of Personality and Social Psychology. pp. 526, 529, 536 <<https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>> [as of Nov. 29, 2022].

¹⁶³ Blandón-Gitlin et al., *Race and ethnicity as a compound risk factor in police interrogation of youth* (2020) in Stevenson et al., *The legacy of racism for children: Psychology, law, and public policy*, p. 175.

¹⁶⁴ Najdowski, *Stereotype Threat in Criminal Interrogations: Why Innocent Black Suspects Are at Risk for Confessing Falsely* (2011) 17 Psychology, Public Policy, and Law 4, 563.

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— can be deemed “suspicious” by police.¹⁶⁵ However, these subjective “cues” are unreliable in assessing culpability, and may in fact be more indicative of cultural background.¹⁶⁶ Immaturity can also cause misperceptions of behaviors as well. For example, Black youth who do not make eye contact because of nervousness may be misperceived as being deceptive.¹⁶⁷

Another vulnerability in the context of interrogations unique to people of color is *stereotype threat*.¹⁶⁸ The term *stereotype threat* describes a person’s concern that they may be perceived in light of a negative stereotype that applies to their demographic group.¹⁶⁹ Unfortunately, many widely-known negative stereotypes about people of color exist, and these stereotypes contribute to both the conscious and unconscious biases people of color encounter every day. The mere existence of the stereotype “means that anything one does or any of one’s features that conform to it make the stereotype more plausible as a self-characterization in the eyes of others.”¹⁷⁰ “[B]ecause of negative stereotypes that depict Black people as criminals, Black (vs. White) individuals are more likely to be suspected . . . of committing crimes.”¹⁷¹ Black individuals who are aware of this stereotype could experience increased stress when interrogated by police, which could be perceived inaccurately as indicative of deception or guilt.¹⁷² Youth of color “are aware of negative stereotypes that apply to them, and activating stereotypes can negatively influence their performance” in a number of settings, including, for example, standardized testing.¹⁷³ The effects of stereotype threat “may be even more harmful” to youth than adults, because they “deplete cognitive resources and impair self-regulatory strategies, abilities that are already limited among youth.”¹⁷⁴ Stereotype threat is not limited to any one racial or ethnic identity, and can apply to any individual aware of the negative stereotypes that may apply to them.¹⁷⁵

¹⁶⁵ Blandón-Gitlin et al., *Race and ethnicity as a compound risk factor in police interrogation of youth* (2020) in Stevenson et al., *The legacy of racism for children: Psychology, law, and public policy*, p. 175.

¹⁶⁶ Johnson, *Race and police reliance on suspicious non-verbal cues* (2007) 30 *Policing: An International Journal of Police Strategies & Management* 2, 277–290.

¹⁶⁷ Blandón-Gitlin et al., *Race and ethnicity as a compound risk factor in police interrogation of youth* (2020) in Stevenson et al., *The legacy of racism for children: Psychology, law, and public policy*, p. 176.

¹⁶⁸ Najdowski, *Stereotype Threat in Criminal Interrogations: Why Innocent Black Suspects Are at Risk for Confessing Falsely* (2011) 17 *Psychology, Public Policy, and Law* 4, 563; Steele and Aronson, *Stereotype Threat and the Intellectual Test Performance of African Americans* (1995) 69 *Journal of Personality and Social Psychology* 5, 797-811.

¹⁶⁹ Najdowski et al., *Stereotype Threat and Racial Differences in Citizens’ Experiences of Police Encounters* (2015) 39 *Law and Human Behavior* 5, 463-477; Steele and Aronson, *Stereotype Threat and the Intellectual Test Performance of African Americans* (1995) 69 *Journal of Personality and Social Psychology* 5, 797-811.

¹⁷⁰ Steele and Aronson, *Stereotype Threat and the Intellectual Test Performance of African Americans* (1995) 69 *Journal of Personality and Social Psychology* 5, 797-811.

¹⁷¹ Blandón-Gitlin et al., *Race and ethnicity as a compound risk factor in police interrogation of youth* (2020) in Stevenson et al., *The legacy of racism for children: Psychology, law, and public policy*, p. 174.

¹⁷² Blandón-Gitlin et al., *Race and ethnicity as a compound risk factor in police interrogation of youth* (2020) in Stevenson et al., *The legacy of racism for children: Psychology, law, and public policy*, p. 174.

¹⁷³ Blandón-Gitlin et al., *Race and ethnicity as a compound risk factor in police interrogation of youth* (2020) in Stevenson et al., *The legacy of racism for children: Psychology, law, and public policy*, p. 175.

¹⁷⁴ Blandón-Gitlin et al., *Race and ethnicity as a compound risk factor in police interrogation of youth* (2020) in Stevenson et al., *The legacy of racism for children: Psychology, law, and public policy*, p. 175.

¹⁷⁵ Interestingly, stereotype threat can also be experienced by police officers, with similar deleterious effects.

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2. *Miranda* Warnings¹⁷⁶

When an initial law enforcement encounter progresses to placing an individual in custody and questioning, policies relating to the reading of *Miranda* warnings are implicated. As discussed below, many police agencies have policies directing law enforcement to notify youth of their rights under *Miranda* immediately upon being placed in custody. However, research demonstrates that youth may be particularly vulnerable to police questioning even if notified of their *Miranda* rights. The increased stress resulting from stereotype threat may impair a suspect's ability to comprehend legal concepts, such as the scope of their rights under *Miranda*.¹⁷⁷ Studies show that youth, generally, are less protected by the *Miranda* warnings officers give than adults under custodial interrogation. Youth also are more likely to waive their rights and speak to officers, even when it is against their interests to do so for many reasons. For example, youth suspects under 15 “are more likely to believe that they should waive their rights and tell what they have done, partly because they are still young enough to believe that they should never disobey authority.”¹⁷⁸ Youth are also more likely to waive their rights if they believe not doing so will create “the potential for immediate negative consequences.” For example, they will waive their rights if they believe doing so will allow them to go home.¹⁷⁹ Relatedly, research shows that youth do not consider the long-term consequences of having their statements used against them — and being subject to adjudication as a result — when deciding whether to waive their rights.¹⁸⁰

(Trinkner et al., *The Force of Fear: Police Stereotype Threat, Self-Legitimacy, and Support for Excessive Force* (2019) 43 *Law and Human Behavior* 5, 421-435.) Officers who are concerned about being labeled as racist — i.e., the “racist police officer” stereotype — may, over time, come to resemble or embody the stereotype as a result of stereotype threat. (*Id.*) In one study, researcher demonstrated that the more officers were more concerned about being labeled as racist, the higher the proportion of their uses of force occurred against Black residents. (Goff et al., *Protecting equity: The Consortium for Police Leadership in Equity report on the San Jose Police Department* (2012) Los Angeles: The Consortium for Police Leadership in Equity, University of California Los Angeles.) This becomes a self-perpetuating cycle. (See, e.g., Sanchez and Rosenbaum, *Racialized Policing: Officers' Voices on Policing Latino and African American Neighborhoods* (2011) *J. of Ethnicity in Criminal Justice* 9, 152-178.) “[I]t is easy to imagine how an erosion in public trust could lead to increased unreasonable force, further eroding public trust.” (Trinkner et al., *The Force of Fear: Police Stereotype Threat, Self-Legitimacy, and Support for Excessive Force* (2019) 43 *Law and Human Behavior* 5, 421-435.)

¹⁷⁶ *Miranda v. Arizona* (1966) 384 U.S. 436. The decision in the *Miranda* case requires officers, before questioning a suspect in a custodial interrogation setting, to explain to the suspect their rights — to remain silent, to have an attorney present during questioning at no cost to them, and to stop answering any questions at any time.

¹⁷⁷ Blandón-Gitlin et al., *Race and ethnicity as a compound risk factor in police interrogation of youth* (2020) in Stevenson et al., *The legacy of racism for children: Psychology, law, and public policy*, p. 174.

¹⁷⁸ Kassir et al., *Police-Induced Confessions: Risk Factors and Recommendations* (Feb. 2010) 34 *Law and Human Behavior* 1, 8.

¹⁷⁹ Kassir et al., *Police-Induced Confessions: Risk Factors and Recommendations* (Feb. 2010) 34 *Law and Human Behavior* 1, 8.

¹⁸⁰ Kassir et al., *Police-Induced Confessions: Risk Factors and Recommendations* (Feb. 2010) 34 *Law and Human Behavior* 1, 8.

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In 2017, recognizing that children and adolescents are “much more vulnerable to psychologically coercive interrogations,”¹⁸¹ the California Legislature passed Senate Bill No. 395, which requires that a youth 15 or younger consult with legal counsel before a custodial interrogation. This consultation is mandatory and cannot be waived.¹⁸² In 2020, Senate Bill No. 203 (2019-2020 Reg. Sess.) (SB 203) extended these protections to youth 17 or younger.¹⁸³ In 2022, California also passed the Juvenile Custodial Interrogations Reform Bill, which prohibits law enforcement from using physically and psychologically harmful interrogation techniques on youth suspects.¹⁸⁴ The bill went into effect on July 1, 2024.¹⁸⁵

3. Consent Searches

As discussed in the 2022 RIPA Report, agreeing to an officer’s request to conduct a search does not necessarily feel voluntary or that there is a choice in the matter, given the inherent power imbalance between law enforcement officers and members of the public.¹⁸⁶ The 2019, 2020, and 2023¹⁸⁷ RIPA data show that individuals perceived to be Black or Multiracial were asked for consent to search at a higher rate than those who are perceived to be White.¹⁸⁸ Further, the 2023 RIPA data show that Black youth perceived to be 15 to 17 were stopped for an average of 51.0 minutes when they gave consent to search, but 152.8 minutes when they did not.¹⁸⁹ This stands in sharp contrast to White youth perceived to be in the same age range; those who gave consent to search were stopped for an average of 54.9 minutes, but an average of 87.7 minutes when they did not give consent.¹⁹⁰

¹⁸¹ Sen. Bill 395 (2017-2018 Regular Sess.)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB395 [as of XX, 2024].

¹⁸² Welf. & Inst. Code, § 625.6; California Department of Justice (March 15, 2023) Mandatory Consultation with Counsel Prior to Custodial Interrogations of Youth Under 18 [Information Bulletin] p. 1
<https://oag.ca.gov/system/files/media/2023-dle-02.pdf> [as of XX, 2024].

¹⁸³ Sen. Rules Com., Off. of Sen Floor Analyses, Sen. Bill No. 203 (2019-2020 Reg. Sess.) as amended July 27, 2020 (“Amended SB 203”), p. 2; Welf. & Inst. Code § 625.6.

¹⁸⁴ Assem. Bill 2644 (2021-2022 Reg. Sess.).

¹⁸⁵ Assem. Bill 2644 (2021-2022 Reg. Sess.).

¹⁸⁶ Racial and Identity Profiling Advisory Board (2022) *Annual Report*. pp. 15, 109, 112-113, 116-118
<https://oag.ca.gov/system/files/media/ripa-board-report-2022.pdf> [as of XX, 2024].

¹⁸⁷ See Table 29, “Percentage of Youth by Age Group Asked for Consent to Search,” Appendix.

¹⁸⁸ Racial and Identity Profiling Advisory Board (2022) *Annual Report*. p. 100

<https://oag.ca.gov/system/files/media/ripa-board-report-2022.pdf> [as of XX, 2024].

¹⁸⁹ See Table 37, “Average Duration of Stop in Minutes by Consent to Search and Identity Among Youth Stops by Age Group,” Appendix.

¹⁹⁰ See Table 37, “Average Duration of Stop in Minutes by Consent to Search and Identity Among Youth Stops by Age Group,” Appendix.

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C. Legitimacy Policing

“Legitimacy policing does not define a specific policing model, but rather a continuum in which the various policing models operate under in day-to-day interactions between officers and civilians.”¹⁹¹ “Legitimacy policing more accurately represents the complexity of modern-day policing—a punitive project at its core that gestures toward courtesy and respect in order to secure information and compliance from criminalized subjects.”¹⁹²

“From its earliest iterations, ‘policing’ related more broadly to social policy than purely law enforcement and was concerned with upholding order, particularly in the urban sphere.”¹⁹³ “Police targeting and stereotyping ... is an enduring feature of policing[] and plays a significant role in reinforcing wider societal perceptions of criminality. These policing practices were, and still are, ... used to reinforce social inequalities, and rooted within long-standing perceptions of urban ordering.”¹⁹⁴

“Since at least the 1970s, hot spot policing, proactive policing, and other investigatory and punitive policing approaches have played a role in criminalizing poor communities of color.”¹⁹⁵ Researchers have examined the shifting continuum by which “officers deploy strategies to appear caring and legitimate in the public eye while continuing the legacy programs of racialized punitive social control and surveillance in marginalized communities.”¹⁹⁶ For criminalized individuals, there was no difference between policing that was courteous, polite, and respectful and those practices that were punitive. “[B]oth extended from the same system of policing intended to further criminalize, control, and adjudicate them by closely scrutinizing and regulating their daily routines and behaviors.”¹⁹⁷ “In addition to feelings of indignity and violation, individuals expressed an awareness of police using courtesy approaches in pretext stops as a means of tracking them.”¹⁹⁸

As noted previously, “the single most common proactive policing strategy¹⁹⁹—directing officers

¹⁹¹ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 62.

¹⁹² Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 62.

¹⁹³ Bland. (2021). ‘Lurking’ and ‘Loitering’: the genealogy of languages of police suspicion in Britain. *Policing and Society*. p. 664.

¹⁹⁴ Bland. (2021). ‘Lurking’ and ‘Loitering’: the genealogy of languages of police suspicion in Britain. *Policing and Society*. p. 667.

¹⁹⁵ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 58.

¹⁹⁶ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 67.

¹⁹⁷ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. pp. 62-63, 68.

¹⁹⁸ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 68.

¹⁹⁹ As noted above, “proactive policing” has also been described as a model “in which officers actively engage

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to make contact with individual boys and young men in ‘high-crime’ areas—may impose a terrible cost.”²⁰⁰ Proactive policing is the strategic targeting of people or places to prevent crimes.²⁰¹ Agencies deploy officers to places where crime is likely to be reported and officers interact with the people most likely to be accused of crimes.²⁰² “This policing strategy results in more frequent contact between police and individuals within neighborhoods where police are disproportionately assigned.”²⁰³

These practices represent a general shift from a culture of investigating crime to surveilling individuals considered prone to committing crime.²⁰⁴ “[P]olicies focused on proactive intervention and police saturation extend a historical pattern of racialized criminalization in the use of stops.”²⁰⁵ The practices are often not multidisciplinary in nature and, instead, exclusively rely on law enforcement to respond to a host of quality of life problems that are best addressed through multi-prong interventions that include non-criminal approaches.

III. THE PATH FORWARD: DEVELOPMENTALLY APPROPRIATE RESPONSES AND BOARD RECOMMENDATIONS

A. Restorative Justice and Deflection/Pre-Arrest Diversion

“The arrest experience is traumatic and can be life-altering.”

As shown in this section, there are unique considerations relating to law enforcement interactions with youth, and the research demonstrates that such interaction should be qualitatively different from those police encounters with adults. Law enforcement policies that are sensitive to those unique considerations — and treat youth differently than adults — are in line with the wealth of research referenced in this section. Robust law enforcement policies regarding youth should address every aspect of police interaction with youth, *starting from the initial police stop*, to avoid the negative and harmful effects of police interaction on youth, and especially youth of color.

citizens in high-crime areas to detect imminent criminal activity or disrupt circumstances interpreted as indicia that ‘crime is afoot.’” Geller et al., *Aggressive Policing and the Mental Health of Young Urban Men* (Dec. 2014) 104 *American Journal of Public Health* 12, 2321-2327, p. 2321. It encompasses tactics such as stop-and-frisk or *Terry* stops.

²⁰⁰ Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 *PNAS* 17, 8261-8268, p. 8267.

²⁰¹ Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 *PNAS* 17, 8261-8268, p. 8261.

²⁰² Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 *PNAS* 17, 8261-8268, p. 8261.

²⁰³ Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 *PNAS* 17, 8261-8268, p. 8261.

²⁰⁴ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. *American Sociological Review*. p. 58.

²⁰⁵ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. *American Sociological Review*. p. 58.

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One way to treat youth differently, starting from the initial police stop, is to emphasize *restorative justice* models of conflict resolution when encountering youth suspected of violations. Previously conceived of as radical or experimental, restorative justice models have in recent years become acknowledged as powerful alternatives to criminal sentencing and punishment. Rather than focusing on the ultimate result of conviction as a “punishment” of the accused through retribution, incarceration, or incapacitation, restorative justice focuses on the need for “repairing” the harm to the wronged party the accused caused. Restorative justice models may also focus on repairing the harms the accused has experienced, “[u]nderstanding and responding to the needs of each involved party and the broader community is central to the collective creation of a just outcome.”²⁰⁶ Restorative justice programs have been implemented across the country in both schools and the courts to divert youth offenders out of the criminal legal system.²⁰⁷

Diversion — where youth offenders can avoid some of the negative effects of the court system — is one form of restorative justice programs that has been shown to be more effective than the juvenile courts in reducing recidivism, and is more developmentally appropriate.²⁰⁸ Relatedly, youth who do not get the benefit of diversion accumulate longer court histories, leading to harsher consequences for any subsequent arrest.²⁰⁹

Diversion can be offered at many different points during a youth’s journey through the criminal legal system. *Deflection*, also known as *pre-arrest* or *pre-bookings* diversion, occurs when authorities do not arrest the youth suspected of a violation, and do not refer the case to juvenile court.²¹⁰ Therefore, no arrest is recorded, and there is no formal involvement in the legal system.²¹¹ After arrest, youth could be offered *pre-filing* diversion (where there is an arrest, but no charges have been filed); *pre-adjudication* diversion (where there is an arrest and charges have been filed), and even *post-adjudication* diversion (which can occur as part of a youth’s re-

²⁰⁶ Pointer, “What is ‘Restorative Justice’ and How Does it Impact Individuals Involved in Crime?” (August 2021) Bureau of Justice Assistance National Training and Assistance Center, <<https://bjatta.bja.ojp.gov/media/blog/what-restorative-justice-and-how-does-it-impact-individuals-involved-crime>> [as of XX, 2024].

²⁰⁷ Martinez, “The Promise and Limits of Restorative Justice for Youth” (August 12, 2021) The Imprint, <<https://imprintnews.org/justice/juvenile-justice-2/the-promise-and-limits-of-restorative-justice-for-youth/57793>> [as of XX, 2024].

²⁰⁸ The Sentencing Project, *Diversion: a Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice* (August 2022) <<https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf>> [as of July 30, 2024].

²⁰⁹ The Sentencing Project, *Diversion: a Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice* (August 2022) <<https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf>> [as of July 30, 2024].

²¹⁰ The Sentencing Project, *Diversion: a Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice* (August 2022) <<https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf>> [as of July 30, 2024].

²¹¹ The Sentencing Project, *Diversion: a Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice* (August 2022) <<https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf>> [as of July 30, 2024].

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entry terms).²¹²

Although diversion *can* happen at different points in time, experts have reached consensus that the *best* time for diversion to happen is immediately, at the point of first contact with law enforcement;²¹³ indeed, multiple studies have shown that *any* contact with the system — even just an arrest, or an initial court date — makes it more likely that a child will experience negative outcomes later in life, including making it less likely they will finish school, and more likely they will become further ensnared in the system.²¹⁴ As the Illinois Juvenile Justice Commission noted, “[t]he arrest experience is traumatic and can be life-altering. It typically involves being taken into custody, handcuffed, transported in a police vehicle to a police facility, fingerprinted and detained (sometimes cuffed to an object) while being ‘processed.’”²¹⁵

These findings indicate that deflection or pre-arrest diversion should be the norm, not the exception. As the initial contact between youth and law enforcement is crucial, researchers recommend that law enforcement reassess their approach to youth contact entirely, with an understanding that each contact should end in pre-arrest diversion where possible. Notably, this year, the California Legislature “reaffirm[ed] its support for utilizing research- and evidence-based, trauma-informed, community-based programs that include alternatives to arrest, incarceration, and formal involvement with the juvenile justice system, and which aim to deflect or divert youth from justice system engagement at the earliest possible point.”²¹⁶

In 2021, there were more than 40 statutes, laws, and provisions throughout California implementing some form of diversion or restorative justice for youth offenders.²¹⁷ In Santa Cruz County, the implementation of two publicly-funded youth diversion programs for youth charged with certain offenses contributed to a 27 percent drop in juvenile hall bookings between 2011 and 2020.²¹⁸ In 2022, Los Angeles County created and implemented its Department of Youth Development (DYD); a portion of its mission focuses on “community-based youth diversion and

²¹² Ellis, “CYS Restorative Justice Diversion,” < <https://tinyurl.com/5n7kbrr8> > [as of July 30, 2024].

²¹³ See, e.g., Illinois Juvenile Justice Commission, “Preventing Youth Arrests through Deflection,” <<https://ijjc.illinois.gov/wp-content/uploads/2021/08/IJJC-Deflection-Report-November-2020.pdf>> [as of XX, 2024] (“Procedurally-just interactions, which avoid arrests whenever possible and advance racial equity, must be prioritized in every . . . community”).

²¹⁴ Washburn, “LA County Embarks on Sweeping Youth Diversion Plan” (March 8, 2018) California Health Report, <<https://www.calhealthreport.org/2018/03/08/la-county-embarks-sweeping-youth-diversion-plan/>> [as of July 30, 2024].

²¹⁵ Illinois Juvenile Justice Commission, “Preventing Youth Arrests through Deflection,” <<https://ijjc.illinois.gov/wp-content/uploads/2021/08/IJJC-Deflection-Report-November-2020.pdf>> [as of XX, 2024].

²¹⁶ Sen. Bill 1484 (2023-2024 Regular Sess.) § 1.

²¹⁷ Martinez, “The Promise and Limits of Restorative Justice for Youth” (August 12, 2021) The Imprint, <<https://imprintnews.org/justice/juvenile-justice-2/the-promise-and-limits-of-restorative-justice-for-youth/57793>> [as of XX, 2024].

²¹⁸ Martinez, “The Promise and Limits of Restorative Justice for Youth” (August 12, 2021) The Imprint, <<https://imprintnews.org/justice/juvenile-justice-2/the-promise-and-limits-of-restorative-justice-for-youth/57793>> [as of XX, 2024].

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restorative practices.”²¹⁹ An internal review of DYD’s programs noted that only 5 percent of youth who enrolled in DYD’s diversion program had a petition filed within 12 months, compared to around 20 percent of youth who had not enrolled in the program.²²⁰ A 2016 study of restorative justice programs in Texas showed recidivism rates dropped from 50 percent to 31 percent when youth were permitted to access those programs rather than the traditional juvenile court system.²²¹

Unfortunately, youth of color are not referred to diversion at the same rate as White youth, depriving them of the short and long-term benefits of diversion and restorative justice programs. In Los Angeles County’s DYD program, for example, Black youth were deemed eligible for diversion at lower rates than White youth, and Black youth enrolled in diversion at much lower rates than White youth.²²² However, Black and Latine youth who were enrolled substantially completed their formal diversion at a rate at least equivalent to White youth.²²³

Other research similarly shows youth of color referred to diversion at lower rates than their White counterparts. Nationally, 52 percent of White youth in 2019 were referred to diversion out of juvenile courts, compared to only 40 percent of Black youth, and 44 percent of Latine youth.²²⁴ These disparities appear to be increasing. In 2005, the share of White youth referred to diversion “was 20 percent higher than the share for Black youth. By 2019, the gap increased to 30

²¹⁹ Department of Youth Development, “About Us,” <<https://dyd.lacounty.gov/about/>> [as of July 30, 2024].

²²⁰ Department of Youth Development, “Department of Youth Development – Second Year-in-Review,” <https://dyd.lacounty.gov/wp-content/uploads/2024/07/DYD-Year-2-in-Review.pdf> [as of July 30, 2024].

²²¹ Bouffard et al., *The Effectiveness of Various Restorative Justice Interventions on Recidivism Outcomes Among Juvenile Offenders* (2016) 15 *Youth Violence and Juvenile Justice* 4, 465-480.

²²² Department of Youth Development, “LA County Department of Youth Development – Diversion Program Outcome and Equity Assessment & Cost Benefit Analysis” (2024), <https://dyd.lacounty.gov/wp-content/uploads/2024/07/DYD_Outcome-Equity-Report_Final-Report.pdf> [as of July 30, 2024]. There are several factors that affect the rates at which youth decide to enroll in diversion programs which are unrelated to a child’s interest in participating or motivation to participate. For example, DYD notes that factors such as youth proximity to available diversion programs may explain lower Black youth enrollment, especially if those programs are located “outside a reasonable traveling distance from their residence at a greater rate than other racial and ethnic groups.” (Department of Youth Development, “LA County Department of Youth Development – Diversion Program Outcome and Equity Assessment & Cost Benefit Analysis” (2024), <https://dyd.lacounty.gov/wp-content/uploads/2024/07/DYD_Outcome-Equity-Report_Final-Report.pdf> [as of July 30, 2024].) Other research demonstrates that the imposition of diversion fees or costs has disproportionate impact, exacerbating disparities. (Schlesinger, *Decriminalizing Racialized Youth through Juvenile Diversion* (2018) 28 *The Future of Children* 1, 59-81; see also the Sentencing Project, *Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice* (August 2022).

²²³ Department of Youth Development, “LA County Department of Youth Development – Diversion Program Outcome and Equity Assessment & Cost Benefit Analysis” (2024), <https://dyd.lacounty.gov/wp-content/uploads/2024/07/DYD_Outcome-Equity-Report_Final-Report.pdf> [as of July 30, 2024].

²²⁴ Sickmund et al., “Easy Access to Juvenile Court Statistics: 1985-2019” (2019) <<https://www.ojjdp.gov/ojstatbb/ezajcs/>> [as of July 30, 2024].

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percent.”²²⁵ Such disparities have been seen in various states.²²⁶

Effective restorative justice programs should account for racial disparities in who is referred to these programs, and at the very least, youth of color should be referred to those programs in proportion to the population.

Racial disparities in restorative justice programs are also seen in other areas involving youth offenses, such as in the school setting.²²⁷ Diversion programs in the school setting show similar positive outcomes, reducing the Black-White suspension gap while simultaneously boosting teacher reports of school climate and reducing overall rates of suspension.²²⁸ These disparities are particularly troubling because restorative practices have significant benefits for youth of color. In Los Angeles, Black youth who successfully completed diversion had the highest share of improvement across development goals compared to White or Latine youth, including social support, and caring adult relationships.²²⁹

Research shows that one major driver of these disparities is discretion authorities have in choosing who is referred to restorative justice programs.²³⁰ Effective diversion programs are those that mandate diversion for specific violations, or create a presumption for diversion for

²²⁵ The Sentencing Project, *Diversion: a Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice* (August 2022) <<https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf>> [as of July 30, 2024].

²²⁶ For example, one study of youth accused of drug offenses in Florida noted that Black youth were significantly less likely to be given pre-adjudication diversion when compared to White youth. (Hayes-Smith and Hayes-Smith, *Race, Racial Context, and Withholding Adjudication in Drug Cases: A Multilevel Examination of Juvenile Justice* (2009) 7 J. of Ethnicity in Criminal Justice 3, 163-185, p. 176.) This disparity was not affected by the relative size of the Black population, racial economic inequality, concentrated disadvantage, or the crime rate. (Hayes-Smith and Hayes-Smith, *Race, Racial Context, and Withholding Adjudication in Drug Cases: A Multilevel Examination of Juvenile Justice* (2009) 7 J. of Ethnicity in Criminal Justice 3, 163-185, p. 179.) Researchers opined that the prevalence of structural inequality and racial bias in the criminal legal system was a driver for these racial disparities. (Hayes-Smith and Hayes-Smith, *Race, Racial Context, and Withholding Adjudication in Drug Cases: A Multilevel Examination of Juvenile Justice* (2009) 7 J. of Ethnicity in Criminal Justice 3, 163-185, p. 169.)

²²⁷ Davison et al., *Restorative for All? Racial Disproportionality and School Discipline Under Restorative Justice* (August 2022) 59 Am. Educ. Res. J. 4, 687-718; Hashim et al., *Justice for All? Suspension Bans and Restorative Justice Programs in the Los Angeles Unified School District* (February 2018) 93 Peabody J. of Educ. 2, 174-189.

²²⁸ Davison et al., *Restorative for All? Racial Disproportionality and School Discipline Under Restorative Justice* (August 2022) 59 Am. Educ. Res. J. 4, 687-718.

²²⁹ Department of Youth Development, “LA County Department of Youth Development – Diversion Program Outcome and Equity Assessment & Cost Benefit Analysis” (2024), <https://dyd.lacounty.gov/wp-content/uploads/2024/07/DYD_Outcome-Equity-Report_Final-Report.pdf> [as of July 30, 2024].

²³⁰ The Sentencing Project, *Diversion: a Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice* (August 2022) <<https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf>> [as of July 30, 2024]; Department of Youth Development, “LA County Department of Youth Development – Diversion Program Outcome and Equity Assessment & Cost Benefit Analysis” (2024), <https://dyd.lacounty.gov/wp-content/uploads/2024/07/DYD_Outcome-Equity-Report_Final-Report.pdf> [as of July 30, 2024]; Hashim et al., *Justice for All? Suspension Bans and Restorative Justice Programs in the Los Angeles Unified School District* (February 2018) 93 Peabody J. of Educ. 2, 174-189.

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those violations, removing such discretion and making such programs available regardless of race or identity.²³¹ Researchers also recommend explicitly targeting racial disparities in diversion participation, making the reduction in such disparities a priority.²³² Kentucky, for example, amended its court diversion programs significantly in 2014. Among other reforms, the new law mandated that all youth be offered diversion for certain first-time misdemeanor complaints, and limited prosecutors' authority to override diversion decisions for youth meeting the criteria.²³³ Those changes resulted in a 10 percent decrease in disparities between White and Black youth referred to diversion over a four-year period.²³⁴

There are no agency-wide policies in any Wave 1 or Wave 2 agencies in California *mandating* diversion, much less pre-arrest diversion, for youth suspected of offenses. Making diversion mandatory — or, at the very least, mandating the offer of diversion to youth absent specific, articulable exceptions — would likely reduce discrepancies between White and non-White youth in participating in these programs. Los Angeles County's DYD program is a step in the right direction, and law enforcement agencies should be encouraged to assess the benefits and feasibility of such programs going forward.

B. Prior Board Recommendations Related to Youth

The Board has, in prior reports, made several recommendations regarding police interactions with youth. These recommendations are consistent with and supported by the research discussed in this section, as they recognize and are sensitive to the unique considerations present in any law enforcement interaction with youth. They are also consistent with the unique considerations present in law enforcement's interaction with youth of color. If implemented, these recommendations would mitigate the harmful effects of racial and identity profiling. The Board reaffirms these recommendations in this year's report:

- The Legislature, municipalities, and law enforcement agencies should prohibit the collection of field interview cards and entries of youth into CalGang, or any agency database designed to track criminal information after youth are questioned or a field interview is conducted without the presence of an attorney.²³⁵

²³¹ The Sentencing Project, *Diversion: a Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice* (August 2022) <<https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf>> [as of July 30, 2024].

²³² The Sentencing Project, *Diversion: a Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice* (August 2022) <<https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf>> [as of July 30, 2024].

²³³ Harvell et al., "Assessing Juvenile Diversion Reforms in Kentucky" (September 2020) <https://www.urban.org/sites/default/files/publication/102853/assessing-juvenile-diversion-reforms-in-kentucky_0.pdf> [as of July 30, 2024].

²³⁴ Harvell et al., "Assessing Juvenile Diversion Reforms in Kentucky" (September 2020) <https://www.urban.org/sites/default/files/publication/102853/assessing-juvenile-diversion-reforms-in-kentucky_0.pdf> [as of July 30, 2024].

²³⁵ Racial and Identity Profiling Advisory Board (2024). *2024 RIPA Report: Recommendations and best practices*. p. 3 <<https://oag.ca.gov/system/files/media/ripa-best-practices-2024.pdf>> [as of May, 10, 2024].

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- If an agency does not adopt the previous recommendation, the agency should recognize and state in their policies that these encounters may not be fully consensual, and officers should be required to inform the individuals subject to the field interview that they do not have to respond to questions and are free to leave.²³⁶
- Policymakers should consider providing youth with additional protections and safeguards prior to waiving any rights, particularly if any statements they make could lead to their inclusion in a criminal database or could be used against them in criminal proceedings.²³⁷
- Policymakers should reform use of force policies and practices to take into account the physical and developmental differences between youth and adults.²³⁸

The Board has also made other recommendations which, while not specific to youth, are also consistent with and supported by the research discussed in this section. These recommendations should, at the very least, be applied to all police interactions with youth:

- The Legislature, law enforcement agencies, and local policymakers should prohibit or limit supervision inquiries during stops (i.e. asking whether the stopped person is under a form of supervision).²³⁹
- Officers should be prohibited from detaining or searching a person simply because an officer is aware of the person’s supervision status, recommending that the officer should instead, at a minimum, have a reasonable suspicion the person is engaged in criminal activity.²⁴⁰
- Policymakers should consider requiring officers to have probable cause prior to conducting a search of youth or take measures to prohibit officers from requesting consent to search youth without an attorney present.²⁴¹

This year’s RIPA data, consistent with prior years, demonstrates disparities in how police

²³⁶ Racial and Identity Profiling Advisory Board (2024). *2024 RIPA Report: Recommendations and best practices*. p. 3 <<https://oag.ca.gov/system/files/media/ripa-best-practices-2024.pdf>> [as of May, 10, 2024].

²³⁷ Racial and Identity Profiling Advisory Board, *RIPA Report: Recommendations and Best Practices* (2023) p. 3 <<https://oag.ca.gov/system/files/media/2023-ripa-report-best-practices.pdf>> [as of XX, 2024].

²³⁸ Racial and Identity Profiling Advisory Board, *RIPA Report: Recommendations and Best Practices* (2023) p. 3 <<https://oag.ca.gov/system/files/media/2023-ripa-report-best-practices.pdf>> [as of XX, 2024].

²³⁹ Racial and Identity Profiling Advisory Board, *RIPA Report: Recommendations and Best Practices* (2022) p. 4 <<https://oag.ca.gov/system/files/media/2022-ripa-report-best-practices.pdf>> [as of XX, 2024].

²⁴⁰ Racial and Identity Profiling Advisory Board, *RIPA Report: Recommendations and Best Practices* (2022) p. 4 <<https://oag.ca.gov/system/files/media/2022-ripa-report-best-practices.pdf>> [as of XX, 2024]; see also Strategies for Youth, “Policy 2: Investigatory Stops, Non-custodial Interviews, and Search and Seizure of Youth” <<https://strategiesforyouth.org/Model-Policy2.pdf>> [as of August 1, 2024].

²⁴¹ Racial and Identity Profiling Advisory Board, *RIPA Report: Recommendations and Best Practices* (2023) pp. 3-4 <<https://oag.ca.gov/system/files/media/2023-ripa-report-best-practices.pdf>> [as of XX, 2024]. Some scholars have suggested that because of these disparities and the lack of voluntariness in agreeing to a search — as well as the racial disparities that characterize the rate of consent searches — officers should be required to have probable cause before conducting a search of anyone, especially youth. (Anitto, *Consent Searches of Minors* (2014) 38 N.Y.U. Rev. of L. & Social Change 1-2, 7, 18, 36-37, 41, 45, 48-49 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2412356> [as of XX, 2024].)

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interact with racialized youth, and underscores how important these recommendations continue to be. This year’s focus on youth and policing — touching upon and building upon data from prior Board reports — allows the Board to look closely at the realities of youth interaction with police. For example, although the Board has recommended law enforcement should be prohibited from using field interview cards for youth, law enforcement agencies still complete field interview cards on Black and Latine youth far more frequently than on White youth.²⁴² While the Board recommended that children not be entered into CalGang, 172 entries in CalGang were of youth between 13 and 17 years old.²⁴³ Although the Board has made recommendations that would limit the amount of time a person was stopped or searched, the data shows youth between the ages of 15-17 and perceived to be Native American, Black, Pacific Islander, and Middle Eastern were stopped for durations far longer than White youth.²⁴⁴

Unless the Board’s recommendations are considered and implemented, there is a high likelihood that the data will continue to show these disparities, and a high likelihood that racial and identity profiling will continue to persist.

C. This Year’s Board Recommendations

The research discussed in this section shows that there are many harmful, unintended effects of law enforcement interaction with youth, and youth of color specifically. These harmful effects become more pronounced when there are disparities in law enforcement interaction with youth of color as a result of racial and identity profiling. To better align existing expectations in state law with best practices for interacting with youth, to reduce these harmful effects, and to reduce the harmful outcomes of racial and identity profiling, the Board recommends that law enforcement agencies, municipalities, district attorneys, and the Legislature do the following:

1. The Legislature should create and fund a community panel responsible for developing, standards, policies, and training for officers as it relates to youth with a focus on use of force, de-escalation, and child development.²⁴⁵ Members of the panel should include, at a

²⁴² See, e.g., Figure 149, Appendix. Officers completed field interview cards on youth perceived to be between the ages of 12 and 14 and Black in 14.9 percent of stops (263 stops), Latine in 13.17 percent of stops (738 stops), and just 5.47 percent of stops (138 stops).

²⁴³ California Department of Justice. (2023). *Attorney General’s Annual Report on CalGang*. p. 1 <<https://oag.ca.gov/system/files/media/ag-annual-report-calgang-2023.pdf>> [as of August 1, 2024]; California Department of Justice. (2023). *AG Annual Report on CalGang 2023: 2023 dataset*. <<https://www.oag.ca.gov/system/files/media/calgang-ag-dataset-2023.xlsx>> [as of August 1, 2024].

²⁴⁴ See Tables 37 and 38, Appendix. Across all stops, youth between the ages of 15-17 and perceived to be Native American were stopped for an average of 58.0 minutes, or nearly an hour; Black youth were stopped for an average of 48.5 minutes; Pacific Islander youth were stopped for an average of 38.1 minutes; White youth in that age group were stopped for just 23.6 minutes. When they did not give consent to be searched, youth between the ages of 15-17 and perceived to be Middle Eastern were stopped for an average of 181.0 minutes, or more than 3 hours. Latine youth were stopped for an average of 152.8 minutes, or more than 2½ hours. Black youth were stopped for an average of 92.4 minutes, or more than 1½ hours. White youth in that age group were stopped on average for 87.7 minutes.

²⁴⁵ Strategies for Youth, “Policy 5: Use of Force with Youth,” <<https://strategiesforyouth.org/Model-Policy5.pdf>>

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minimum, experts in the development of use of force policies and trainings and address biases that commonly affect youth, such as adultification bias. The panel shall develop policies and training and address issues such as:

- a. Use of the least restrictive means of force when interacting with youth in the field, and should limit the use of restraints, handcuffs, or other devices, such as a TASER or hobble restraint.
 - b. Similarly, use of the least restrictive means of force when interacting with youth while in police custody.
 - c. When to limit or proscribe an officer's actions when interviewing or questioning youth in the field, including limiting the use of harsh language and treating youth with "courtesy and respect in order to secure information and compliance."²⁴⁶
 - d. Enact and fund legislation requiring POST and law enforcement agencies to develop standards, policies, and training for officers on using force against youth while in police custody.²⁴⁷
2. The Legislature should require and fund mandatory deflection or pre-arrest diversion for all youth charged with a status offense, misdemeanor, or low-level/nonviolent felony. In the alternative, these agencies should create policies where there is a rebuttable presumption of pre-arrest diversion for these offenses.²⁴⁸
 3. The Legislature, agencies, and municipalities should explore how limiting officer discretion in stops could reduce racial disparities and make specific findings from their study.²⁴⁹ This is consistent with the research noted in other sections of this report.²⁵⁰ Legislation such as Senate Bill 50, proposed in 2023, would be one way to address how such officer discretion could be appropriately limited.²⁵¹

[as of August 1, 2024].

²⁴⁶ Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 72.

²⁴⁷ Assem. Com. on Public Safety, Off. of Sen Floor Analyses, Rep. on Assem. Bill No. 2644 (2021-2022 Reg. Sess.) as amended March 22, 2022 ("Amended AB 2644"), pp. 3-5.

²⁴⁸ Harvell et al., "Assessing Juvenile Diversion Reforms in Kentucky" (September 2020) <https://www.urban.org/sites/default/files/publication/102853/assessing-juvenile-diversion-reforms-in-kentucky_0.pdf> [as of July 30, 2024].

²⁴⁹ In response to emerging research, several law enforcement agencies in California, including California Highway Patrol (CHP) and Los Angeles Police Department (LAPD), have adopted policies to limit officer discretion in stops. (California Highway Patrol, General Order: Search and Seizure Policy, 100.91 (Aug. 2019); L.A. County Board of Police Commissioners, Department Manual Vol. 1: 240.06 Policy Limitation on Use of Pretextual Stops (Mar. 2022) pp. 1-2 <http://www.lapdpolicecom.lacity.org/030122/BPC_22-042.pdf> [as of XX, 2024].) In Los Angeles, this policy has led to a small, but statistically significant, reduction in the disparities of stops between White and Black individuals. (Boehme, *The effect of formal de-policing on police traffic stop behavior and crime: Early evidence from LAPD's policy to restrict discretionary traffic stops* (2024) *Criminology and Public Policy*, 1-26 [noting that share of Black drivers decreased by 3.6% since the introduction of the policy].)

²⁵⁰ See POST Training and Recruitment part IV. C, discussing policies limiting officer discretion.

²⁵¹ Sen. Bill No. 50 (2023-2024 Reg. Sess.) as amended September 7, 2023.

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4. The Board recommends that law enforcement agencies reevaluate proactive policing practices and should collaborate with community-based organizations and other social services agencies to form partnerships so that law enforcement officers are not the primary responders to behavioral emergency incidents involving youth.²⁵²

These types of partnerships can be profoundly impactful for youth and avoid many of the negative, long-lasting effects of becoming involved in the criminal legal system.²⁵³

IV. CONCLUSION AND VISION FOR FUTURE REPORTS

A wealth of research demonstrates that police interaction with youth can have profound consequences for those youth later in life and can affect both the youth and the community at large. Policies that recognize the impact such interactions can have on youth can greatly benefit racialized communities and the state as a whole. The Board will continue to explore the interaction between youth and police — and any policy developments which affect that interaction — in subsequent reports. The Board hopes that by identifying trends in the data that show disparities or demonstrate racial profiling, the data will be used by communities, agencies, and municipalities to develop policies to reduce, and ultimately prevent disparate treatment.

²⁵² Rios et al. (2020). *Mano Suave-Mano Dura: Legitimacy policing and Latino stop-and-frisk*. American Sociological Review. p. 72.

²⁵³ For example, organizations such as Centinela Youth Services, which has partnered with law enforcement agencies in Los Angeles County for nearly 50 years (Centinela Youth Services, “About Us,” < <https://www.cys-la.org/about> > [as of XX, 2024]),²⁵³ has provided restorative justice services and diversion to more than 1,200 youth suspected of misdemeanors, felonies, status offenses, or high-needs youth who are truant, suspended or expelled from school (Centinela Youth Services, “Centinela Youth Services (CYS): Everychild Restorative Justice Centers” <<https://file.lacounty.gov/SDSInter/bos/supdocs/121501.pdf>> [as of XX, 2024]). Youth who participate in CYS’s diversion programs have much lower recidivism rates (just 11%, compared to 30-60% for youth going through the normal justice process), complete 6 times more community service hours, and are 166 times more likely to pay monetary restitution. (Centinela Youth Services, “CYS Restorative Justice Diversion” <<https://tinyurl.com/2s3pfk9t>> [as of XX, 2024].)

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