

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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STOP DATA ANALYSIS SUBCOMMITTEE MEETING MINUTES

June 23, 2023 10:00 a.m. - 12:00 p.m.

Subcommittee Members Present: Chair Lily Khadjavi, Member Chad Bianco, Member John Dobard, Member Lawanda Hawkins, Member Abdul Pridgen, Member Sean Duryee, and Member Rich Randolph

Subcommittee Members Absent: Members Andrea Guerrero and Tamani Taylor

1. Introductions

Chair Khadjavi called the meeting to order at 10:17 a.m. Each Stop Data Subcommittee member (herein Subcommittee) introduced themselves. Chair Khadjavi concluded introductions with a welcome to all attending the meeting.

2. Approval of January 26, 2023 Subcommittee Meeting Minutes

Chair Khadjavi opened asking if any members would like to discuss the draft meeting minutes. Member Pridgen identified a friendly edit on page 1 of the draft meeting minutes. He moved to approve the minutes as amended which Member Duryee seconded. There were six Ayes, zero Nays, and one Abstention. The motion to adopt the meeting minutes as amended has passed.

3. Election of Subcommittee Co-Chair

Chair Khadjavi opened the agenda item and stated the Co-Chair position for the Subcommittee is open. She asked the Subcommittee for nominations and clarified that any Subcommittee member can be nominated. Member Bianco volunteered for the position and nominated himself for Co-Chair which Member Hawkins seconded. A roll call vote was then initiated:

Ayes: Member Pridgen, Member Duryee, Member Dobard, Member Randolph, Member Hawkins, Chair Khadjavi, and Member Bianco

Nays: None

Abstentions: None

With seven Ayes, zero Nays, and zero Abstentions, Member Bianco was elected Co-Chair.

Deputy Attorney General (DAG) Allison Elgart welcomed Co-Chair Bianco on his new role. Co-Chair Khadjavi moved the subcommittee to the next agenda item.

4. Overview of Subcommittee Work & Updates by Department of Justice

Co-Chair Khadjavi opened the agenda item by giving the floor to the Department of Justice (DOJ) for presentations. Research Data Supervisor I Kevin Walker (Walker) and DOJ Research Data Specialist I Marshall McMunn (McMunn) provided updates on stop data received from 2022, planned data analysis, strategies to identify data anomalies indicative of miss or underreporting,

alternative coding methods for the gender variable contained in the RIPA data, and proposed changes to the appendix.

Stop Data Overview

Walker reported on stop data records collected in the 2022 calendar year. He stated that in 2022 wave four data from agencies employing 333 sworn peace officers or fewer were collected from 560 agencies. He stated that of the 560 agencies, 535 agencies reported 4,575,725 stops which was 1,391,182 more stops reported from 2021; he indicated the 25 other agencies that did not report stop data were mostly agencies who employ a peace officer but are not primarily tasked with law enforcement activities (e.g., district attorney's office, medical examiner's office, etc.).

Walker also reported on the demographic distributions of individuals stopped. He stated that the racial and ethnicity distribution is similar to past reports with Hispanic/Latine(x) individuals experiencing the most stops followed by white individuals then Black individuals. He stated when the 2022 stop data aforementioned is compared against the American Community Survey data on the California residential population conducted by the United States Census Bureau in 2021 that, relative to the populations of residents within the state, individuals perceived to be Black had the highest degree of variation as far as over-representation within the stop data. He also stated that the highest degree of variation as far as under-representation within the stop data were those perceived to be multiracial, but clarified that literature indicated that perceiving others as multiracial is not as reliable as the individual's perception about their own multiracial identity which may contribute to the variation seen.

Walker also reported on other data distributions that included:

- That cisgender males accounted for 70% of stops reported with cisgender females accounted for 28%.
- That comparable to years past ages 25 to 34 accounted for the peak of stops experienced when the data is distributed by age
- That 99.2% of those stopped were perceived to be non-LGBT whereas .8% of those stopped were perceived to be LGBT
- That 95.5% of those stopped were perceived to be English fluent whereas 4.5% were perceived to have limited English fluency
- That 98.6% of those stopped were perceived to have no disability and that a mental health disability was the most perceived disability of the 1.4% who are stopped with a perceived disability.

Walker also reported on the distribution for the primary reason for stops. He stated that traffic violations accounted for 82.1% of stops for the 2022 stop data and noted that the figure was down from 86.8% reported in 2021. He also stated that 9.3% of stops made were made in response to a call for service.

Planned Data Analysis for Policy Sections

McMunn presented to the Subcommittee the analyses that will be used to support the policy section of this year's report which consisted of:

- Stops by officer assignment type
- Use of force and identity
- Simple drug possession
- LAPD pretext policy
- Stops with sole resisting arrest charge
- Field interview cards and identity
- Stops of students / on school campuses

McMunn opened his presentation and noted that the overall stop rate for those perceived to be Black individuals was 2.5 times as many stops per resident which was sourced from 2022 stop data collected and the 2021 Statewide American Community Survey data. He also shared that the stop data collected could also be used to assess outcome rates as a results of stops and shared that those perceived to be Black individuals were 4.2 times more likely to be searched during a stop per resident.

McMunn reported on analysis conducted on stops based on officer assignment type. He stated that 95.4% of stops were from officers assigned to patrol which was followed by the other category and gang enforcement assignment types at 1.98 % and 1.32% respectively. He shared that the average stop per 100,000 California resident was 11.597 per resident. He shared demographic data and stated that residents perceived as Black had 1.7 times as many stops as the average resident perceived to be a pacific islander and 1.3 times as many stops as residents perceived as Hispanic or Latine(x); He stated that the rest of the demographic groups fell below the state average of 100,000 per resident. McMunn delved deeper and presented racial and ethnic demographic data in relation to officer assignment type. He stated that in nine of the ten officer assignment types, the highest per capita stop rates occurred among individuals perceived as Black, Hispanic, or Pacific Islander. He also highlighted the largest relative collective disparity in that individuals perceived to be Blacked were 23 times more likely to be stopped by an officer assigned to gang enforcement compared to other demographics.

McMunn also presented the DOJ Research Center's (DOJRC) data analysis on use of force application on different identities. He stated that in total there were 116,752 use of force incidents reported in 2022 which results in 296 use of force instances per 100,000 California residents. The highest use of force rate was among individuals perceived as Black with 986 instances per 100,000 California resident which is three times more than the state average per resident. He also stated that those perceived as Hispanic/Latine(x), and Pacific Islanders also encountered higher than average use of force incidents per 100,000 California residents. In terms of age, he reported that the highest use of force instance were those perceived to be 30 to 34 at 798 instances per 100,000 California residents but that age groups between 18 and 44 years experienced higher per capita use

of force rates than the average. The age groups with the lowest rates of occurrence were those under the age of 15 and over the age of 65.

McMunn continued his presentation by covering analysis conducted on stops involving simple drug possession. He stated that the analysis focused on stops or reasons for stop as a result of Health and Safety Code sections 11364, 11350(a), and 11377(a) violations (herein simple drug charges). The analysis displayed determined that:

- 1.5% of stops across the RIPA data were listed as a result of simple drug charges
- 13.9% of stops that result in simple drug charges were based on violations of the aforementioned Health and Safety Code sections
- More than a third of the stops that resulted in the aforementioned simple drug charges listed traffic as the reason for the stop
- The top reason a traffic stop occurred in relation to simple drug charges was that the vehicle had no registration for a vehicle trailer.
- The two top reasons a traffic stop occurred based on suspicion and that led to drug charges were possession of paraphernalia or controlled substance.

McMunn continued the presentation and reported that several reasons for stops resulting in simple drug charges were due to equipment violations. He stated that the most common equipment violation reasons for stops that lead to simple drug charges (i.e., Vehicle Code sections 4000(A), 5200(A), and 21201(D)) that there are large disparities between groups. He highlighted that those perceived to be Black are 6.9 times more likely to be stop per 100,000 California resident than those who are perceived to be white individuals.

McMunn also stated that individuals are stopped and searched at a higher rate than the average for the same aforementioned vehicle code violations as the rates nearly doubled. The average search rate in 2022 traffic stops was 6.3%; however, searches based on Vehicle Code sections 4000(A), 5200(A), and 21201(D) violations increased to 12.5%, 12.8%, and 39.1% respectively. He also reported that these searches disparately occurred more often to those perceived to be Black individuals. He also revealed that in spite being searched at a disparately higher rate than other groups, the percent of searched which result in simple drug charges for Black individuals is lower than white individuals.

McMunn continued the presentation and reported the effects of Los Angeles Police Department's (LAPD) stop data after modifying their pretext policy. He stated that LAPD's new pretext policy, implemented on March 1, 2022, required police officers to articulate reasoning behind pretextual stops on body worn video and to make stops for minor equipment violations or infractions when it significantly interferes with Public Safety. He explained that the analysis conducted categorized the top 100 LAPD traffic reasons for stop as either a moving or non-moving violation as the two categories holistically accounted for 95 of the reasons for a traffic stop. He reported that initially the two categories mirrored in occurrence, but that since the new pretext policy's implementation both not only had a decreasing trend but that non-moving traffic violation stops would occur less

frequently than traffic stops based on moving violations. He also reported that the DOJRC conducted an additional analysis of the LAPD data which compared the percentage change particular traffic offense types of time periods before and after the pretext policy's implementation. He shared that similar to the prior analysis, traffic stops on the basis of an equipment violation occurred less in 2022 than in 2021. He also reported that traffic stops based on moving violations increased in 2022 when compared to 2021 data.

McMunn also covered the DOJRC's analysis on stop data collected on residents who are solely charged with resisting arrest (Pen. Code, § 148(A)(1)). He stated that there were 4,575 stops that only charged the resident solely with resisting arrest which constituted 0.1% of all stops made. He reported that when compared to perceived racial and ethnic groups per 100,000 California resident, those who are perceived to be Black and Native American had more instances of being charged with resisting arrest than other groups. McMunn also covered the DOJRC's analysis on field interview card stop data. He shared that individuals perceived to be Black have field interview cards filled out at a rate of three times higher per California resident than any other racial or ethnic group and 6.4 times higher per California resident than individuals perceived as white. McMunn then closed this portion of his presentation by presenting on the DOJRC's last planned analysis for the draft report section. He shared the DOJRC's analysis on reasons students are stopped and reported that the highest reasons given were possession of marijuana on school grounds, possession of weapons at K-12 schools, and several battery charges.

Identification of Data Anomalies

McMunn presented the DOJRC's efforts to identify data anomalies. He stated that the effort involved looking at agency calendar's completeness to identify which agencies were missing entire months of RIPA data and which specific agencies have highly variable monthly total amounts of stops reported. He also shared that the effort also involved review of data fields that have unexpected patterns by agency which include:

- Specific citations codes that are used at very high frequencies that are not found in table
- Perception of all seven racial and ethnic categories within single individuals
- Field of stop duration entry errors
- Outlier agencies in frequency of field interview cards, curbside detention, patrol car detentions, and physical/vehicle contact

Co-Chair Khadjavi then invited the Subcommittee members to provide feedback and comments on the work presented so far. Member Randolph thanked Walker and McMunn for their presentation and inquired on whether the graphs and data presented were generated from comparisons of 2021 and 2022 RIPA data as data from 2021 was sourced from a significantly smaller amount of agencies than in 2022. Walker confirmed that the data and graphs presented were largely only sourced from 2022 data except the graphs McMunn presented with for the LAPD analysis. Member Randolph also inquired whether the use of force and identity analysis took into consideration the use of force continuum as even non-physical actions can be considered a use of

force and stressed the importance that use of force should not necessarily connote that an officer applied physical force on an individual. Member Pridgen also asked whether all wave four agencies submitted RIPA data in a timely manner. Walker stated that the DOJRC was not directly involved with RIPA data collection and fielded the question to Staff Services Manager III Erin Choi from the Criminal Justice Information Systems (CJIS) department who clarified that not all agencies submitted their data in a timely manner. She further clarified that agencies were proactive to inform the DOJ that they could be a delay with their data submissions and that agencies that normally do not conduct traffic stops were still required to submit data should they have done so.

Co-Chair Khadjavi asked McMunn what the officer assignment types composed the other category in their officer assignment types and traffic stop analysis. McMunn stated that he would not be familiar with what officer assignment types composed the category and invited the subcommittee members who may be familiar to answer the question. Member Pridgen stated that the category could consist of specialized units strictly assigned to conducting traffic stops and noted that larger law enforcement agencies have more compartmentalized and robust unit organization. Member Duryee also provided his insight and noted that the other category could attribute some of its value to commercial inspection stops that law enforcement performs. Co-Chair Khadjavi recommended that the officer assignment types in the other category be listed as it could provide additional insight. She also recommended that for graphs and slides presented list the overall number and overall rate as it could provide scale to the percentages and rates displayed. Member Randolph also inquired on whether the officer assignment type analysis aggregated calls for service with the patrol assignment type. Walker explained whether as stop was made in response to a call for service numbers is captured as a separate variable from officer assignment type.

Alternative Coding Methods for Gender Variable

Walker presented on two proposals to adopt an alternative coding method for the gender variable for the Subcommittee's consideration. He prefaced his presentation confirming that the proposal would not be applied to work performed post-ex-facto and stated that this was a non-urgent actionable task. He stated that the gender distribution category "gender nonconforming" would be replaced with "non-binary" at the beginning of 2024 to reflect changes in the language of governing regulation, California Code of Regulations section 999.226(a)(5)(B)(3), which added that "an officer may select 'Gender nonconforming' in addition to any of the other gender data values, if applicable." He stated that the prior solution implemented to prevent double counting individuals was to default to the gender non-conforming category when an officer perceived an individual to be gender non-conforming and another gender category. He then asked the Subcommittee to consider the proposals to adopt an alternative coding method for the gender variable. Walker provided a brief explanation of three alternatives to the current coding practice. He stated that all three options would not have significant changes to gender distribution analysis as the values discussed are 1 in 1,000 stops. Walker then invited the Subcommittee to provide their guidance on how the DOJRC should approach the topic. Co-Chair Khadjavi stated that alternative coding methods should be considered when the differences in categorization may have an

appreciable impact on the analyses being run. Walker thanked the Subcommittee for the guidance on the topic before moving on to the next portion of his presentation.

Appendix Changes

Walker continued his presentation and covered the last DOJRC update on a proposal for changes to the appendix. He stated that because data collected this year was from over 500 agencies that last year's appendix format would foreseeably generate about 450 pages if applied to this year's appendix. He reported that if last year's formatting was applied, that the pdf document could be too voluminous to conveniently circulate the document via e-mail or download which could affect the reach of the report. He stated that prior solutions to address file size limitations was to provide the data in an alternative format such as an excel spreadsheet which had the added benefit of enabling enhanced filter and search tools. Walker then asked the Subcommittee to consider a proposal to take the aforementioned approach and use an excel spreadsheet as a way to display tables. Co-Chair Khadjavi then opened the floor for Subcommittee feedback and opinions.

Co-Chair Khadjavi commented that the data collection and analysis represents a huge effort on both law enforcement agencies and the DOJ. She stated that the appendix should prioritize accessibility, transparency, and clarity which a pdf format of the appendix may be unable to do. She advocated for the appendix to be formatted and provided in both an excel and .csv file. She also directed that a page explaining the format of the appendix could be provided which Walker confirmed was a practice the Board has used for similar documents in past reports.

Co-Chair Khadjavi revisited the data anomaly section of the presentation and raised concern on whether data anomalies would have a significant impact to the integrity of the data or if enhanced instructions should be circulated. She supported her concern and referenced that there were discrepancies in use of force data from RIPA and other data collections. She directed the DOJ to assess the impact of data anomalies found and to propose solutions. Walker responded that trends indicated that some of the data anomalies could be a misunderstanding on where and how to enter data. He also asked the Subcommittee to consider how data anomalies should be reflected in the report.

Co-Chair Bianco inquired on whether there was a more accurate method of analyzing the data apart from using the per 100,000 California residents formulation. He stated that the per 100,000 California resident formulation may not accurately represent how many individuals actually drive and asked the Subcommittee to consider using a per driver formulation if such data could be found since the 100,000 California resident formulation may also account California residents that do not drive. Walker responded that studies have attempted to capture the driving population of smaller jurisdictions but that to collect and aggregate such data to holistically reflect the State of California would mirror efforts required to collect RIPA stop data which would be difficult to resource. McMunn also clarified that the statistics reported are not intended to be interpreted as the number of stops per driving trip or per active driver but rather to reflect the number of stops per a number of residents within a group. Co-Chair Khadjavi stated that as this is the first year that

all the RIPA data has been collected that it may be appropriate to initially use the per California resident formulation as an initial approach but that changes to methodology can occur based on what type of analysis needs to be conducted. Walker also explained that the methodology section of the reports will also explain the limitations of approaches taken. Upon hearing no additional comments, Co-Chair Khadjavi moved to the public comment agenda item of the meeting.

5. Public Comment

Co-Chair Khadjavi opened the floor for the public comment.

Michele Wittig asked when the 2022 RIPA stop data will be posted online and commented that the 2022 Police Officer Research Association (PORAC) which was authored by Professor Brian Withrow and included several disagreements about the appropriate framework for assessing the meaning and implications of disparities discussed in the report. She noted that there may be several valid claims as to the methodological weakness found in the appendices. She asked the RIPA Board to consider PORAC's valid critiques and address them in the 2024 report.

6. Discussion of Next Steps

Chair Khadjavi opened the agenda item and reminded Subcommittee members of the upcoming full board meeting.

7. Adjourn

Before adjourning, Chair Khadjavi thanked everyone for attending and their continued collaborations. She also congratulated Co-Chair Bianco for his appointment as Co-Chair. She adjourned the meeting at 11:57 a.m.