

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

<https://oag.ca.gov/ab953/board>**STOP DATA ANALYSIS SUBCOMMITTEE**
MEETING NOTICE AND AGENDA**Tuesday, June 9, 2020****1:00 PM**

Via Blue Jeans video and telephone conference ONLY. The public is encouraged to join the meeting using the “Join Meeting” link below. The “Join Meeting” link will provide access to the meeting video and audio. We recommend that you log in 5-10 minutes before the start of the meeting to allow sufficient time to set up your audio/video, and to download the Blue Jeans application, if desired.

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Meeting ID: 829 517 022

1. INTRODUCTIONS (3 min.)
Welcome Board Member Lily Khadjavi
2. APPROVAL OF OCTOBER 10 AND NOVEMBER 6, 2019 SUBCOMMITTEE MINUTES (5 min.)
3. SPEAKER AND DISCUSSION: VEIL OF DARKNESS METHODOLOGY (50 min.)
4. PUBLIC COMMENT (10 min.)
Both the Blue Jeans application and dial-in number will permit public comment
5. INITIAL STOP DATA ANALYSIS HIGHLIGHTS BY DEPARTMENT OF JUSTICE (15 min.)
6. DISCUSSION OF PROPOSED STOP DATA ANALYSIS CHAPTER IN 2021 REPORT (15 min.)
7. PUBLIC COMMENT (10 min.)
Both the Blue Jeans application and dial-in number will permit public comment
8. DISCUSSION OF NEXT STEPS (5 min.)
9. SERVICE APPRECIATION BY DEPARTMENT OF JUSTICE (7 min.)
Board Members Pastor J. Edgar Boyd, Andrea Guerrero, Doug Oden, and Timothy Walker
10. ADJOURN

Documents that will be reviewed during the meeting will be available in the Upcoming Meeting section of the Board’s website <https://oag.ca.gov/ab953/board> on June 5, 2020.

The meeting will begin at the designated time. Other times on the agenda are approximate and may vary as the business of the Board requires. For any questions about the Board meeting, please contact Anna Rick, California Department of Justice, 1515 Clay Street, Suite 2100, Oakland, California 94612, ab953@doj.ca.gov or 510-879-3095. If you need information or assistance with accommodation requests, please contact Ms. Rick at least five calendar days before the scheduled meeting.

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

<https://oag.ca.gov/ab953/board>

STOP DATA SUBCOMMITTEE MEETING MINUTES

October 10, 2019, 3:00 p.m. – 5:00 p.m.

Subcommittee Members Present: Chief David Swing, Doug Oden, Oscar Bobrow, Steven Raphael, Andrea Guerrero

Subcommittee Members Absent: Pastor J. Edgar Boyd, LaWanda Hawkins, Timothy Walker

1. Introductions

The sixth meeting of the Stop Data Subcommittee was called to order at 3:07 p.m. by Allison Elgart from the California Department of Justice (DOJ). The meeting was held by teleconference with a quorum of members present.

2. Approval of August 7, 2019 Subcommittee Meeting Minutes

MOTION: Co-Chair Oden made a motion to approve the August 7, 2019 subcommittee meeting minutes. Board Member Steve Raphael seconded the motion.

APPROVAL: All members in attendance voted “yes,” no “no” votes, and no abstentions.

Ms. Elgart advised the subcommittee members that after combining the Stop Data and the Evidenced Based Research subcommittees, there were 3 Co-Chairs and only two are needed. Co-Chair Bobrow asked to step down.

MOTION: Member Raphael made a motion to accept Co-Chair Bobrow’s request to step down as a Co-Chair and Member Guerrero seconded the motion.

APPROVAL: All members in attendance voted “yes” no “no” votes, and no abstentions.

Co-Chairs Doug Oden and David Swing agreed to continue as Chairpersons.

3. Overview of Subcommittee Work by Department of Justice

Ms. Elgart provided an overview of the data received from the eight Wave 1 law enforcement agencies – the largest agencies in California - between July 31, 2018 and December 31, 2018. Over 1.7 million records for 1.8 million individuals were collected. Since the September 26, 2019 Board meeting, she stated that the DOJ had met with experts to review the statistical analyses and to ensure the analyses are understandable. Ms. Elgart asked the subcommittee to think about whether they want another meeting prior to the November 20 full Board meeting.

Kevin Walker from the DOJ Research Center (Center) reported that since the September 26, 2019 Board meeting, the Center has been incorporating Board member feedback and public comments received at the meeting. The Center is looking at all eight Wave 1 agencies together and then separating out CHP for the analyses, since they operate statewide and could disproportionately affect the analyses. They are expanding the tables to show language, Lesbian, Gay, Bi-sexual and Transgender (LGBT), gender, age, and disability data. Tables will include hit rates by agency. The Center has also begun working with the Veil of Darkness (VOD) data and hope to get the results before the next Board meeting. Mr. Walker indicated that at the September 26, 2019 Board meeting, Member Raphael had an idea about how to use some existing resident population data in the American Community Survey that could possibly be merged with the RIPA data. Member Raphael has provided a data code to the Center necessary to conduct this review and create a residence-based population table in the report.

4. Discussion of Subcommittee Section Proposed Contents

Benchmarks and Data Analysis

Co-Chair Bobrow asked about the Veil of Darkness (VOD) analysis. Mr. Walker provided background and references to a Rand Corporation study and the VOD theory used as a type of benchmark in an Oakland traffic stop study. The VOD study was referenced in the 2018 RIPA Report appendix and the 2019 Report narrative. Mr. Walker did advise that it is a time-consuming review for the Center in part because they have to rely on third-party information.

Member Guerrero reminded everyone that the ACLU has raised academic critiques of using the VOD theory and that if the VOD is used in the 2020 report, it should be done with caution and referencing its limitations (e.g. it does not take into consideration ambient light).

Member Guerrero raised the issue of Personal Identifying Information (PII) being found in the data fields and her concern that the data fields contain other important information that the public should see. The DOJ responded that it is working with stakeholders to ensure PII data is redacted and can provide an update at a future Board meeting.

Member Guerrero asked what other contextual information can be used? Mr. Walker said one idea raised at a meeting was to look at arrest and citation data by agency and by race. Another idea raised was to look at no-fault accident data maintained by the CHP. Mr. Walker will look at the CHP data. Members Guerrero and Swing raised some concerns about using arrest and citation data and asked the Center to continue to think of alternative methods.

Member Raphael discussed other data comparisons including race and gender hit rates. Member Raphael also raised the issue of looking at the discretion levels of the stops, which Mr. Walker agreed to do. Mr. Walker said there is information about interactions

such as race and gender that can be included in the January 2020 report. Other areas of intersection may be included in future reports.

Member Raphael shared that many other research methods and benchmarks have limitations. Mr. Walker agreed.

Data Presentation

Co-Chair Oden asked members to think about who the report is for: the public or is it an academic exercise. There needs to be a summary with explanations for the public to be able to understand the data.

Member Raphael suggested that perhaps the report focus on a few large components. The narrative can state who is being stopped and explain that there is not one perfect method to explain why, but the report can show who is being stopped in proportion to their group representation in the population and in comparison to other groups. In other words, keep it simple and focus on a few components.

Co-Chair Oden states that the RIPA Board should continue in the future to look at the location of stops by race and communities because it is important to study the demographics of where people are stopped.

Calls for Service Stops

Co-Chair Swing commented that Calls for Service stops were surprisingly low at 10%, even when you pull out CHP, which has all traffic stops. He asked what if we had a better sample such as calls for service versus officer-initiated stops? Mr. Walker stated we can look at different stop circumstances. The DOJ is going to break down calls for service numbers further in the report and in comparison to overall stops.

Third -Party Input

Co-Chair Swing asked about the status of a previous Board request for third-party or outside expert review of the data. Mr. Walker clarified his understanding of the Board request and stated that the Center has entered into a contract with the Public Policy Institute and is working with this third party as the data is being analyzed. Ms. Elgart stated that the Civil Rights Enforcement Section is partnering with academics and working with them to analyze the data.

Member Raphael stated that he hopes local law enforcement will use the information in the report for their own use. Perhaps the Board can make suggestions on how a local agency can analyze their own data.

Officer Assignment Type and Data Set Size

Member Guerrero wants to know what assignment the officer is working when they make a stop. Mr. Walker stated that Officers can select from ten assignment options when they make a stop and asked which would the Board be most interested knowing more about. Co-Chair Oden requested gang enforcement, narcotics and patrol traffic enforcement and Member Guerrero requested K-12 public schools. Mr. Walker cautions that the resulting numbers may be small when compared to total stops, except for traffic patrol. Co-Chair

Swing asked if there is a set percentage or threshold that determines when the sample size is too small to have meaningful results. Member Raphael advised that the Census uses a cell sample size of less than 30, then they include a footnote. Co-Chair Swing agreed a footnote is a good idea because it's important for the Board to provide the most accurate and comprehensive data. Member Raphael will find out more about what the Census uses as a reference.

5. Public Comments

Fredrick Lacey, with the Los Angeles County Inspector General's Office, thinks it is important that the data be broken down by local agency and that they use this information with a third party for their own use.

Michelle, from the Santa Monica Coalition of Police Reform, agreed with Member Raphael's and Mr. Walker's discussion and suggestion points of how to present the data and congratulated the Board for its work.

6. Discussion of Deadlines and Approval of Next Steps

Ms. Elgart asked the subcommittee members if they would like to have another meeting prior to the November 20, 2019 full Board meeting. All members present agreed.

Mr. Walker stated that the Center is thinking about what methods to use to comply with the penal code, government code and regulations pertaining to RIPA, which require total results for each location of stops for each agency. After a brief discussion of ideas such as reporting by legislative, supervisorial, city council and zip codes, the subcommittee agreed to try to give the matter more thought.

7. Adjourn

Ms. Elgart adjourned the meeting at 4:53 pm.

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STOP DATA SUBCOMMITTEE MEETING MINUTES

November 6, 2019, 9:05 a.m. – 10:59 a.m.

Subcommittee Members Present: Doug Oden, David Swing, LaWanda Hawkins

Subcommittee Members Absent: Board Co-Chair Andrea Guerrero, Timothy Walker, J. Edgar Boyd, Steven Raphael, Oscar Bobrow

1. Introductions

Stop Data Subcommittee Co-Chairs Oden and Swing called the seventh meeting of the Stop Data Subcommittee to order at 9:05 a.m. The meeting was held by teleconference without a quorum of members present.

2. Approval of October 10, 2019 Subcommittee Meeting Minutes

Action was not taken due to a lack of quorum.

3. Overview of Subcommittee Work by Department of Justice

Allison Elgart of the Department of Justice stated that the Research Center had prepared updated analyses of the stop data and would present these updates. She added that the DOJ was working on an updated draft of the 2020 Report that would be sent to the Board in advance of the November 20, 2019 Board meeting.

4 & 5. Update on Stop Data Analysis by CJIS and Discussion of Stop Data Section Content

Kevin Walker of the Research Center discussed the Appendix and Technical Report, which were distributed to Board members and teleconference host locations. Mr. Walker explained that the Appendix includes a series of tables that are required by statute, disaggregated by agency. He added that the longer Technical Report is included for transparency and inquiry but is not required by statute. Mr. Walker led a review of each of the 14 tables in the Appendix. He noted that, following Member Raphael's recommendation, Table 3, Number of Stopped Individuals by Location (closest city and county), by Agency, would be included as a downloadable file because it is 700 rows long. This format would allow users to apply filters to the data by agency, county, or city. He described the findings in Table 9, Actions Taken by Peace Officer during Stop, and Percent of All Stopped Individuals Subject to Each Type of Action, by Agency, showing

that across agencies between 66% to 100% of persons provided consent to search their person, with similar rates of consent given to search property. Mr. Walker noted that the current table format works for presenting the data from the eight Wave 1 agencies, but a new format will need to be designed to present the 15 agencies that will be included in the 2021 report and the 400 agencies that will ultimately be included by Wave 4.

Co-Chair Oden asked if an analysis of the meaning of the statistics would be provided. Mr. Walker explained that the tables in the Appendix are all required by statute, but analysis of this information would be included in the body of the Report, including, for example, a discussion of the rate of search by ethnicity and the frequency with which searches yielded contraband. He noted that the data tables would be provided for researchers and others who may want to access agency totals.

Mr. Walker explained that the Technical Report addressed issues in which the Board has expressed interest. He described the sections: the first section includes aggregate Wave 1 agency data and the second section includes single agency data for each Wave 1 agency. He described the organization by identity groups and referenced a request at the previous Board meeting to include data for other identity groups in addition to race/ethnicity: gender, LGBT, age, limited English fluency, and disability. He explained that this data is included in the Technical Report.

Mr. Walker explained that Section 1, Subsection 1 showed that 98.8% of records were submitted with all fields completed correctly. Nancy Beninati, DOJ, requested that Mr. Walker further explain the “Incomplete/Unsuccessful Submission: Deleted” category in this table. Mr. Walker stated that the category is specific to records submitted through the DOJ’s Web-based application and refers to records that were deleted because they were created in error, another officer captured the stop record, or the record was not required by regulation. He added that, during the reporting period, nearly all of the deleted records were in-progress records. Mr. Walker confirmed that the Research Center would be able to add the definitions for these categories as a footnote to the table.

Mr. Walker explained that Subsection 2 includes records for both officer-initiated stops and stops resulting from calls for service with tables showing the reason for the stop, actions taken during stop, and the basis for search broken down by identity group for each Wave 1 agency. He added that the data in the subsection is further disaggregated by officer assignment type. He pointed out that the data shows that the majority of individuals were stopped by officers working patrol and as additional agencies begin reporting, the number of K-12 Public School stops reported may increase. Mr. Walker reiterated that the subsections that follow include these analyses for the other identity categories.

Mr. Walker explained that in preparing benchmark American Community Survey (ACS) residential population data, the Research Center had to group approximately 200 racial identity codes used in the ACS to match RIPA identity codes. He added that because of the timing of the release of the ACS data, 2017 residential population data was used. He explained that the Research Center followed Member Raphael's recommendation to weight ACS data to match Wave 1 agencies' service areas instead of using statewide residential population data. He referenced a written description of the weighting that was shared at the September 26 Board meeting. Member Hawkins stated that she was concerned about the inclusion of CHP data as a whole, rather than by region, because the data may not be representative of specific areas of the state. Trent Simmons from the Research Center stated that there will be more opportunities to work with cross-sections of the data as the sample size increases. Mr. Walker described that the draft Report also includes as a benchmark 2018 not-at-fault vehicle collision data reported to the CHP by Wave 1 agencies. He explained that, as with the ACS data, the Research Center had to address racial identity codes used by the CHP that do not match RIPA codes and used a similar weighting method. He specified that Section 2 of the Technical Report includes single agency data and ACS data for the locality of service is used in the section.

Co-Chair Oden requested the definitions used for lower and higher discretion search categories in the yield rate tables and requested that the definitions be provided with the tables. Mr. Walker explained that the definition for lower discretion included searches incident to arrest, for vehicle inventory, or pursuant to a search warrant, and higher discretion searches were defined as those for which the only basis was "consent given." Mr. Walker agreed that these definitions could be added to the tables in the Technical Report.

Mr. Simmons introduced the enforcement rate (citation and arrest rates) by race/ethnicity tables.

Mr. Walker shared a status update for the Veil of Darkness analyses and explained that some of the VOD times were re-run and the analyses were underway in consultation with experts. Mr. Walker confirmed that these analyses would be available by the next Board meeting. Ms. Elgart stated that she received comments from Member Bobrow raising concerns about the VOD methodology in addition to the concerns that members Bobrow and Guerrero previously raised. Member Bobrow gave permission for Ms. Elgart to read his comments since he was unable to attending the meeting. Mr. Bobrow requested that the VOD analyses be suspended and that only data that the Board is statutorily obligated to collect and publish be included because (1) in creating the regulations, the Board did not agree that this analysis was required and it is not identified in the regulations or the

Government Code the Board is mandated to follow; (2) stops after twilight are always illuminated by spotlights attached to police cars or tactical flashlights; and (3) the time, energy, and resources devoted to this analysis hinders the analysis of stop data being sent to DOJ, and the available resources should be devoted to statutorily and regulatory mandated responsibilities.

Co-Chair Oden stated that the analysis that had been done and should be included, at least for the 2020 Report. He commented that the issues raised are relevant and should be discussed with the full Board. Co-Chair Swing commented that although the VOD analyses were not included in the original regulations, there are other analyses that the Board has requested that are not included in the original regulations either. He stated that the VOD methodology is designed to assess pre-stop activity and the illumination described occurs after the officer has decided to initiate contact. He commented that VOD analyses should be included because the Stop Data subcommittee identified VOD as a method for providing context. He recommended that after the VOD analyses were completed for the Wave 1 and Wave 2 agencies' data, the Board decide about the next steps.

Mr. Walker commented that the Board is not required to collect this information; the only specific data elements that the Board is required to report are included in the Appendix document and many of the analyses were at the discretion of the Board. He stated that the ACS and not-at-fault vehicle collision data are additional third-party information that are not required but they were requested at the previous Board meeting and previous Stop Data subcommittee meeting. He explained that additional information (Department of Finance Population Estimates and law enforcement personnel information) had also been included in the civilian complaint section, beyond what is required by regulations and statutes. He stated that much of the time and effort dedicated to the analysis was used to establish parameters for obtaining third-party data and significant time involved script running from a computer program and the acquisition of a required computer program. He explained that due to the information sources, the VOD information took longer to obtain compared to other sources. He stated that most of the work for the VOD analyses had been accomplished, including data collection –one of the most difficult steps in VOD. He added that the time and effort could not be recovered by dropping the VOD method, but one less analysis would be available. He explained that the additional requested benchmarks were complete and including the VOD would not hinder the other analyses.

Ms. Elgart suggested that the analyses would be included in the draft report sent to the Board in advance of the November 20 meeting where the concerns could be addressed after everyone had been able to review the analyses.

Co-Chair Oden requested explanation of the term “hit rate.” Mr. Walker stated that a text box including an explanation of this methodology was included in the body of the report and additional language could be included explaining why it is referred to this way. Co-Chair Oden stated his appreciation and offered congratulations for all of the work done to provide the analyses.

6. Public Comments

Michelle Wittig from the Santa Monica Coalition for Police Reform discussed stop data in the draft Report showing the likelihood of being stopped for white people was about equal to the proportion of white people in the population, while for black people the likelihood of being stopped was 2.5 times greater than the proportion of black people in the population. She stated that additionally, the yield rate data shows that the demonstrated transgression rate is similar for black people and white people; the transgression rate for black people is a little lower. She asked, “What is the justification for stopping black people at a rate that is 2.5 times their proportion in the population?”

Katie Mathews with Disability Rights California commended the work on the 170-page Technical Report. She suggested that future reporting should analyze the intersection of race and disability and race and sexuality. She stated that she appreciated the full analysis of stop data related to disability and said she looked forward to reviewing the data. She agreed with Member Bobrow’s comments about the VOD methodology and highlighted Member Guerrero’s comments included in the October 10th Subcommittee meeting minutes around the limitations of VOD. Ms. Mathews commented that in her extensive review of police body camera videos it was clear that race, gender, and other individual characteristics could be seen even in a veil of darkness. She recommended acknowledging the limitations in the report.

Richard Hylton stated that he was concerned about the use of the Veil of Darkness methodology because race can be deduced. He also stated that he has been unable to obtain stop location data from the DOJ and said that he would like to receive the data he has requested. He stated that he was concerned about the use of not-at-fault-party traffic collision data because a San Francisco report showed that black people were identified as at fault in traffic collisions three times more often than white people. He requested the draft reports in PDF format.

Edward [last name not stated] raised his concern that youth and adults do not know their rights around consent for searches and more broadly about law enforcement stops and feel that they are being harassed. He stated that his concerns are specific to the Los

Angeles Police Department service area and asked if there is a body to which the LAPD is accountable.

7. Discussion of Deadlines and Approval of Next Steps

Ms. Elgart stated that the work on the analyses and draft report would continue and the draft report would be shared with the Board in advance of the November 20 Board meeting. She added that DOJ would contact subcommittee co-chairs to calendar subcommittee meetings far in advance as a way to address difficulties in having a quorum. She advised that Aisha Martin-Walton would contact Board members to confirm their plans to attend the Board meeting. In response to Mr. Hylton's request, she explained that drafts are not distributed electronically or posted, but a printed copy would be provided at subcommittee or Board meetings to anyone who would like one.

8. Adjourn

Ms. Elgart adjourned the meeting at 10:59 am.

Ken Barone, Project Manager

Since 2012, Ken has managed the Connecticut Racial Profiling Prohibition Project (CTRP3) on behalf of the Institute for Municipal and Regional Policy at Central Connecticut State University. This project works to implement the state of Connecticut's Alvin W. Penn Racial Profiling law. The Alvin W. Penn law requires law enforcement agencies to collect information on traffic stops and report that information to CCSU. Ken is responsible for coordinating data collection and submission from 107 law enforcement agencies. He works with the Connecticut Data Collaborative to make the data available to the public through an online data portal. He has co-authored numerous reports analyzing municipal and state police data for evidence of discrimination. In addition, he is responsible for staffing the Connecticut Racial Profiling Prohibition Advisory Board, four subcommittees and is the legislative liaison for the project with the Connecticut General Assembly. Ken is also a certified Department of Justice Community Oriented Policing Services "Fair and Impartial Police" trainer. He has trained over 800 law enforcement officers since 2014.

Ken has served as a project consultant in Oregon, and Rhode Island on the implementation of their statewide traffic stop data collection programs. This includes helping states design electronic data collection system, develop analytical tools for identifying racial disparities in traffic stop data, and implementing training programs to address implicit bias in policing.

In addition, Ken also manages the Connecticut law that requires the collection and analysis of incidents involving electronic defense weapons. Ken co-authored a 2015 and 2016 report on the use of electronic defense weapons by local and state police. He also co-authored a report on the regulation of transportation network companies in Connecticut, and a report on the Connecticut law to raise the age of juvenile offenders to 18. He has provided project assistance to the Juvenile Jurisdiction Policy and Operations Coordinating Council, the Connecticut Re-entry Roundtable Collaborative, and the Institute's Children of Incarcerated Parent's initiative.

Matthew B. Ross is an Assistant Professor in the Economic Sciences Department and Computational Justice Lab at Claremont Graduate School as well as a visiting scholar at the Wagner School of Public Service at New York University. Matt is an applied microeconomist whose work has a strong policy focus and sits at the intersection of urban and labor economics. He operates within a broad intellectual framework and frequently collaborates with scholars from across different disciplines. Matt's research agenda is currently focused on two distinct areas: (1) empirically testing for police discrimination and understanding the role of police officer experience and formalized training; and (2) public policy related to regional labor markets, innovation spillovers, and skills training. Matt's work has been published in peer reviewed journals including *Industrial and Labor Relations Review* and *Labour Economics* as well as conference volumes for the *American Economic Association* and the *Association for Computing Machinery*. On the topic of testing for police discrimination, Matt has served as a statistical adviser and authored eight analyses examining policing data for evidence of discrimination in Connecticut and Rhode Island. Matt's research has been funded by the National Science Foundation and covered by many national and local media outlets including US News, WNPR, Reuters, Wall Street Journal, Marshall Project, New York Times, and the Philadelphia Inquirer. Matt has presented his research at the American Economic Association, National Bureau of Economic Research, Society of Labor Economics, Association for Public Policy Analysis & Management, and Urban Economics Association. Matt holds joint appointments Ohio State University and National Bureau of Economic Research. Matt was previously a Post-Doc at Ohio State University and earned a Ph.D. in Economics from the University of Connecticut.

Matthew B. Ross, Ph.D.
382 17th St., Unit 1
Brooklyn, NY 11215

December 18th, 2019

Racial and Identity Profiling Advisory Board
Office of the California Attorney General
California Department of Justice
Oakland, CA

Dear Members of the Racial and Identity Profiling Advisory Board,

My name is Matthew B. Ross, Ph.D. and I write to you on behalf of myself and my colleagues, Stephen L. Ross, Ph.D., Jesse J. Kalinowski, Ph.D., and Kenneth Barone. For the past six years, I have led the technical aspects of an effort to develop and apply the first rigorous effort to empirically analyze statewide traffic stop data in Connecticut for evidence of racial profiling. At the time of writing, I have been the lead author on a total of five annual statewide studies in Connecticut (as well as four officer-level follow-up studies) and three statewide studies in Rhode Island (as well as one follow-up officer-level study). Relevant to the content of this letter, I have also coauthored three scholarly papers identifying potential sources of bias in Veil of Darkness (VOD) style tests of discrimination. I have also provided technical advice to the State of Oregon on the implementation of their study and was awarded (with coauthors) Connecticut's 2017 Alvin Penn Award for Excellence in Civil Rights Leadership.

Based on our scholarly writings concerning the VOD test, I was recently contacted by members of the media and asked to provide comments about an ongoing discussion by the *Racial and Identity Profiling Advisory Board* of the State of California on the VOD methodology. I was provided with a subset of the draft report and have since watched online footage of the November 20th meeting. Although I provided the media with general comments on how I view the current state of the literature around VOD as well as research on police discrimination, I withheld a series of general and technical comments that I felt were better addressed to the *Advisory Board*. In coordination with my colleagues listed in the introduction to this letter, we have compiled the following response to the *Advisory Board's* overall approach and the discussion on November 20th. As fellow researchers working on this important issue, we would also like to extend a friendly offer to provide guidance in the form of a discussion with the *Advisory Board* or technical comments on any drafts of the report. To the extent that it would be helpful, we would also be happy to provide analysts with snippets of computer programs and data from any of our academic papers or reports.

Our impression of the discussion at the November 20th meeting is that many members of the *Advisory Board* as well as representatives of the policing and advocacy communities are seriously concerned with the application of the VOD methodology (Grogger and Ridgeway 2006; Ridgeway 2009). In our opinion, that discussion mischaracterized our and other scholar's work on these tests (see Kalinowski, Ross, and Ross 2018, 2019a, 2019b; Horrace and Rohlin 2016; Smith Tillyer, Lloyd, and Petrocelli 2019; and Taniguchi et al. 2018). Taken together, the growing literature on VOD style tests suggest that validity relies on several key assumptions, some of which may be violated under reasonable conditions. However, the literature also suggests a set of remedies to these potential problems and also critically notes that *all of these violations have a tendency to produce false*

negatives (i.e. fail to find a disparity when it is present or fails to reject the null of equal treatment). It is critically important to recognize that none of the evidence in these studies suggests that the VOD potentially produces false positives (i.e. finds a disparity when it does not exist or rejects the null of equal treatment when it is true). If anything, the VOD should be considered a conservative approach that has the potential to miss discrimination if the robustness checks suggested in our and other's papers are not followed, but also can provide very convincing evidence on the existence of disparities.

The above considerations with respect to the VOD are the primary reason why we continue to advocate for its continued use as a screening mechanism for identifying departments potentially engaged in discriminatory policing. In general, our approach in Connecticut's annual report has been to test police traffic stops using a number of approaches in an effort to paint a detailed and nuanced picture of policing. Critical to our success in obtaining continued participation by both the advocates and policing community has been our framing the research study as a screening tool that identifies disparities (not discrimination) which is used for early intervention and the efficient allocation of resources for more detailed department specific follow-up analyses. Although we recognize that long technical reports are difficult for the public to digest, treating such a critically important and empirically challenging problem with anything less than the highest level of scientific rigor does a disservice to all of the stakeholders.

We would also like the *Advisory Board* to consider the following detailed comments regarding the Not-at-Fault Accident and Hit-Rate Test as well as the VOD.

Not-at-Fault Accident Test: Benchmarking traffic stops using not-at-fault accidents follows an approach developed by Alpert, Smith, and Dunham (2004). Although the approach is intuitively appealing, it has the potential to generate both false positives and negatives when implemented in practice. West (2018) identifies strong quasi-experimental evidence suggesting disparate treatment of minorities in the determination of fault in accidents. If minorities are systematically under-represented in the pool of not-at-fault accidents, the benchmark will underrepresent the number of minorities on the roadway and potentially produce false positives. On the other hand, it is reasonable to think that more accidents might occur in areas with poor infrastructure or that older worse quality vehicles make avoiding an accident more likely. To the extent that race might be correlated with either of these features, the not-at-fault accident pool might over-represent the number of minorities on the roadway and potentially produce false negatives. Since the net-effect of these two sources of bias is not clear, it should be noted clearly in the report and considered by the *Advisory Board*.

Hit-Rate Test: A rich literature has developed around the success of vehicular searches as a method for detecting discrimination in police search where a successful search is considered a hit and discrimination is measured by comparing hit rates. These applications have often been based on a theoretical justification of such tests in Knowles, Persico, and Todd (2001). Subsequent studies have pointed out that the hit-rate test suffers from the same problem of unobserved variable bias present in first-stage tests of vehicular search-rates (See Dharmapala and Ross 2004; Anwar and Fang 2006; Antonovich and Knight 2009). It is generally considered best-practice to present hit-rates alongside search-rates since these papers suggest that, even in the presence of unobserved factors that were legitimately considered by police officers, disparate treatment should move these statistics in the opposite direction, e.g. minorities have higher search-rates but lower hit-rates relative to whites. Further, if those unobserved factors correlate with race, the bias caused by those factors will often work in opposite directions for the two tests so for example if the assessment of search rates is biased towards finding discrimination it is likely that those same unobservables bias hit rate tests away from finding

discrimination. Therefore, the strongest evidence on discrimination in police search arises when the evidence from direct assessment of searches and from assessment of hit or success rates are consistent. In cases where these rates do not move in opposite directions, it is impossible to determine the presence or absence of disparate treatment. As with the not-at-fault accident test, I believe that the *Advisory Board* should clearly note these concerns in the report and consider them carefully when interpreting the results of such tests.

Veil of Darkness Test: As I have stated above, there are several potential violations of the identifying assumptions of this test but a solution has been provided in the literature for each of these concerns. I would urge the researchers to consider the following:

- **Endogenous Driving Behavior:** Kalinowski et al. (2017) provide theoretical and empirical evidence suggesting that minority motorists respond to discrimination by driving more conservatively during daylight which biases the traditional VOD test away from finding discrimination. As noted above, this behavioral response reduces the power of the VOD test to detect discrimination, and in our empirical work we find evidence of discrimination using the VOD test in two of our three samples. Further, our paper also proposes examining changes in the speed distribution of stopped motorists in order to assess whether motorists in your state are responding to concerns about police discrimination in stops. If this speed distribution of stopped motorists is shifted at night, especially at the highest speeds, the VOD measure may miss racial disparities in stops.
- **Seasonality/Measurement Error:** Kalinowski et al. (2019b) find evidence that the canonical approach of addressing seasonality by restricting the analysis to a narrow bandwidth around DST exacerbates measurement error and still contains substantial seasonal variation in sunset. For instance, a +/- 21 day window around Spring 2015 DST in Dallas, TX contains a 1 hour change in the timing of sunset from the discrete DST shift but also a 27 minute change from seasonality. Thus, the difference-in-differences in the approach does not adequately control for seasonality and potentially exacerbates measurement error. Therefore, we tend to prefer VOD analyses that use the entire annual sample, as opposed to restricting analysis to stops near the VOD time change. Further, in our paper, we demonstrate that a fuzzy regression discontinuity design using the DST change as a treatment increasing daylight both reduces potential measurement error and isolates the effect of visibility on racial differences in police stops.
- **Correlation between Visibility and Enforcement Behavior:** Kalinowski et al. (2019a) provide strong empirical evidence that enforcement of specific violations (e.g. lighting, cellphones, seatbelts) are correlated with visibility. Since these types of enforcement are done in specific geographic locations which are correlated with race, it is insufficient to simply restrict the sample of observations to moving violations to avoid biasing the test. In addition to limiting the sample of stops to those made for moving violations as suggested by Grogger and Ridgeway, the authors demonstrate that including granular geographic controls provides a salient solution to this potential problem.
- **Ambient Lighting:** Horrace and Rohlin (2016) identify a potential power issue stemming from unobserved variable bias related to ambient lighting conditions. In practice, their proposed solution using satellite photographs is likely costly and unfeasible for a large geographic area like California. However, sufficiently granular geographic controls will likely address some of this concern. Another possibility is the matching of latitude and longitude data attached to traffic stops with municipal or utility maps of streetlights.

Additional Technical Considerations for CA's Treatment of the VOD:

- The CA report and presentation presents figures for the VOD that do not appear to control for time of day, day of week, or location. Controlling for these factors is critical for the underlying identifying assumptions and any resulting graphics should demean the data accordingly.
- The CA report and presentation does not appear to restrict the sample of stops for the VOD to moving violations. Again, this is critical since underlying identifying assumptions could be violated by the fact that other types of violations (head/taillight, seatbelt, and cellphones) are potentially correlated with visibility.
- During the presentation of the report, the analyst appeared to present the VOD test as relying on variation in the timing of civil twilight which is not correct. While it is technically correct that changes in the timing of sunset drive the VOD test, stops made in actual civil twilight should typically be dropped from the sample of stops since they are neither daylight/darkness and represent a potential source of measurement error.
- During the presentation of the report, the analyst seemed to present results testing across different racial groups but where the omitted group was all other groups. In canonical applications of the VOD, the omitted group is typically held fixed as white non-Hispanic motorists since including other minority groups in the omitted could bias the test.
- During the presentation of the report, the analyst seemed to indicate that USNO data on the time of sunset and twilight was obtained for the entire State of California. Again, this is a potentially significant source of measurement error since the timing of sunset can vary on a given day both east/west and north/south in such a large geography. Standard practice in the current literature is to obtain USNO data at the county or county subdivision level.
[Note: We are happy to provide code to do this w/ the USNO data by county or county subdivision upon request]
- It was not clear from the presentation whether warnings are included in the overall sample of traffic stops. However, omitting these stops would potentially create a selection issue in the overall sample. Specifically, police have observed race regardless of lighting conditions at the timing that the decision is made to issue a warning or a ticket, and so VOD typically must include all stops for a given infraction including warnings.

In closing, we again extend a friendly offer to provide assistant/guidance in the form of a discussion with the *Advisory Board*, technical comments, or any computer programs from our academic papers or reports.

Sincerely,



Matthew B. Ross, Ph.D.; *Assistant Research Professor, Wagner School of Public Service, New York University*

Stephen L. Ross, Ph.D.; *Professor of Economics, University of Connecticut*

Jesse J. Kalinowski, Ph.D.; *Assistant Professor of Economics and Computer Science, Quinnipiac University*

Kenneth Barone; *Project Manager of Connecticut's Racial profiling Prohibition Project*

References

- Alpert, G. P., Smith, M. R., & Dunham, R. G. (2004). Toward a Better Benchmark: Assessing the Utility of Not-at-Fault Traffic Crash Data in Racial Profiling Research. *Justice Research and Policy*, 6(1), 43–69.
- Antonovics, Kate and Brian G. Knight. 2009. "A New Look at Racial Profiling: Evidence from the Boston Police Department." *The Review of Economics and Statistics*, MIT Press, vol. 91(1), pages 163-177, February.
- Anwar, Shamina and Hanming Fang. 2006. "An Alternative Test of Racial Prejudice in Motor Vehicle Searches: Theory and Evidence." *American Economic Review*, American Economic Association, vol. 96(1), pages 127-151, March.
- Dhammika, Dharmapala and Stephen L. Ross. 2004. "Racial Bias in Motor Vehicle Searches: Additional Theory and Evidence." *The B.E. Journal of Economic Analysis & Policy*, De Gruyter, vol. 3(1), pages 1-23, September.
- Grogger, Jeffrey and Greg Ridgeway. 2006. *American Statistical Association* 101 (475): 878–87.
- Horrace, William C., Shawn M. Rohlin. 2016. "How Dark Is Dark? Bright Lights, Big City, Racial Profiling." *The Review of Economics and Statistics*, MIT Press, vol. 98(2), pages 226-232, May.
- Kalinowski, Jesse J., Matthew B. Ross, Stephen L. Ross. 2017. "Endogenous Driving Behavior in Veil of Darkness Tests for Racial Profiling," Working Papers 2017-017, Human Capital and Economic Opportunity Working Group.
- Kalinowski, Jesse J., Matthew B. Ross, Stephen L. Ross. 2019a. "Now You See Me, Now You Don't: The Geography of Police Stops." *AEA Papers and Proceedings*, American Economic Association, vol. 109, pages 143-147, May.
- Kalinowski, Jesse J., Matthew B. Ross, Stephen L. Ross. 2019b. "Addressing Seasonality in Veil of Darkness Tests for Discrimination: An Instrumental Variables Approach." Working Papers 2019-028, Human Capital and Economic Opportunity Working Group.
- Knowles, John, Nicola Persico, Petra Todd. 2001. "Racial Bias in Motor Vehicle Searches: Theory and Evidence." *Journal of Political Economy*, University of Chicago Press, vol. 109(1), pages 203-232, February.
- Ridgeway, Greg. 2009. *Cincinnati Police Department Traffic Stops: Applying RAND's framework to Analyze Racial Disparities*. Santa Monica: RAND Corporation.
- Ross, Matthew B., Jesse J. Kalinowski, Kenneth Barone, and James Fazzalero. 2015. "Traffic Stop Data Analysis and Findings, 2013-14." Connecticut Racial Profiling Prohibition Project. State of Connecticut.
- Ross, Matthew B., Jesse J. Kalinowski, Kenneth Barone, and James Fazzalero. 2016. "Traffic Stop Data Analysis and Findings, 2014-15." Connecticut Racial Profiling Prohibition Project. State of Connecticut.

Ross, Matthew B., Jesse J. Kalinowski, Kenneth Barone, and James Fazzalaro. 2017. "Traffic Stop Data Analysis and Findings, 2015-16." Connecticut Racial Profiling Prohibition Project. State of Connecticut.

Ross, Matthew B., Jesse J. Kalinowski, Kenneth Barone, and James Fazzalaro. 2019. "Traffic Stop Data Analysis and Findings, 2016." Connecticut Racial Profiling Prohibition Project. State of Connecticut.

Ross, Matthew B., Jesse J. Kalinowski, Kenneth Barone, and James Fazzalaro. 2018. "Traffic Stop Data Analysis and Findings, 2016." State of Rhode Island Comprehensive Police-Community Relationship Act of 2015 (CCPRA). Study by Institute for Municipal & Regional Policy (IMRP) at Central Connecticut State University.

Ross, Matthew B., Jesse J. Kalinowski, Kenneth Barone, and James Fazzalaro. 2019. "Traffic Stop Data Analysis and Findings, 2017." State of Rhode Island Comprehensive Police-Community Relationship Act of 2015 (CCPRA). Study by Institute for Municipal & Regional Policy (IMRP) at Central Connecticut State University.

Smith, Michael R., Robert Tillyer, Caleb Lloyd, Matt Petrocelli. 2019. "Benchmarking Disparities in Police Stops: A Comparative Application of 2nd and 3rd Generation Techniques." *Justice Quarterly*,

Taniguchi, T. A., Hendrix, J. A., Levin-Rector, A., Aagaard, B., Strom, K., & Zimmer, S. 2017. "Extending the Veil of Darkness Approach: An Examination of Racial Disproportionality in Traffic Stops in Durham, NC." *Police Quarterly*, 20(4).

West, Jeremy. 2018. "Racial Bias in Police Investigations." University of California Santa Cruz Working Paper.



Developing a Data Driven Approach to Address Racial Profiling

About the IMRP at CCSU

The Institute for Municipal and Regional Policy (IMRP) at Central Connecticut State University (CCSU) is a non-partisan, University-based organization dedicated to enriching the quality of local, state and national public policy. The IMRP seeks to ensure a just, equitable, and inclusive society by tackling critical, complex and often intractable issues. In doing so, the IMRP bridges the divide between academia, policymakers, practitioners, and the community.

Relevant Experience

- In 2011, the IMRP at CCSU was tasked by the Connecticut General Assembly to oversee the design, evaluation, and management of the racial profiling study mandated by Public Act 12-74 and Public Act 13-75, “An Act Concerning Traffic Stop Information.”
 - Worked with a state advisory board and all appropriate parties to enhance the collection and analysis of traffic stop data in Connecticut.
 - Published the following reports:
 - Traffic Stop Data Analysis and Findings, 2013-14 (April 2015)
 - Traffic Stop Data Analysis and Findings, 2014-15 (May 2016)
 - Traffic Stop Data Analysis and Findings, 2014-15 Supplemental Report (July 2017)
 - Traffic Stop Data Analysis and Findings, 2015-16 (November 2017)
 - Traffic Stop Data Analysis and Findings, 2015-16 Supplemental Report (October 2018)
 - Traffic Stop Data Analysis and Findings, 2017 (June 2019)
 - Traffic Stop Data Analysis and Findings, 2018 (May 2020)

Challenge Facing CT

- Design an analytical system that can be replicated annually in a **fiscally challenging environment**.

Survey other States that Analyze Traffic Stop Data

- Census based benchmarks were the most common
- Some jurisdictions have used more intuitive methods
 - Study in Miami-Dade County by Alpert et al. (2004) uses not-at-fault accidents as an alternative benchmark.
 - Antonovics and Knight (2007) and Anwar and Fang (2006) use officer race to test for police prejudice.
 - Veil of Darkness method identifies racial disparities by exploiting variations in visibility (Grogger and Ridgeway 2006; Ridgeway 2009; Horace and Rohlin 2016).
 - The VOD test has been used in Oakland, CA (Grogger and Ridgeway 2006); Cincinnati, OH (Ridgeway 2009); Minneapolis, MN (Ritter and Bael 2009; Ritter 2017); Syracuse, NY (Worden et al. 2010; Worden et al. 2012; Horace and Rohlin 2016); Portland, OR (Renauer et al. 2009); Durham, NC (Taniguchi et al. 2016a); Greensboro, NC (Taniguchi et al. 2016b); Raleigh, NC (Taniguchi et al. 2016c); Fayetteville, NC (Taniguchi et al. 2016d); New Orleans, LA (Masher 2016); and San Diego, CA (Chanin et al. 2016).

Our Approach

- Determined that we would not rely on only one method for analyzing racial disparities in traffic stop data.
 - 7 methods are currently used
 - Methods used for analyzing racial disparities have evolved since 2015
 - Initially CT was using 6 methods and improvements have been made to all methods as new feedback was presented to the advisory board.
- Our analysis relies on a host of descriptive and statistical tests that vary in their assumptions and level of scrutiny.
 - The intent behind this approach is to apply multiple tests as a screening filter for the possibility that any one test (1) produces false positive results or (2) indicates existing disparities.
 - We call this the “preponderance of the evidence” approach.
- Individual departments are identified for further analysis when statistically significant racial or ethnic disparities are identified. The threshold for identification is fairly conservative.

Guiding Principles for Statistical Analysis

- **Principle 1:** Acknowledge that statistical evaluation is limited to finding racial and ethnic disparities that are indicative of racial and ethnic bias but that, in the absence of a formal procedural investigation, cannot be considered comprehensive evidence.
- **Principle 2:** Apply a holistic approach for assessing racial and ethnic disparities in policing data by using a variety of approaches that rely on well-respected techniques from existing literature.
- **Principle 3:** Outline the assumptions and limitations of each approach transparently so that the public and policy makers can use their judgment in drawing conclusions from the analysis.

Methods Adopted and Applied in CT

Page 26

- Veil of Darkness Model (GOLD)
- Synthetic Control Model (SILVER)
- Descriptive Statistics (BRONZE)
 - Statewide Average
 - Estimated Driving Population
 - Resident Population
- Stop Disposition Test (SILVER)
- Post-Stop KPT Hit Rate Analysis (SILVER)

Veil of Darkness

- **Connecticut considers this to currently be the gold standard.**
- If racial bias is driven by the ability of officers to observe the race of drivers before making a stop, then we should observe a statistical disparity between the rate of minority stops occurring in daylight vs. darkness.
 - Developed by Jeffery Grogger (U. Chicago) and Greg Ridgeway (U. Penn and NIJ) in 2006
 - Restricts sample to intertwillight window
 - Control statistically for a number of factors that could change risk-set
 - Estimates are for several minority definitions
 - Considered by IMRP to be the strongest and most accurate test

Synthetic Control Method

- Intuitive appeal as traditional population-based benchmarks but remains grounded in rigorous statistical theory
- Estimate counterfactual using machine learning and both Census and traffic stop data
 - Contiguous Towns Characteristics, Department of Interest (American Community Survey 2014, 5-Year Estimates)
- Apply balancing tests across counterfactual and treatment groups.

Descriptive Statistics

- Statewide Average Comparison
- Estimated Commuter Driving Population
- Resident Stops

Stop Disposition Test

- Tests for disparities in the outcomes of traffic stops using a model that examines the distribution of dispositions conditional on race and the reason for the stop.
 - Specifically, we test whether traffic stops made of minority motorists result in different outcomes relative to their white non-Hispanic peers.

KPT Hit Rate Analysis

- If drivers and motorists behave rationally and optimize behavior, in equilibrium they are expected to have equal hit rates across races i.e. guilt/searches.
 - Developed by Knowles (IZA) Persico (NYU) and Todd (U. Penn) in 2001
 - Utilizes only post stop data and restricts sample to discretionary searches
 - Estimated across several minority definitions and compared to control group
 - Has known shortcomings but can be used to confirm other tests

Departments are Identified for a Follow-Up Analysis

Departments are identified for a follow-up analysis if they meet any one of the below criteria:

1. A statistically significant disparity in the Veil of Darkness analysis
2. A statistically significant disparity in the synthetic control analyses and any one of the following analyses:
 - Descriptive statistics
 - Stop Disposition
 - KPT-Hit Rate
3. A statistically significant disparity in the descriptive statistics, stop disposition, and KPT hit-rate analyses.

What Happens When a Department is Identified?

- An in-depth follow-up analysis is conducted to help answer the following question:
 - What are the factors contributing to racial and ethnic disparities in traffic stop data for departments identified in the annual analysis?
- A follow-up analysis does not have a one size fits all approach. The analysis is tailored based on the department and community's unique characteristics. Researchers consider some of the following:
 - Crime, calls for Service, accidents, participation in federally funded enforcement campaigns, officer variations

Lessons Learned

- We are now significantly more informed about the factors that drive disparities in policing.
 - Data is a powerful tool that is can and is being used to make policy and legal changes.
- Slow and Steady Wins the Race
 - “The findings from the 2018 analysis of Connecticut’s traffic stop data indicate that progress continues to be made in terms of the decision to stop a minority motorist. The results from the Veil of Darkness analysis indicate that a stopped motorist was not any more likely to have been a minority during periods of daylight relative to darkness.” -2018 Traffic Stop Data Analysis and Findings Report

Questions?

- For additional information please visit our website, www.ctrp3.org or contact:

Ken Barone

baroneket@ccsu.edu

(860)832-1872

RIPA Stop Data Subcommittee Meeting

2019 Stop Data

Research Center

6/9/2020

Please Note: Table percentages are rounded for conciseness and may not total to 100%.

1 Person-level Descriptive Statistics

There were **3,992,074 individuals** stopped in 2019 by the 15 largest law enforcement agencies in California.

Table 1: Stopped Individuals by Agency in 2019

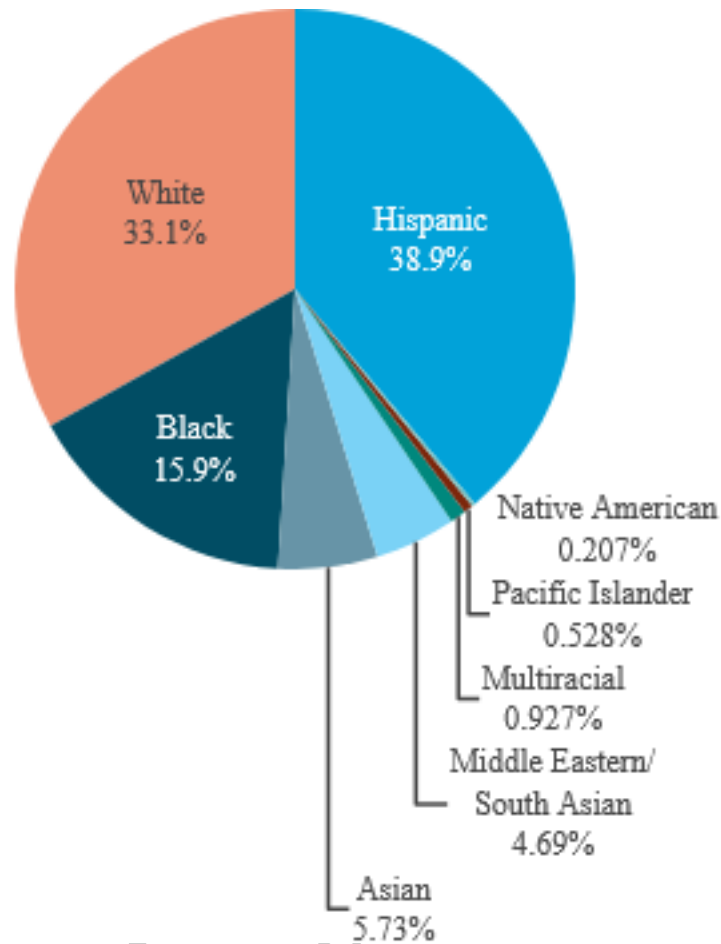
Agency	People	Proportion
California Highway Patrol	2,172,023	54.41%
Los Angeles PD	712,807	17.86%
Los Angeles CO SD	196,850	4.93%
San Diego PD	187,231	4.69%
San Bernardino CO SO	157,715	3.95%
San Francisco PD	101,614	2.55%
Sacramento PD	68,012	1.70%
San Diego CO SO	65,029	1.63%
Sacramento CO SD	60,944	1.53%
Riverside CO SO	58,379	1.46%
Fresno PD	51,849	1.30%
Orange CO SO	50,396	1.26%
San Jose PD	44,306	1.11%
Long Beach PD	40,524	1.02%
Oakland PD	24,395	0.61%

1.1 Identity Distributions

1.1.1 Race/Ethnicity

Hispanic individuals were most often stopped while Native Americans were least often stopped.

Figure 1: Race/Ethnicity Distribution of Stopped Individuals



1.1.2 Gender

Less than 1% of the stops were of transgender or gender-nonconforming individuals.

Table 2: Gender Distribution for 2019 Stop Data

Gender	People	Proportion
Male	2,841,704	71.18%
Female	1,143,467	28.64%
Transgender Man/Boy	3,341	0.08%
Transgender Woman/Girl	1,926	0.05%
Gender Nonconforming	1,636	0.04%

1.1.3 Age Group

Individuals between the ages of 25 and 34 were most often stopped.

Table 3: Age Distribution for 2019 Stop Data

Age Group	People	Proportion
1-9	1,927	0.05%
10-14	7,175	0.18%
15-17	42,903	1.07%
18-24	648,912	16.26%
25-34	1,288,541	32.28%
35-44	872,822	21.86%
45-54	618,486	15.49%
55-64	363,088	9.10%
65+	148,220	3.71%

1.1.4 LGBT

Individuals perceived to be LGBT comprised less than **1%** of the stops.

Table 4: LGBT Status Distribution for 2019 Stop Data

LGBT	People	Proportion
No	3,965,692	99.34%
Yes	26,382	0.66%

1.1.5 Limited English Fluency

Individuals with limited or no English fluency comprised roughly **4%** of the stops.

Table 5: English Fluency Distribution for 2019 Stop Data

Limited English Fluency	People	Proportion
No	3,827,167	95.87%
Yes	164,907	4.13%

1.1.6 Disability

Almost **99%** of the stopped individuals were perceived as having no disability. Mental Health Condition was the most common type of disability reported.

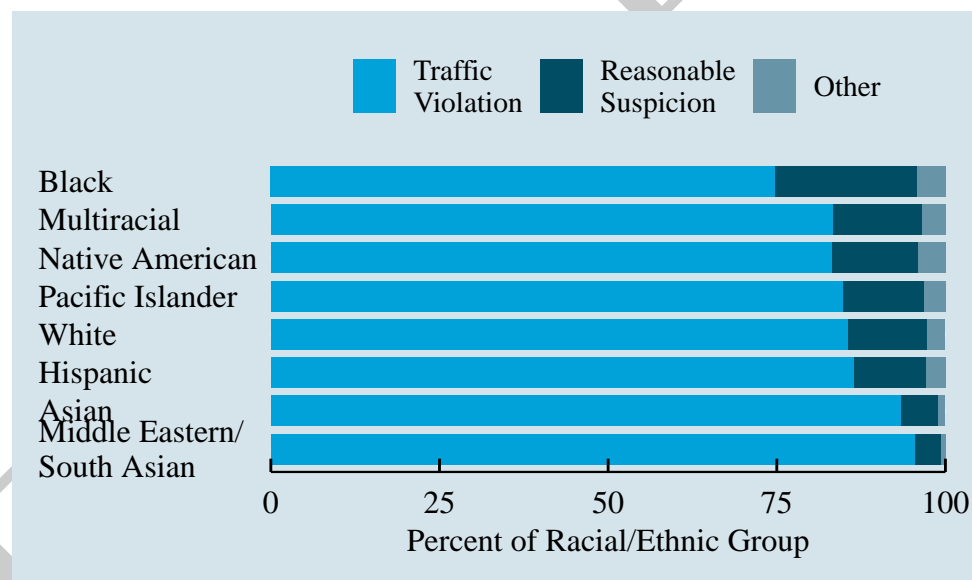
Table 6: Disability Distribution for 2019 Stop Data

Disability	People	Proportion
None	3,946,037	98.85%
Mental Health	29,124	0.73%
Other	6,182	0.15%
Multiple Disabilities	3,529	0.09%
Deaf	2,598	0.07%
Speech Impaired	2,253	0.06%
Developmental	1,497	0.04%
Blind	825	0.02%
Hyperactivity	29	0.00%

1.2 Reason for Stop

Traffic violations were the most common reason for stop across all racial/ethnic groups, though rates varied by group.

Figure 2: Primary Reason for Stop by Race/Ethnicity



1.3 Calls for Service

Roughly 5% of individuals were stopped by officers in response to a call for service; rates were highest for Black individuals and lowest for Middle Eastern/South Asian individuals.

Table 7: Call-for-service Rates by Race/Ethnicity in 2019

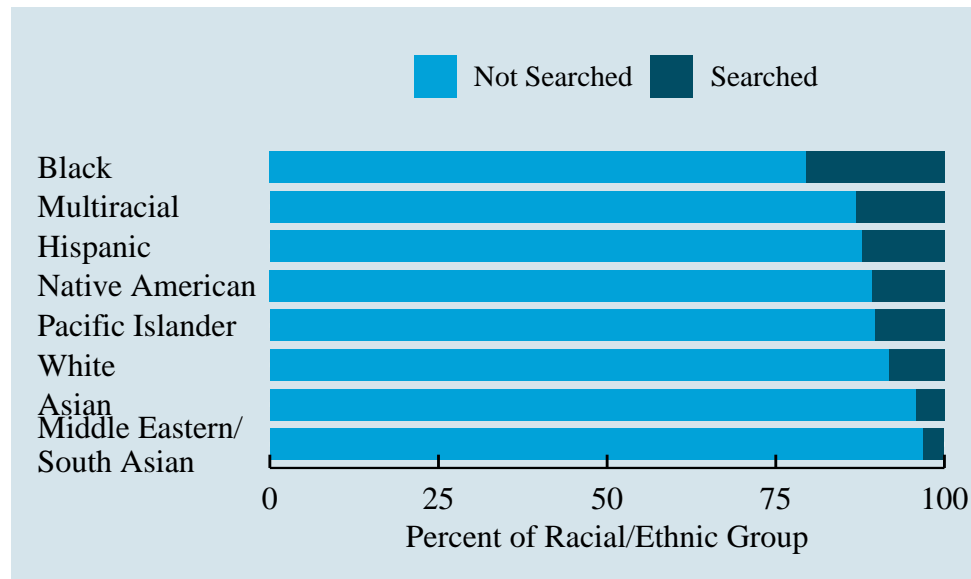
Call For Service	Asian	Black	Hispanic	Middle Eastern/South Asian	Multiracial	Native American	Pacific Islander	White
No	96.97%	91.64%	96.00%	97.83%	93.43%	94.35%	94.04%	94.83%
Yes	3.03%	8.36%	4.00%	2.17%	6.57%	5.65%	5.96%	5.17%

DRAFT DOCUMENT FOR REVIEW AND DISCUSSION 6/9/2020. This document is in a preliminary draft stage. It has been provided merely for the Stop Data Subcommittee's consideration as a starting point for discussion of items to include in the upcoming report. The document's content does not necessarily reflect the views of any individual RIPA Board member, the subcommittee, the full RIPA Board or the California Department of Justice.

1.4 Search Rates

Officers searched approximately **11%** of people they stopped. Black individuals were most often searched while Middle Eastern/South Asian individuals were least often searched.

Figure 3: Search Rates by Race/Ethnicity



1.5 Search Yield Rate Analysis Results

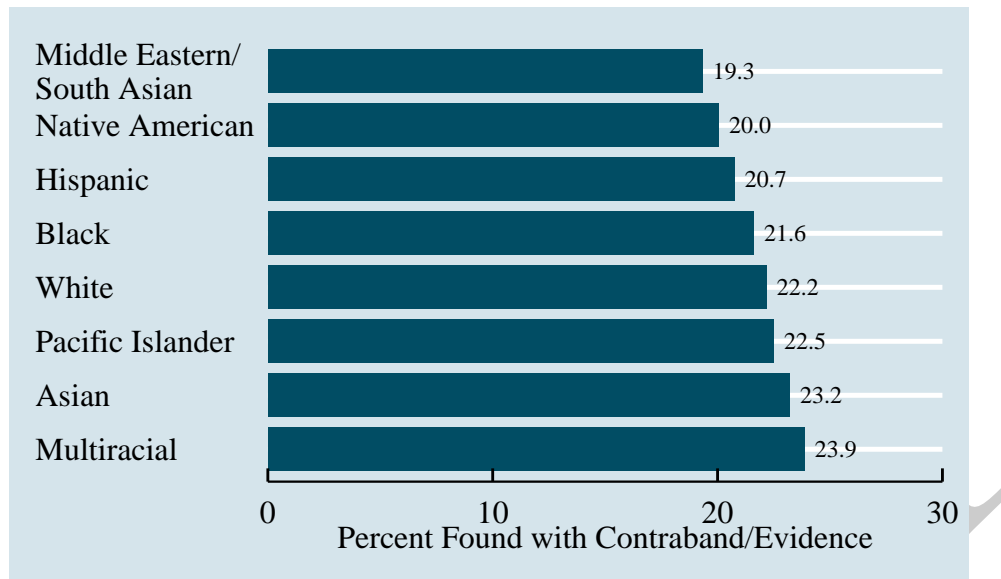
Search yield rates refer to the proportion of searched individuals that officers discovered to be in possession of contraband or evidence.

Disparities in yield rates between racial/ethnic groups may indicate that officers use different thresholds of suspicion for each group when deciding whether to perform a search. In its 2020 report, the Board found that White individuals had higher yield rates than all other groups.

Search yield rates were highest for Multiracial and lowest for Middle Eastern/South Asian individuals.¹

¹Records with missing data have been excluded from the analyses. There was 1 record with missing data for the type of contraband or evidence discovered and 472 records with missing data for search basis.

Figure 4: Search Yield Rates by Race/Ethnicity



After publishing the 2020 report, the Department of Justice received feedback from external researchers on how to take the analysis to the next step. Using this feedback, the Research Center has made changes to the original analysis:

1. Controls – Controls are variables which will help emphasize more directly how race/ethnicity may impact searches. The analysis now includes controls for gender, age, hour of day, day of week, month, and officer.
2. Search Discretion – The analysis includes all bases for search excluding those that are mandatory or procedural. The excluded search bases include incident to arrest, search warrant, and vehicle inventory.
3. Variation by Officer – To better capture how each officer’s practices may individually impact yield rates overall, we included statistical considerations for differences by officer.
4. Binning Least Frequent Racial/Ethnic Groups – The following groups have been collapsed into an “Other” group to improve statistical power: Middle Eastern/South Asian, Multiracial, Native American and Pacific Islander.

These adjustments improve the analysis and better address its purpose: How does the effectiveness of searches differ by race/ethnicity?

Using this updated approach and 2019 data, the results confirmed that Black and Hispanic individuals had lower search yield rates than White individuals.

2 Intersectional Comparisons

2.1 Gender by Race/Ethnicity

Figure 5: Gender Distribution of Stopped Individuals by Race/Ethnicity

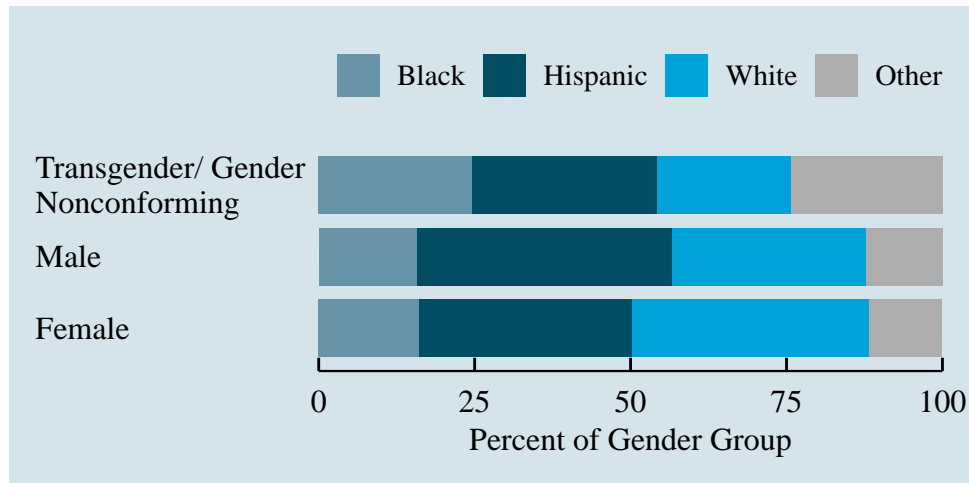


Figure 6: Search Rates by Gender and Race/Ethnicity

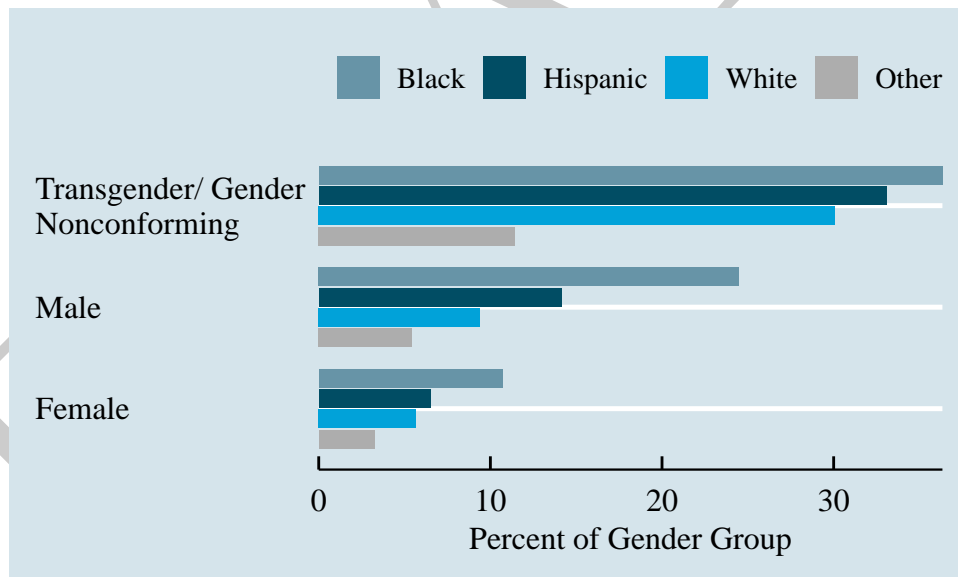
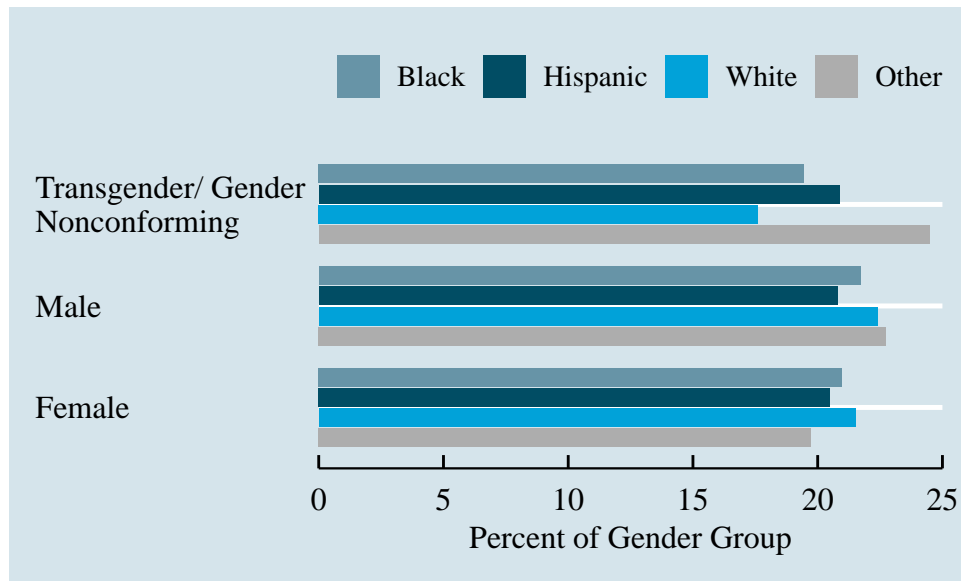


Figure 7: Search Yield Rates by Gender and Race/Ethnicity



2.2 Disability by Race/Ethnicity

Figure 8: Disability Distribution of Stopped Individuals by Race/Ethnicity

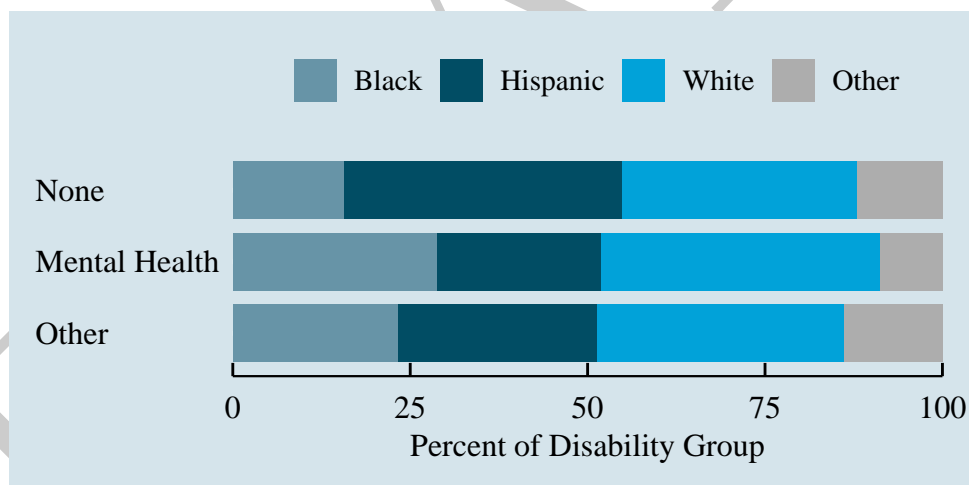


Figure 9: Search Rates by Disability and Race/Ethnicity

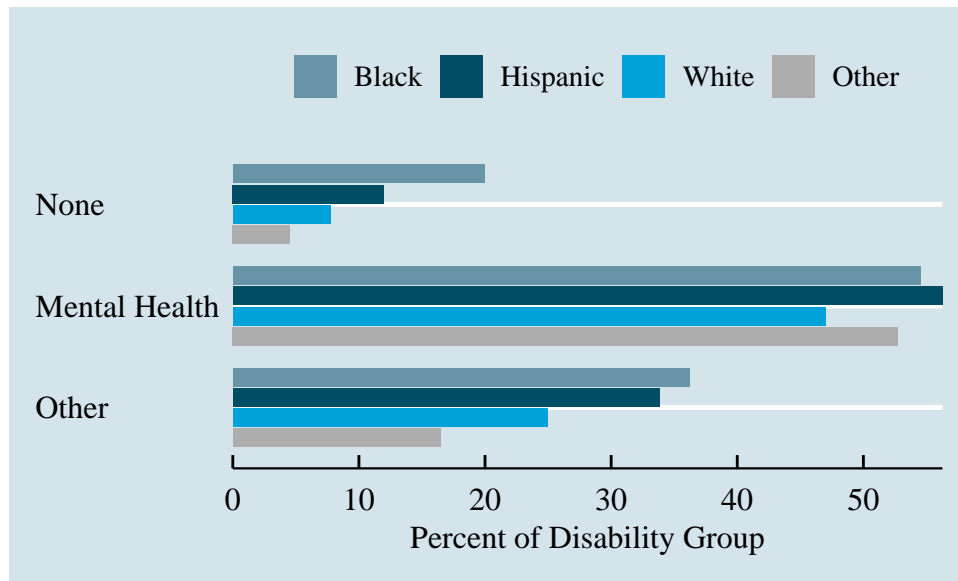
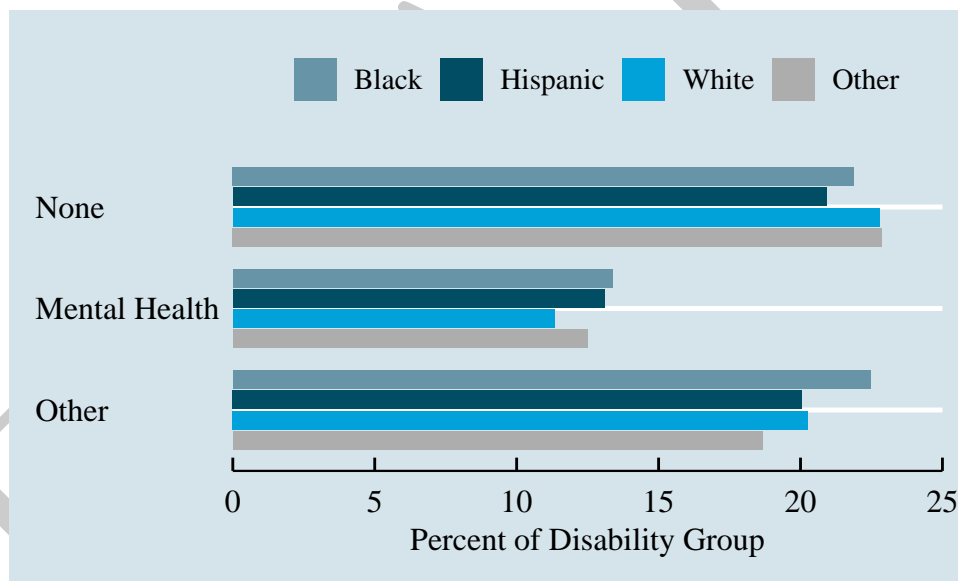


Figure 10: Search Yield Rates by Disability and Race/Ethnicity



The logo features the text "Research" in a large white serif font, "CENTER" in a smaller orange sans-serif font, "SECURE" in a smaller orange sans-serif font, and "Data Lab" in a large white serif font. A horizontal orange line is positioned between "CENTER" and "SECURE". In the center of this line is the official seal of the California Department of Justice, which depicts a woman holding a scale and a sword, with the text "OFFICE OF THE ATTORNEY GENERAL", "liberty and justice under law", and "CALIFORNIA DEPARTMENT OF JUSTICE". The background is a dark red with a faint, circular, grid-like pattern.

Research CENTER SECURE Data Lab

The California Department of Justice Research Center (DOJRC) maintains a Secure Data Lab (Lab) intended to provide an opportunity for external researchers to gain secure access to and analyze data collected by the Department that is otherwise restricted. Requesters who meet established criteria and policies can apply for access to the Lab.

Currently, access is available for the Stop Data Collection System Research Database. This includes data elements that are not authorized for release within publicly available datasets.

Access to this data are authorized by California Department of Justice regulations, in an effort to “advance public policy through scientific study and pursuant to the Department’s data security protocols” ((§ 999.228 (g))).

For information on the Secure Data Lab application process please visit:
<https://oag.ca.gov/research-center/request-process>

DRAFT OUTLINE¹

2021 RIPA Annual Report

1. **Executive Summary**
2. **Introduction**
 - a. Letter from Board Co-Chairs
 - b. Purpose and intent of this year's report
 - i. Summary of the report contents
 - ii. Board ideas for moving from analysis/review to policy and practice recommendations – how do we make this count?
 - c. Overview of the work completed since the release of the 2020 report
 - i. Board meetings and subcommittee meetings.
 - ii. Submission of Wave 1 and 2 stop data records
 - iii. Kickoff meetings and commencement of stop data collection for Wave 3 agencies
 - iv. Survey of Wave 1 and Wave 2 LEAs
3. **Stop Data Analysis** (*Stop Data Subcommittee*)
 - a. Analysis of stop data – January 1, 2019 through December 31, 2019
 - i. Stop Demographics
 - ii. Decision to Stop
 - iii. Comparisons to Census, SWITRS, and Light Condition Data
 - iv. Post-Stop Outcomes (search rates, yield rates)
 - b. Board-focused research questions – intersectional analyses
4. **Racial and Identity Profiling Policies and Accountability** (*State and Local Policies and Accountability Subcommittee*)
 - a. Overview of the Board's charge in regard to racial and identity profiling policies
 - b. Review of "Bias-Free Policing" or equivalent policy from all Wave 2 agencies
5. **Calls for Service and Bias by Proxy** (*Calls for Service Subcommittee*)
 - a. Update to list of best practices for avoiding bias by proxy in calls for service
 - b. Intersection of mental health and law enforcement and best practices for LEAs
6. **Complaints: Policies and Data Analysis** (*Civilian Complaints Subcommittee*)
 - a. Overview of civilian complaint data reported to the DOJ and the Board's charge in regard to civilian complaint policies and procedures
 - b. Analysis of 2019 civilian complaint data
 - i. Overview of data examined
 - ii. Analysis of civilian complaints for stop data reporters statewide

¹ This proposed outline is for the RIPA Board's consideration and its purpose is to serve as a starting point for discussion of topics to include in the upcoming report. All topics are subject to change.

- iii. Agency-level data snapshot
 - iv. Findings discussion and implications
 - c. Update (if any) on factors impacting disparities in complaint reporting
 - d. Update (if any) on Penal Code section 148.6
 - e. Review of Civilian Complaint Forms of Wave 2 agencies
7. **Training** (*POST Training and Recruitment Subcommittee*)
- a. Overview of the Board's charge in regard to POST and training
 - b. Overview of the development of a POST-certified training on AB 953
 - c. Update and details on Self-Paced Refresher Course
 - d. Update and details on Racial Bias and Profiling Video
8. **Update on Relevant Legislation Enacted in 2020**
9. **Conclusion**
- a. Goals/vision for future reports

Appendices

Data that is required to be reported per Penal Code section 13519.4, subdivision (j)(3)(E): Each report shall include disaggregated statistical data for each reporting agency. The report shall include, at a minimum, each reporting law enforcement agency's total results for each data collection criteria under subdivision (b) of Section 12525.5 of the Government Code for each calendar year.

We will also include a methodology appendix to reduce the size of the stop data section of the report while still maintaining transparency. In addition, we plan to include an appendix similar to the Technical Report Section 2 from the 2020 RIPA Report.