

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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STOP DATA ANALYSIS SUBCOMMITTEE MEETING MINUTES

March 10, 2022, 3:05 p.m. - 4:39 p.m.

Subcommittee Members Present: Chair Steven Raphael, Abdul Pridgen, Andrea Guerrero, LaWanda Hawkins, Lily Khadjavi, Tamani Taylor

Subcommittee Members Absent: Edgar Hampton

1. Introductions

Chair Raphael called the meeting to order at 3:05 p.m. Each subcommittee member introduced themselves. Chair Raphael welcomed new subcommittee members Pridgen and Taylor. Member Pridgen stated that he is the Chief of the San Leandro Police Department and represents the California Police Chiefs Association on the RIPA Board. Member Taylor stated that she is the Chief Deputy Public Defender for Solano County and represents the California Public Defenders Association on the RIPA Board.

2. Approval of November 10, 2021 Subcommittee Meeting Minutes

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

3. Election of Subcommittee Co-Chair

Chair Raphael nominated member Khadjavi to serve as Co-Chair. Member Khadjavi accepted the nomination. Member Hawkins seconded the nomination. All members voted “Yes,” there were no “no” votes, and no abstentions.

4. Overview by the Department of Justice

Kevin Walker from the Department of Justice Research Center stated that after the December 1, 2021 Board meeting, the Department discovered an error in the reasonable suspicion offense code subfield for the primary reason for stop data value due to an “ETL defect” that caused some stop data to be missing from this field in the analyses prepared for the Board’s 2022 Report. Rodney Smith, Application Development Bureau Director with the Department of Justice, stated that “ETL” stands for extract, transform, and load. He stated that the RIPA data is collected in a stop-based format and then converted to a person-based format for reporting. He stated that the code written to complete the transformation between these formats contained an error when the Department was re-processing the data from the California Highway Patrol and the Oakland Police Department. Mr. Smith stated that the Bureau had since implemented procedures to ensure that all code changes are reviewed before they are moved into production. Mr. Walker shared a brief presentation outlining the analyses that were impacted by the ETL defect and noted that this information was also shared with the State and Local Racial and Identity Profiling Policies subcommittee (Policies subcommittee). He stated that five graphics were affected by the defect and these had been prepared for the From Data to Policies Addressing the Profiling of Transgender People and the Data-Driven Approaches to Disability Justice sections of the Report. He stated that these graphics were removed to ensure that the Report did not contain analyses based on the affected data. Mr. Walker shared graphics showing the data distribution before and after the ETL defect was corrected. He stated that while the raw percentages did shift following the correction, the

changes in the distribution did not change any overall takeaways from these analyses and the Board's discussions that included references to these analyses and the findings therein were not affected.

Mr. Walker shared a brief presentation about a data comparison project examining RIPA data for incidents in which officers indicated that they had fired firearms and comparing the incident counts and with alternative sources of information for similar data. He stated that Research Center staff compared 2020 RIPA stop data records in which officers reported under the actions taken during stop field that they discharged or used their firearm with data from the URSUS statewide database, which contains data collected under Assembly Bill 71 on use of force incidents where a firearm was discharged, an individual received a serious bodily injury, or a person was killed. He stated that the second source of data with which the Research Center compared the RIPA stop data was the database at <https://fatalencounters.org/>. Mr. Walker stated that lastly, Research Center staff performed unstructured internet searches for reports of officer-involved shootings within agencies that collected 2020 stop data and compared the reports with the stop data. He shared a graphic showing the incident totals across agencies reported under RIPA and URSUS; only three of the 18 agencies reported the same number of incidents across the two datasets and the dates for all of the reported incidents only matched for those reported by the San Francisco Police Department (SFPD). He stated that the dates of the incidents identified on the Fatal Encounters website matched the incident dates of three incidents reported under RIPA and 68 incidents reported under URSUS, suggesting that URSUS may be a more reliable source for this information. He stated that in the unstructured internet searches for articles, press releases, or body camera footage of officer-involved shootings occurring in 2020, only the incident dates of the RIPA data reported by SFPD matched the dates of the incidents identified in the internet search; the dates identified in the internet search tended to match with the dates identified in the URSUS reporting and the dates identified on the Fatal Encounters website. Overall, 14 of the 146 dates for the incidents reported under RIPA matched with the dates in the other three data sources.

Mr. Walker stated that based on the findings of this data comparison, the Research Center worked with the Client Services Program (CSP) to reach out to Wave 1 and Wave 2 RIPA reporting agencies to better understand why information for shooting incidents that was reported under RIPA did not closely align with the number or timing of the incidents reported under the URSUS data collection. He stated that of the nine agencies that responded to the outreach, four had reported more shooting incidents under RIPA than in URSUS; responses from these agencies indicated that many of the reports of firearm discharge or use in the RIPA stop data were due to data entry errors; for example, an agency observed that when officers intended to select "field sobriety test conducted" from the menu options for actions taken by officers during a stop, officers had accidentally selected "firearm discharged or used" because the options were listed alphabetically and were adjacent to each other. Mr. Walker stated that the other five agencies that responded to the outreach had reported more shooting incidents in URSUS than under RIPA and these agencies attributed the differences to officers not completing a RIPA stop data report for incidents when an officer discharged their firearm and the need to implement procedures to ensure that while the primary officers on these stops do not complete the documentation for the incidents, the agency needs to complete RIPA stop data reports for these incidents. He stated that the comparison findings present data validity/reliability concerns for incidents involving the discharge of a firearm as reported under RIPA. He stated that in response to the outreach, some agencies indicated that as this was brought to their attention, they planned to institute changes to address the issue, such as making changes to the data collection system user interface so that the option "firearm discharged or used" was not as close to items that officers would select frequently, as well as changing homicide documentation procedures to include the completion of a RIPA stop data report, and instituting a review process for high-risk incidents including officer-involved shootings and instituting training for this

review process. He stated that the Research Center made similar findings when doing a similar comparison using 2019 RIPA stop data.

Erin Choi, Program Manager for the CURES and CSP within the Department of Justice CJIS, stated that the Department would be taking several actions as a result of the data comparison findings, including ongoing outreach, training, proposed regulatory updates, and potential system or technical enhancements. She stated that the Department would include the data comparison findings in the upcoming meetings with the 500 agencies that began collecting RIPA data in January 2022. She stated that the Department was drafting an information bulletin about this issue to be sent to the head of each reporting agency. Ms. Choi stated that as each wave of agencies was required to begin reporting stop data, the Department hosted a series of trainings to review the reporting requirements; during 2021, CSP and Civil Rights Enforcement Section (CRES) staff co-taught these bi-weekly trainings. She stated that the Department would update this course to highlight these important scenarios that should be reported under RIPA, in addition to incorporating this information in the corresponding Quick Reference Guide and Frequently Asked Questions document. She stated that agencies use products developed by over twenty different vendors to collect RIPA stop data, but there is a template document that outlines the data elements for RIPA reporting; as this document shows, there are 24 different options (data values) listed under the Actions Taken by Officer(s) during Stop data element. Ms. Choi stated that the Department has proposed amending the stop data regulations to break up this data element into separate force-related and non-force-related categories. She stated that potential system enhancements could include adjusting the spacing of items in the system or including additional instructions or informational messages based on the type of data that is being reported. She stated that the Department wants to make sure that the response to the findings of the data comparison is comprehensive and has identified the aforementioned components as elements of this response.

5. Discussion regarding the Stop Data Analysis Chapter in the 2023 Board Report

Mr. Walker stated that the Policies subcommittee identified some analyses that they want to review for work on the 2023 Board Report and in the past, the work of that subcommittee intersected with the work of the Stop Data Analysis subcommittee. He stated that the Policies subcommittee plans to continue examining pretextual stops and may examine stops by school resource officers, stops on K-12 school campuses, or a broader examination of stops of youth.

Member Guerrero thanked the Department staff for the update and stated that it is concerning that additional work is needed so that the data collected reflects what is happening. She asked if the Board could provide model language about the reporting of officer-involved shooting incidents. Co-Chair Raphael stated that he thought that the proposed amendment to the regulations to separate the force-related actions from non-force-related actions would be very helpful. He asked if it would be possible to order the list of the force-related data values so that it follows the use of force continuum from least lethal to most lethal or if the Department could consult with a survey design expert about this. He stated that the Department may wish to consider using a capture analysis to estimate how often discharge or use of firearms by officers occurs.

Co-Chair Raphael asked if the defect that occurred when transferring the data from stop-level data to person-level data caused some people in the stops not to be counted. He stated that he was glad that the Department identified and addressed the error and through this process, the data would become more reliable. Mr. Smith stated that the ETL defect was caused by human error in deleting a line in the transform code and the Bureau had since instituted additional levels of review for code changes.

Co-Chair Khadjavi stated that she appreciated the presentation about the data comparison and it is very serious if the stop data is not accurately capturing the discharge and use of firearms. She recommended additional follow-up in the Board or the Department's work to ensure that this area of the data collection improves. Mr. Walker stated that the Research Center planned to reproduce the data comparison with the 2021 stop data, after receiving the URSUS data later in the year. Member Taylor asked if there were elements in the SFPD RIPA and URSUS reporting practices that resulted in the consistency in their reporting that might help other agencies to improve their reporting. Ms. Choi stated that in addition to guidance that the Department can provide, agencies find lessons learned from other agencies very helpful and this is something that the Department would explore with SFPD and other agencies. Mr. Walker stated as part of the outreach, the Department asked agencies if they performed any additional level of review after officers entered stop data for critical incidents, if, for example, a stop data report indicated that there was a firearm discharge, would the report be flagged for additional review within the agency to confirm its the factual accuracy. He stated that the agencies that responded to the outreach indicated that they had not yet instituted a higher level of review specific to this type of flag and this may be a practice that agencies would want to implement. Co-Chair Raphael stated that it was a great idea to compare the practices of agencies that had more consistent reporting with those of agencies that had less consistent reporting. He asked if the Board could advise agencies to cross-check RIPA stop data entries for all instances when a use of force report is initiated. He stated that to the extent that the Board could cross-check other data sources for other stop data elements to evaluate the consistency of reporting, it would be helpful.

Co-Chair Raphael asked the subcommittee for input on any other topics they would like to include in the 2023 Report. Member Hawkins stated the Board needs to analyze stops of youth and stops in schools to see how many stops are occurring and the reasons for these stops. Member Taylor agreed and stated that she was surprised by the information in the 2022 Report about the treatment of youth in the nine to 14-year-old age group, particularly the high rates of handcuffing of youth. She stated that when she read this, she wondered about the racial distribution of the data about those children. She recommended including an analysis of race and gender within the analysis of the stops of youth. Member Guerrero agreed with this recommendation.

Member Taylor recommended that the Board develop a risk assessment analysis for community members when interacting with law enforcement, based on the multiple identities of different community members. She stated that this type of assessment might help officers to have a better awareness of actions they may take to mitigate the risk level of their interaction with community members.

Co-Chair Khadjavi stated that in the 2022 Report, the Board made strong recommendations and she asked the subcommittee to consider how the Board can track the progression of their recommendations. She recommended that the Board continue work to identify the type of violations for which there are the most disparities because this allows the Board to make concrete recommendations regarding the specific violation codes and rethink how these types of violations could be better addressed. She stated that it would be valuable to look at any changes that result from the end of the policy change ending the use of pretextual stops within the Los Angeles Police Department. Co-Chair Khadjavi stated that as many smaller agencies begin reporting stop data, the Board should ensure that the information about what is happening in smaller agencies is not obscured by the large volume of data from the largest reporting agencies.

6. Public Comment

Anand [last name not provided] stated that in his town, the Sheriff was collecting stop data, but was not yet required to report the data to the Department. He stated that he requested the stop data and compared it with the agency's police blotter data, finding that in many ways the data sets did not seem to match. He recommended that the Board continue work to compare RIPA stop data with data from other sources, such as communications center records.

7. Discussion of Next Steps

Co-Chair Raphael summarized the discussion and requested that members provide clarification as needed. He stated that the subcommittee wants to focus on stops of youth. He stated that continuing work regarding data quality checks would be helpful, perhaps including a comparison with computer-aided dispatch data. He stated that the subcommittee would like to think about how the stop data could be used to develop a risk assessment for severe outcomes from law enforcement interactions that would take into account community members' multiple identities. Co-Chair Raphael stated that the subcommittee would like to analyze the data from smaller agencies and regional differences. He stated that the subcommittee would like to follow up on the recommendations that the Board made to the legislature. He stated that the subcommittee also wants to analyze violation codes in the reasons for stops to identify the codes for which there are the most disparities and consider alternative ways to address these types of violations.

Nancy Beninati, Supervising Deputy Attorney General (SDAG) within CRES, clarified that the smaller agencies that began collecting data on January 1st were required to report this data to the Department by April 1, 2023. She stated that the subcommittee might want to lay the groundwork for this analysis this year. She stated that staff had discussed the work regarding pretext stops with the Policies subcommittee and were preparing to continue this work that began in the 2022 Report.

Mr. Walker stated that given the volume of topics that the subcommittee is interested in working on, they or the full Board would likely need to consider which topics they would like the staff to focus on preparing for the 2023 Report and if there are topics that they would like to begin this year and continue working on during 2023.

Co-Chair Raphael stated that both the Policies and Stop Data Analysis subcommittees had recommended focusing on stops of youth, so that seemed to be a priority. He stated that staff might be able to present the subcommittee with ideas about how they could develop the risk assessment and identify organizations that may have created this type of assessment. He stated that it seemed like quality control work would be an important ongoing area of the Board's work, although these efforts may not always need to be described in the Board's Report. Co-Chair Raphael stated that perhaps the 2023 Report could include content from the presentation about the data comparison work shared during the meeting.

SDAG Beninati stated that work addressing the stops of youth and stops in schools, as well as a continuation of the work to address pretextual stops would likely involve input from both the Policies and Stop Data Analysis subcommittees. Allison Elgart, Deputy Attorney General with CRES, stated that the Board began work on pretextual stops in the 2022 Report, but did not fully develop the section, and it would be helpful for the Board to look at recent policy changes in this area. She stated that Department staff could discuss how to develop a risk assessment for law enforcement interaction that

incorporated community members' race and identities. She stated that if the subcommittee meets in the summer, staff would be able to share research on these topics at that time.

8. Adjourn

Co-Chair Raphael thanked Co-Chair Khadjavi, the subcommittee members, and the public for their participation. He thanked Department staff for the presentations and their work for the Board. He adjourned the meeting at 4:39 pm.