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Nation-Leading Racial Profiling Expert Finds Inconsistencies in California's Racial & Identity Profiling Board Annual Reports in 2022-2023 Comparative Analysis

RIPA Board's Abrupt and Unexplained Changes in Determining the State of Racial Profiling in California Cast Doubt on the Validity of the Board's Current & Previous Annual Reports

Sacramento, CA — Today, the [Peace Officers Research Association of California \(PORAC\)](#) released a [Comparative Analysis](#) of the California Racial & Identity Profiling Advisory (RIPA) Board's 2022 and 2023 Annual Reports. This comparative analysis follows an [earlier report](#) released in December of 2022 which identified significant flaws in the RIPA Board's approach to assessing the state of racial profiling in basic traffic enforcement statewide – misleading Californians to believe that racial profiling is more pervasive than the data suggests.

"After releasing our first critical analysis, PORAC was hopeful that the RIPA Board would work with the law enforcement community to improve their methodology and data collection process," said **PORAC President Brian R. Marvel**. "As the voice of law enforcement in California, PORAC reached out to the DOJ to try to meet and talk through our shared goal of using traffic stop data to better understand and improve community policing throughout California. Unfortunately, these attempts have been unsuccessful, which is why we are releasing this new Comparative Analysis in yet another attempt to highlight the opportunities to improve the RIPA Board's future assessments of racial profiling."

PORAC commissioned Dr. Brian Withrow, a nation-leading expert on racial profiling, to compare the 2022 and 2023 RIPA Annual Reports to better understand changes in their scope and findings. The comparison revealed dramatic shifts in the RIPA Board's areas of policy focus and methods of statistical analysis and calls into question the validity of the RIPA Board's previous annual reports.

PORAC's Comparative Analysis found significant inconsistencies between 2022 and 2023 and demonstrates how the RIPA Board has continued to employ a flawed statistical approach:

- **Shifting Methodology – Veil of Darkness Analysis Removed:** The RIPA Board chose to remove the "Veil of Darkness" statistical test for racial and ethnic disparities with no explanation – an analysis which RIPA had previously used to measure the difference in the racial breakdown of stopped drivers in the daytime vs nighttime to suggest that light conditions impact an officer's ability to perceive the race of the driver before the stop. This is a dramatic shift in analysis and the public deserves an explanation for why this test was abandoned. If the test was inaccurate or insufficient in terms of generating data from which researchers could draw conclusions about racial profiling, all prior RIPA reports that employed this test must also be called into question.
- **New Focus on Mental Health:** Before the data is even presented, the RIPA Board's 2023 report disparagingly argues that police presence does more to traumatize local residents than improve their perception of law enforcement. However, their finding is supported by cherry-picked research which only connects police *violence* to mental health without establishing a connection to police *presence*.



This assumption fails to take into account the mental health benefits of reductions in violent crime that come with increased police presence.

- **Increased Concerns Around Youth Contacts:** The 2023 RIPA Report pays much closer attention to youth contacts with law enforcement and expresses concern about ethnic disparities within youth interactions with the police. However, because these enforcement actions often occur within schools, it is essential that the Board include additional variables to measure the influence of the school community and administrators on enforcement outcomes.
- **Grave Misunderstanding of Pretext Stops:** There is a significantly increased focus on pretext stops. The 2023 Report defines a pretext stop as occurring when an officer pulls someone over for a minor traffic violation with the intent to investigate a hunch regarding a different crime. However, there is no universally agreed-upon consideration of a “minor infraction” or parameters for when to consider a typical stop that revealed evidence of additional criminal behavior as a pretextual stop. Without a clear way for an officer to report his or her “hunch” on the RIPA form, the analytical approach for identifying stops as pretextual relies solely on the difference between what they report as the initial reason for the stop and the violation charged. This leaves the report woefully uninformed about routine police operations and considers far more stops as pretextual than actually exist.

“In their 2023 report, the RIPA Board continues to employ an incredibly flawed statistical analysis and make unsubstantiated claims, including using a single variable, race, as the basis for their entire report,” said **Dr. Brian L. Withrow, Professor of Criminal Justice at Texas State University**. “Stopping their inquiry at a correlation does not establish a causal relationship between a driver’s race and the officer’s decision to conduct a stop and fails to consider alternative explanations for the outcome. I was critical of the RIPA Board for doing this in their 2022 report and was disappointed to see this mistake again in the 2023 report. Furthermore, I want to reiterate that it remains both legally and scientifically impossible for the RIPA Board to allege racial profiling as defined by California law using the data available. The RIPA Board must address these issues if they want their work to be taken seriously by any statistician.”

PORAC remains committed to addressing racial bias in policing and has a long track record of working closely with lawmakers and organizations to both improve the profession of law enforcement and increase public safety across California. PORAC welcomes collaboration with the RIPA Board and hopes they take this analysis seriously so that we can begin the conversation about how to accurately assess racial profiling in traffic enforcement and find solutions that will make a positive impact on community policing.

“At several RIPA Board meetings over the last year, I have voiced concern that my fellow Board members lack a fundamental understanding of how law enforcement works,” said **Rich Randolph, RIPA Board Member**. “I have advocated strongly to add a requirement for non-law enforcement members of the Board to participate in some form of police training. I have personally offered several educational opportunities for my colleagues including ride-alongs and attending POST training sessions so they can have a better understanding of the profession they are charged with assessing as members of the Board. It is my sincere belief that requiring this experience will create a more transparent, informed RIPA Board. Board members must be able to fully appreciate the procedures, policies and context within which officers are making these traffic stops in order to make practical recommendations for real and actionable solutions.”



If the RIPA Board truly has an interest in eliminating racial bias, their analyses must be viewed as a neutral presentation of information as opposed to information selected to confirm a pre-existing and inappropriate anti-police bias. In an effort to remedy these issues and PORAC's ongoing concerns with the RIPA Board's annual reports, PORAC has made a series of policy recommendations at the beginning of the Comparative Analysis that would increase the trustworthiness of the Board and improve the reliability of their research. This includes improving the data collection process to include a question as to whether the officer knew the race of the driver prior to the stop – the only way to truly identify racial profiling in accordance with California law. PORAC also recommends that the Board hire an independent, outside statistician or researcher with a specialty in law enforcement and racial profiling to ensure that their future reports are unbiased and analytically sound.

PORAC's full Comparative Analysis of the RIPA Board's 2022 and 2023 Annual Reports can be found [here](#).

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About the Peace Officers Research Association of California:

The Peace Officers Research Association of California (PORAC) was incorporated in 1953 as a professional federation of local, state, and federal law enforcement agencies. PORAC represents over 78,000 public safety members and over 955 associations, making it the largest law enforcement organization in California and the largest statewide association in the nation.

About Dr. Brian L. Withrow:

Dr. Withrow is one of the nation's leading experts on racial profiling. He has authored three books and numerous articles and reports on this over the past 22 years. As such, he is regularly asked to provide technical and litigation assistance on racial profiling issues to police departments throughout the nation. Dr. Withrow's research methods textbook (Research Methods in Crime and Justice, Second Edition (2016), Routledge Publishing) is used extensively throughout the United States and in other countries. Dr. Withrow joined the Texas State faculty in 2009 and is currently a Professor in Texas State University's School of Criminal Justice and Criminology. Dr. Withrow earned his Bachelor of Arts degree in Criminal Justice from Stephen F. Austin State University in 1981, his Master of Public Administration from Southwest Texas State University in 1993, and his Doctor of Philosophy in Criminal Justice from Sam Houston State University in 1999.