

RIPA 2022 REPORT ANALYSIS

Racial & Identity Profiling Advisory (RIPA) Board 2022 Report Contains Statistical Flaws

Racial bias permeates every aspect of American society, and law enforcement is no exception. If peace officer behavior in the course of basic traffic enforcement is to be legislated, it is paramount that lawmakers are equipped with data that accurately reflects the state of racial profiling in California. Unfortunately, the RIPA Board's 2022 Report failed to meet that standard. PORAC enlisted the help of racial profiling expert Dr. Brian L. Withrow to conduct a thorough review of the Board's 2020 stop data analysis as contained in the Board's 2022 Annual Report. Dr. Withrow found that the Board's flawed methodology distorted the conclusions drawn in the report. PORAC has re-commissioned Dr. Withrow to conduct a review of the latest 2023 report released by the Board in January of this year and will also be conducting our own original analysis of the 2021 stop data covered by the latest 2023 report. This original analysis will yield a more accurate and current assessment of the state of racial profiling in the course of basic traffic enforcement throughout the state.

PROBLEM:

RIPA Board Chose to Exclude Large Swaths of Vital Data

- California Highway Patrol data - accounting for over half of all stops - was left out of analyses, as was the severity of the traffic violation for which the driver was stopped.
- Data was collected after the police interaction occurred, making it impossible to determine whether race was a factor in initiating the stop, as required to determine that racial profiling occurred under California law.
- Race/ethnicity was the only independent variable considered when attributing a reason for the stop, preventing important contextual information from being considered.
- Report cherry-picked news articles to serve as "sources," while neglecting to conduct a thorough and proper review of the peer-reviewed literature that forms the body of evidence and best practices in conducting statistical analyses of this type.

SOLUTION:

Revise the Reporting Criteria

- End the use of stops involving White residents as the baseline for calculating disparity. California is the most diverse state in the country, and this approach ignores how race is perceived in predominantly Black, Hispanic and Asian neighborhoods.
- Consider the consequences that restricting traffic stops will have on driver safety, vehicle thefts, and tax revenue when there is no real way to measure the correlation between minor traffic violations and pretext.
- Expand the variables field of potential justifications for officer behavior to include categories consistent with police systems and professional standards. A notable omission to the data set is recording by whom officer use of force was initiated.

CONCLUSIONS:

Local Departments Need Funding to Support Reporting Requirements

- Given the substantial amount of data collected at each stop, the time commitment associated with completing reports exceeds the labor hours available in understaffed police departments.
- After passing SB 2, SB 16, AB 26, and AB 48 all in the last two years, PORAC encourages lawmakers to give these reforms the time they need to be properly and thoroughly implemented to discern what impact they may have on public safety outcomes before further legislating the profession.
- If California expects local police departments to comply with these new and additional reporting requirements, the mandated state funding to support the additional work associated with compliance must be paid to these departments promptly.

Revise the Stop Data Collection Form Officers Use to Report Outcomes

- If the RIPA Board's goal is to accurately assess the state of racial profiling in the course of basic traffic enforcement, that goal will be served well by revising the stop data collection form to request additional information from officers that will provide greater context around the stops and actions taken in the course of basic traffic enforcement:
 - Was the officer able to discern the race of the driver prior to the stop?
 - Was a warning given?
 - Did the person being stopped become confrontational?
- California's definition of racial profiling requires that the officer knew the race of the driver prior to the stop, without such evidence, it is simply not possible to make a determination that racial profiling has occurred. At present, the stop data collection form asks how the officer perceived the individual, but neglects to determine whether that perception came before or after the stop occurred.
- A warning is an action, however the stop data collection form neglects to include warnings amongst the list of available actions officers can select in filling out the form. Unfortunately, this has led the RIPA Board to erroneously draw the conclusion that simply because no "action" was taken, the driver stopped must not have committed any wrongdoing, and therefore must have been racially profiled. None of that is correct. Officers routinely give warnings despite a driver having committed an infraction where officers feel that a warning will be sufficient to amend driver behavior and/or serve the interest of public safety more generally.
- There is currently no mechanism to determine whether the stopped individual became confrontational with an officer such that it may warrant an escalation in actions taken by the officer to achieve compliance. This is a crucial piece of contextual information that can shed light on why an officer may have taken a specific action in the course of a stop.