Nation-Leading Racial Profiling Expert Finds Significant Flaws in Original Analysis of California Racial & Identify Profiling Board's Stop Data

Narrow Scope of Data Collected by the DOJ is the Root Cause of the RIPA Board's Misconceived Assumptions About Law Enforcement's Role in Basic Traffic Enforcement

Sacramento, CA — Today, the Peace Officers Research Association of California (PORAC) released its original analysis of the California Department of Justice's (DOJ) stop data set detailing the interactions between police and residents that occurred during traffic enforcement in 2021. The intent of the analysis is to determine if it is statistically possible for the California Racial & Identity Profiling Advisory (RIPA) Board to make a positive inference of discrimination in law enforcement behavior based on the available data.

The DOJ data set – which was examined by the RIPA Board in their 2023 Annual Report – offers only a sliver of what occurs during a traffic stop. In fact, the RIPA data collection process does not capture enough information for the Board to even satisfy California's own legal standard for determining racial profiling. Before policymakers use the RIPA Board's 2024 Annual Report as evidence for the need for additional legislation or policy changes, it is critical they understand the analytical constraints that make it nearly impossible to determine a causal relationship between a driver's identity and the action taken by an officer within the currently available data.

"Law enforcement has a vested interest – as much as anyone else – in accurately assessing biases in policing, and it is in the best interest of Californians and our profession that we get this right," said **PORAC President Brian R. Marvel.** "But in order to do that, the RIPA Board needs to be collecting the right data that fully captures the context of police stops. PORAC is committed to working with the Board to improve their ability to determine the true state of racial profiling so that we can improve public safety for all."

In his analysis, racial profiling expert Dr. Brian L. Withrow found the process for collecting data during a traffic stop to be inadequate in several ways. Moreover, the data collected is simply insufficient to make any kind of positive inference that racial profiling has occurred:

- **Data Collected Makes It Impossible to Assess Racial Profiling:** To allege an individual was stopped because of their race, it is essential to measure what an officer perceived the race of the driver to be *before* initiating the contact. The data collection form only asks about the officer's perception of a driver's race or ethnicity *after* the stop was initiated.

- **Data Collected Does Not Capture Context of Police Stops & Officer Actions:** The RIPA data collection form leaves off vital information that could explain why an officer conducted a stop or took an action during the stop. There is no way for an officer to provide reasoning for a pretextual stop, the severity of the infraction that led to a warning or citation, or whether instances involving the use of force were proactive or reactive.

- **Data Collected Uses Inaccurate Population Benchmarks:** It is misleading to use residential population as a benchmark for determining a reasonable proportion of stopped drivers based on race. The demographics of an area's driving population are vastly different than the overall population.

- **Data Collected Does Not Accurately Attribute the Cause for a Search:** In cases where a search is conducted, the RIPA form does not indicate the legal justification for the search or when it occurred during the stop. Officers do not always get to choose whether to conduct a search; it can be required by law for specific classes of drivers.

- **Data Analyzed Does Not Differentiate Officer-Initiated Contacts vs. Calls for Service:** The RIPA Board chose not to differentiate stops that originate as a request for police presence from those initiated by an officer in its analysis – despite this information being available in the DOJ data set.

For an issue as important as racial profiling, it is imperative that lawmakers have all of the relevant information before they introduce legislation that could restrict an officer's ability to conduct a traffic stop in a manner that protects all involved – the driver, passengers, pedestrians, other drivers, and of course the officer themselves.

"The best data sets are those that recognize the complexities associated with an issue and provide robust qualitative information," said **Dr. Brian L. Withrow, Professor of Criminal Justice at Texas State University.** "However, the data the RIPA Board collects and analyzes – despite the breadth of its reach – is woefully inadequate as a measure of potential racial profiling in routine police operations. The data set provides little insight for policing professionals or policymakers on how or why police officers make enforcement decisions. When race is the only variable considered, it therefore can be the only possible justification for why a stop occurred."

PORAC has made several attempts over the years to work with the RIPA Board to correct the flawed methodology it has used since the inception of the Board in 2016. Unfortunately, these efforts at collaboration have gone unreciprocated. The Board's willful disregard of PORAC's recommendations and offers to educate the Board's laypeople with no law enforcement experience as to the policies, rules, regulations, and trainings that officers must adhere to in conducting traffic stops, remains a significant impediment to their understanding and ability to eliminate racial profiling.

"The only way the RIPA Board can improve traffic enforcement is if it hears from the people who are out in the field every day conducting these stops," said **Rich Randolph, RIPA Board Member.** "My colleagues on the Board are basing their conclusions on numbers from the DOJ, but this analysis shows that the numbers are not telling the full story. I'm glad to see a recommendation in PORAC's original analysis for Board members to undergo some degree of experiential learning so they can better understand what we do as law enforcement professionals."

The DOJ data set simply does not contain sufficient information on officer assignment to a location or beat nor what occurred at different stages of a stop that would enable the RIPA Board to understand a police officer's enforcement decision. To remedy these inconsistencies, PORAC has included in its analysis various considerations that would expand the data collection process and create a more detailed data set so that it can facilitate an accurate statistical analysis of stop data in California by the RIPA Board.

PORAC's full analysis of the DOJ RIPA 2021 stop data set can be found here: https://porac.org/wp-content/uploads/Withrow-Original-Analysis-of-CA-Stop-Data.pdf

PORAC will also be hosting a virtual Q&A forum with Dr. Withrow on Thursday, January 4 at 10:00 AM to give members of the media the opportunity to ask questions about PORAC's report (*link available upon request*).

<div align="center">###</div>

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 at 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.