

RE: PSROC June 6, 2023 AGENDA ITEM: RIPA 2022 DATA

Public Safety Reform and Oversight Commissioners:

A representative of the Santa Monica Police Department (SMPD) will be present at your June 6, 2023 meeting to discuss its RIPA (Racial and Identity Profiling Act) Data Report. Please include this letter and attachments as a Written Communication or Public Comment published with your June 6, 2023 Agenda.

SMPD AND THE CALIFORNIA RACIAL AND IDENTITY PROFILING ACT

*“The **Racial and Identity Profiling Act (RIPA)** requires CA officers to collect specific information on each stop, including elements of the stop circumstances and the perceived identity characteristics [e.g. race/ethnicity] of the individual(s) stopped.”* (AB953 Regulation)

RIPA requires small law enforcement agencies, including SMPD, to begin collecting these data January 1, 2022. The deadline for reporting the data to the CA Department of Justice was April 1, 2023.

CA 50 and AB 93: PRETEXTUAL STOPS AND SEARCHES

“A pretext stop occurs when an officer stops someone for a lawful traffic violation or minor infraction, intending to use the stop to investigate a hunch regarding a different crime that by itself would not amount to reasonable suspicion or probable cause.” (AB953 Regulation)

Pretextual stops are a particularly concerning type of stop. Conducting such stops has been SMPD policy for decades. Many community members have years of lived experience enduring frequent pretextual traffic stops. Too many other community members are unaware of how many people unlike themselves are more frequently subjected to these stops. At present, pretextual stops are legal. However, if passed, **SB 50 – Pretextual Stops for Low-Level Violations**-- would limit them in California.

On March 15, 2023 the RIPA Board voted to support **SB 50**. The California NAACP and over 50 other groups also support this bill. On the same date, the *RIPA Board* voted to support **AB 93 – Criminal Procedure: Consensual Searches** which would prohibit warrantless searches of a vehicle, person, or their effects, based solely on a person’s consent.

Relying on its research and analysis of several years of RIPA data from hundreds of CA law enforcement agencies, the RIPA Board requested an amendment to SB 50 that would call for the *elimination of pretextual traffic stops and searches*. Furthermore, the Board recommended that a future bill be drafted that would *“prohibit certain searches, such as consent searches or supervision searches, and instead requiring probable cause for any search.”* The relevant RIPA letters are attached to this email.

RACE AND TRAFFIC STOPS IN SANTA MONICA

Are traffic stops in Santa Monica racially discriminatory? Thanks to RIPA, we now have data from SMPD and the Santa Monica College Police Department (SMCPD) to help answer this question. SMPD data will be discussed at your meeting on June 6, 2023. Below this letter I summarize the basic steps for compiling and interpreting data on traffic stops, excerpted from guidelines published by *The Center for Policing Equity* at Yale University, led by Prof. Phillip Atiba Goff:

<https://justicenavigator.org/report/sample-assessment-2021/vs>

REQUEST

At its meeting on May 20, 2023, the Santa Monica-Venice NAACP unanimously approved a motion requesting Santa Monica to convene a **Traffic Enforcement Safety and Reform Task Force** with representatives from the NAACP, SMPD, SMCPD and other relevant organizations to examine the 2022 RIPA data collected by SMPD and SMCPD and determine what these data tell us about how to make reforms in local traffic stops. The motion specifies that the purview of the Task Force or Working Group should include:

1. Examining 2022 SMPD and SMCPD **data on traffic stops and searches** mandated by RIIPA,
2. Evaluating the **utility of pretextual traffic stops**, based on a reasonable balance between their actual crime prevention benefits, on the one hand, and their disparate burden on Black and Latino vehicle drivers who endure them, on the other,
3. Considering changes that would **decrease racial disparities** in traffic stops without compromising traffic safety,
4. Evaluating the feasibility of **training non-police government employees** to conduct certain types of traffic stops, as specified by SB 50.

The Santa Monica Coalition for Police Reform supports a similar proposal. Together, these groups urge the PSROC to initiate a robust community process for reforming traffic enforcement policy in Santa Monica.

Sincerely,



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GUIDELINES FOR ANALYZING VEHICLE STOPS

Vehicle stops refer to when an officer stopped a member of the public who was driving. A vehicle stop is a single record of a driver being stopped by police, regardless of the number of officers or passengers involved.

1 VEHICLE STOPS BY RACIAL GROUP

Sample Results:

- % of all drivers officers stopped who were Black
- % of all drivers officers stopped who were Latinx
- % of all drivers officers stopped who were Asian/Pacific Islander
- % of all drivers officers stopped who were Native American
- % of all drivers officers stopped who were White
- % of all drivers officers stopped who were Other

This analysis does not directly compare traffic stops to local demographics because the local driving population is more likely than the pedestrian population to include commuters and other non-resident people that may have a different racial makeup than local Census data. However, if the share of people stopped while driving differs significantly from the resident population, it may indicate that there are racial disparities in vehicle stops due to police behaviors or policies.

What does the analysis show?

The percentage of the total stops recorded each year that were people of one racial group.
The average percentage of stops recorded for each racial group for the entire report period.
The number of stops that makes up that percentage.

How is this calculated?

We take the average number of stops recorded per year and calculate the percentage of stops that were made of people of each racial group. We measure a vehicle stop as a single record of a driver being stopped by police, regardless of the number of officers or passengers involved. We recognize that departments may collect vehicle stop data in other ways (for example, not distinguishing between searches of drivers and passengers). Our [guidance](#) on collecting data has more information on how to effectively report vehicle stops. We generally use all vehicle stops data provided by departments, including incomplete years of data. However, certain analyses require complete years of data, so time periods may vary across charts.

Data required for this analysis:

- Incident unique identifier
- Date of incident
- Driver's racial group

2. COMPARING SEARCH RATES AT VEHICLE STOPS**Sample Results:**

Number of searches of Black people per 100 stops.

Number of searches of White people per 100 stops.

Once vehicles were stopped:

- Officers searched Black drivers X times as often as White drivers
- Officers searched Latinx drivers Y times as often as White drivers
- Officers searched Native drivers Z times as often as White drivers

What does this show?

This visualization shows, out of the same number of stopped drivers, how many drivers in each racial group were then searched.

How is this calculated?

We first divide the number of stops that involved a search for each racial group by the number of stops of that racial group. We then multiply that number by 1,000 to get the per 1,000 stops rate.

Police are typically required to search people they arrest and vehicles they impound or tow. When the search reason is provided in the LEA's data, these searches are excluded from this analysis because they are not necessarily based on an officer's discretionary evaluation of whether they expect to find contraband.

Data required for this analysis:

- Incident unique identifier
- Date of incident
- Driver's racial group
- Search(es) conducted
- Reason for search

3. COMPARING SEARCH OUTCOMES AT VEHICLE STOPS

One common explanation for racial disparities in stops and searches is that members of some racial groups may be more likely to have contraband. To assess this, this analysis examines how often officers recorded finding contraband such as weapons, drugs, or stolen goods in searches of drivers in each racial group.

Sample Results:

Latinx drivers who were searched possessed contraband [more/less/or as] frequently than White drivers. Black drivers who were searched were [more/less/or as] frequently as White drivers to possess contraband.

When searches of people experiencing disparities are less likely to result in the discovery of contraband, this may indicate they are being searched unproductively. Unproductive searches can indicate that officers' suspicion of illegal activity or weapons possession is less likely to be accurate for members of this group, or that officers more frequently decide to search members of this group at a lower level of suspicion. When search outcomes are relatively similar across racial groups, it suggests that significant racial disparities in stop and search rates cannot be justified by differences in the outcomes of those searches.

What does this show?

One common explanation for why members of some racial groups are stopped or searched at different rates is that they may be more likely to have contraband. To assess this, we look at whether searches of drivers of different racial groups resulted in contraband being found at different rates. For each racial group, we separate all searches into the percentage that resulted in contraband found and the percentage that resulted in no contraband found.

It is important to compare this result to the percentage of vehicle stops of each racial group, above, to identify which groups may be experiencing a high volume of stops that may be driving high totals of contraband found.

How is this calculated?

We take the total recorded searches of drivers of each racial group and calculate the percentage that did and did not reveal contraband. Police are typically required to search people they arrest and vehicles

they impound or tow. When the search reason is provided in the LEA's data, these searches are excluded from this analysis because they are not necessarily based on an officer's discretionary evaluation of whether they expect to find contraband.

Data required for this analysis:

- Incident unique identifier
- Date of incident
- Driver's racial group
- Search(es) conducted
- Reason for search
- Contraband found in each search

4. VEHICLE STOP REASONS BY RACIAL GROUP

Proportion of Vehicle Stops of Each Racial Group by Recorded Stop Reason

Possible Reasons: *Checkpoint. Equipment Stop. License/Registration Stop. Moving Violation. Other*

Sample Results:

Officers recorded W% of stops of Black drivers as Equipment Stops and X% as License / Registration Stops, compared to Y% and Z% of stops of White drivers.

Officers recorded Y% of stops of White drivers as Moving Violations, compared to Z% of stops of Black drivers.

Departments should investigate which stop reasons are more often recorded in stops of groups experiencing racial disparities, as well as what stop reasons are more often recorded overall. Stops that are not based on any risk to public safety or evidence of criminal activity are less likely to be efficient or productive uses of investigative resources.

What does this show?

The percentage of all stops of drivers of that racial group for which that stop reason was recorded.

The number of stops that make up that percentage.

The total number of stops that were made for a given reason.

Any stop reason that was recorded in a high number of stops, or that has large disparities, will influence the racial makeup of vehicle stops overall.

The most common reason for contact with the police in the United States is being the driver in a traffic stop, and Black drivers are more likely to be stopped by police. Black drivers may also be more likely to be stopped for reasons that tend to be less related to public safety –such as equipment stops and license or registration checks– which unnecessarily increases their likelihood of being [searched](#), experiencing police use of [force](#), and being [killed](#) by police. Jurisdictions should invest in [evidence-informed practices](#) that reduce the footprint of policing on traffic safety to address persistent racial disparities in traffic enforcement that pose an ongoing public safety risk to Black drivers.

How is this calculated?

We take the total recorded stops of drivers of each racial group and calculated the percentage made for each reason. We then group these percentages according to stop reason. We combine categories of reasons for easier interpretation.

Data required for this analysis:

- Incident unique identifier
- Date of incident
- Driver's racial group
- Stop reason

5. VEHICLE STOP OUTCOMES BY RACIAL GROUP**Proportion of Vehicle Stops of Each Racial Group by Recorded Stop Outcome**

Possible Outcomes: Arrest Citation Warning/No Action

Sample Results:

Once vehicles were stopped, Black drivers were arrested X times as often as White drivers. They were also Y times as likely to be released with a warning or no action taken.

What does this show?

The percentage of all stops of drivers of that racial group for which that stop outcome was recorded.
The number of stops that makes up that percentage.
The total number of stops for which that stop outcome was recorded.

Findings on recorded vehicle stop outcomes should be interpreted in context with findings on racial disparities in recorded stop reasons and searches at vehicle stops. Drivers of racial groups who are stopped more frequently are often also more likely to be stopped for reasons that tend to be less related to public safety, which may increase their likelihood of being released with a warning or no action taken, as well as decrease their likelihood of receiving a citation. Drivers who are more likely to be stopped despite not committing any crime or infraction are subject to a greater burden of police contact, which increases the likelihood of a cascade of [interrelated harms](#) including arrest, criminalization, and even injury or death.

How was this calculated?

We take the total recorded stops of drivers in each racial group and calculate the percentages for which each enforcement outcome was recorded. We then group these percentages according to enforcement outcome. We combine categories of outcomes for easier interpretation.

Data required for this analysis:

- Incident unique identifier
- Date of incident
- Driver's racial group
- Stop reason

End