

City of Santa Monica

Inspector General Review of Santa
Monica Police Department's Traffic
Stops and Racial & Identity
Profiling Act Data Report

April 29, 2024

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Introduction

The Racial and Identity Profiling Act (RIPA) aims to address biases and disparities in law enforcement practices by requiring the collection and analysis of demographic data on stops, searches, and other interactions between law enforcement officers and individuals.

In its annual reports, the RIPA Board, which manages data collection and requirements, has expressed repeated concern that California agencies' RIPA data suggests that police are stopping people of color at a higher rate, and that the stop outcomes are disparate as well, with people of color more likely to be searched or subject to police use of force.¹ Conversely, some police agencies have maintained that the raw data collected under RIPA does not tell the full story and have suggested alternative explanations for their policing patterns.

All sides agree, however, that analysis of RIPA data is inherently challenging and recognize the rough census data comparison may be inapposite. This has been our experience with jurisdictions across California, including in Santa Monica, when the Santa Monica Police Department presented its 2022 Annual RIPA Data Report.² The data tracked with statewide findings: when compared to the US Census data for Santa Monica residents, SMPD stopped people that officers perceived to be Black and Hispanic at a higher rate than those perceived to be white, and that the stop outcomes were also disproportionate. In its public report, SMPD provided several possible alternative explanations for the outcomes and presented potential confounding variables, such as the influx of tourists and workers who drive into and out of the City on a daily

¹ The RIPA Board publicizes findings annually. All reports can be found at their website: <https://oag.ca.gov/ab953/board/reports>

² The Report and related slide deck can be accessed at: <https://www.santamonica.gov/racial-and-identity-profiling-act-ripa>

basis, the number of stops involving the unhoused population, and complementary disparate arrest and crime rates.

Nonetheless, this report left some in the community questioning whether explicit or implicit bias may have influenced the disparate raw data. As a result, the City's Public Safety Reform and Oversight Committee (PSROC) requested that the Inspector General review SMPD's methodology and provide insight into more effective ways to collect, review, and use RIPA data.

We reviewed SMPD's methodology and found it to be sound, though limited. We recommend partnership with independent experts to provide a more sophisticated statistical analysis.

We discuss promising new updates to California law and RIPA reporting requirements that address the growing concerns over disparities and suggest that the police department ask its officers to collect additional data fields that may provide Santa Monica-specific context to the current data set.

Finally, we also conducted a random "mini-audit" of stops that fell under the RIPA collection criteria to examine if data collected by officers was accurate and to generally observe officer behavior and stop outcomes. While the small sample does not provide any statistically significant conclusions, it served to give a sense of the nature of the stops and officers' actions.

Background

In 2015, California enacted legislation requiring that law enforcement agencies throughout the state collect and report to the state demographic data for any peace officer detention and any interaction that results in a search. Most often, these encounters are traffic and pedestrian stops, but can include any officer-initiated activity that results in a detention or search, including calls for service or consensual contacts. Entitled the “Racial and Identify Profiling Act” (RIPA), the law required that officers report what they *perceived* to be the race, ethnicity, age, gender identity, disability and English fluency of the subject. This dataset is collectively referred to as “stop data.”

Per RIPA requirements, the Santa Monica Police Department (SMPD) began collecting stop data on January 1, 2021. In 2023, SMPD created a public report summarizing 2022 stop data, which it presented to the Public Safety Reform and Oversight Committee (PSROC). The report showed that when compared to the residential population of the city as determined by the United States census, SMPD stopped people that officers perceived to be Black and Hispanic at a higher rate than those perceived to be white.

Moreover, when evaluating traffic stops of all types (moving violations, equipment violations, and non-moving violations³) relative to the City’s

³ “Moving violations” are violations that occur when a traffic law is violated by a vehicle in motion, such as speeding or failing to follow rules of the road, such as making a full stop at a stop sign. “Non-moving” violations might also occur when a vehicle is in motion (e.g., driving while holding a cellular phone or not wearing a seatbelt). “Equipment violations” are fixable offenses, such as vehicle maintenance issues like a broken taillight, or illegal enhancements or obstructions.

residential population as cited by the US Census⁴, people of color were more likely than whites to be stopped for non-moving and equipment violations (for example, failure to display a license plate or vehicle maintenance issues) versus moving violations. This result was particularly concerning to some community members because equipment violations are often used to make “pretext stops,” stops that occur when law enforcement officers stop a person for a minor violation with the secondary intention of identifying a separate, unrelated crime. The issue with these stops is that because officers are given significant discretion in who they stop and for what reasons, pretext stops can result in disparate or selective enforcement. These communities have long held (and multiple studies have opined) that pretext stops affect people of color disproportionately, and that the public safety benefits of these stops is outweighed by the potential harm as a result of loss of community trust in policing.⁵

Conversely, some studies have found that traffic stops of all types have a positive impact on overall road safety for drivers, pedestrians, and cyclists, and that reducing stops for minor traffic infractions has a negative impact

⁴ We again caution regarding the limited utility of Census residential data in making comparisons for the reasons stated in this paper and note the comparisons here because the public dialogue surrounding this issue have used such comparisons.

⁵ For a discussion of the costs associated with pretext stops, see:

The 2023 RIPA Board’s report is available at
<https://oag.ca.gov/ab953/board/reports#previous>

Public Policy Institute of California 2022 study by Lofstrom et al., “Racial Disparities in Traffic Stops.”

Westervelt, “Cities Looking to Reform Police Traffic Stops to Combat ‘Fishing Expeditions’” (2022);

Miller et al., “Public Opinions of the Police: The Influence of Friends, Family and News Media” (2018);

Blanks, “Thin Blue Lies: How Pretextual Stops Undermine Police Legitimacy” (2016).

on crime rates.⁶ And SMPD notes that the City adopted Vision Zero in 2016 with the goal to bring the number of fatal and severe injury collisions down to zero; SMPD noted that the three E's of Vision Zero are Education, *Enforcement* and Engineering.

It is within this overarching framework that SMPD produced its report on the data collected by its officers as well as suggested explanations for the results. We were then asked to provide a deeper dive into that data and consideration of SMPD explanations.

⁶ For a discussion of the benefits associated with traffic stops in general, and pretext stops in specific, please see studies cited by the Insurance Institute for Highway Safety's Highway Loss Data Institute, including Dingus et.al., 2016; Guo et.al., 2016; Tefft, 2013; and Elvik, 2013.

These can be accessed at <https://www.iihs.org/topics>

For an analysis of the costs of "de-policing," including but not limited to reducing or limiting types of traffic enforcement, please see Nix et al., "When police pull back: Neighborhood-level effects of de-policing on violent and property crime." (2023).

Methodology of SMPD's RIPA Data Analysis

We discussed SMPD's methodology with Department employees responsible for creation of the report and reviewed an Excel workbook used to conduct the analysis. In short, the Department conducted a sound, but limited, statistical analysis comparing RIPA data collected from January 1 through December 31, 2022, against the residential population of Santa Monica as reported by the US Census Bureau in 2022, the population of LA County, and the estimated count of the unhoused in "Service Planning Area 5," which includes Santa Monica. SMPD also conducted what it called a probability analysis to determine how likely a certain outcome was based on a subject's race/ethnicity (for example, how likely a white person was to be cited or searched after a stop).

The Department presented other data points, such as crime rate data and an overview of self-initiated police activity versus calls for service, as "benchmarks." Because police activity is highly variable and dependent on numerous factors, incorporating this type of "benchmark" data in a statistical analysis may provide a more nuanced analysis of the stop data; these are appropriate factors to consider as they may impact who officers stop, when they are stopped, and the stop outcomes. For example, if neighborhood-level crime rates are not considered, an analysis may incorrectly attribute differences in stop rates to racial or identity profiling rather than differences in crime rates.⁷

⁷The complexity of the analysis is further compounded because the crime rate is impacted by who ends up being subject to arrest and differential treatment there will cause bias based disparities in the crime rate itself.

While SMPD presented these benchmarks as possible explanations for the stop data disparities, it did not incorporate these variables into its statistical analysis of the RIPA data. We acknowledge that conducting this type of sophisticated statistical analysis requires an expert steeped in sociological statistical analysis and training. Some law enforcement agencies have contracted with statisticians to provide a more thorough analysis of their RIPA data using these other variables; these reports have not yet been published, but we anticipate that they will provide a framework for analysis of RIPA data in the future and could serve as a blueprint for other agencies such as SMPD.

SMPD should similarly consider engaging with an independent expert to conduct a more robust and sophisticated analysis of its RIPA data. The analysis should include statistical techniques such as multivariate regression analysis to capture the potential effect of its benchmark variables, such as crime rates and whether the stop was officer-initiated or a call for service. SMPD should also consider sponsoring geospatial analysis to identify possibly problematic “hot spots” in the City that have higher stop rates or higher disproportionality.

Finally, SMPD should consider conducting a micro-level analysis of individual officer behavior to determine if specific officers display any concerning patterns in their stops or post-stop actions (for example, an officer who conducts significantly more searches after stops than his peer officers assigned to the same unit and location).⁸

RECOMMENDATION 1

SMPD should partner with an independent expert to conduct a more robust and sophisticated analysis of RIPA data, including at

⁸ We understand that officers assigned to the Traffic Unit will have more stops than officers assigned to Patrol or other units. A sophisticated analysis should consider the officer’s assignment, time of day, and other such confounding variables.

the micro-level to identify any patterns in individual officer behavior related to stops.

Promising New Developments

There are several promising developments as of January 1, 2024, that address some of the concerns posed by the SMPD 2022 RIPA data report.

First, effective January 1, 2024, Assembly Bill 2773 requires that officers clearly provide persons the reason for a stop immediately at the start of an encounter. This law intends to provide the detainee information at the inception of the encounter and prevent immediate questioning of the individual, which has led to concerns that police were trying to gain admissions of other criminal activity after initiating a detention for a minor infraction.⁹

SMPD reported that it had trained all Department personnel on the new requirements in December of 2023 via a Training Bulletin and legal update training. It is also finalizing a new policy to reflect the new law. This new statute has promise to reduce the potential adverse outcomes of traffic stops.

In March of 2022, the Los Angeles Police Department implemented Special Order No. 3. Among other requirements, this Order restricted the use of pretext stops unless officers were acting on other, articulable information in addition to the traffic violation; and limited the use of minor equipment violations or other infractions unless the violation “significantly

⁹ Assembly Bill 2773 requires that, “a peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, to state the reason for the stop, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat.” See the full text at:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2773

interfere[d] with public safety.”¹⁰ Like AB2773, it also required officers to state the reason for the stop on their body-worn camera prior to contacting the person stopped. Since implementation, the Department has reported a significant shift in traffic stop patterns, including a decline in stops for minor traffic violations (a perhaps-obvious effect due to the policy’s new restrictions on these types of violations). More notable, while some disproportionality in the race of persons stopped still exists, the proportion of Black drivers who were stopped declined relative to the previous year. And officers conducted fewer searches during stops and were less likely to rely on consent from drivers to conduct searches.¹¹

And a recent study of traffic stops of Black men found that stops where an officer provided the reason for the stop within the first 45 words of the encounter (versus issuing a command or asking a question) were less likely to escalate, and less likely to result in searches, handcuffing, or arrest.¹²

Second, the RIPA Board added or amended several data fields that it determined were necessary to better analyze stop data. Several of these data points will provide more context for stops, such as whether a stop was initiated by officer observation or by a call for service.¹³ Others will

¹⁰ Los Angeles Police Department’s March 2022 Special Order No. 3, “Policy – Limitation on Use of Pretextual Stops – Established.”

¹¹ See “City of Los Angeles Alternatives to Traffic Enforcement Study and Community Task Force Recommendations,” September 2023; and “Minor police encounters plummet after LAPD put limits on stopping drivers and pedestrians,” at <https://www.latimes.com/california/story/2022-11-14/minor-traffic-stops-plummet-in-months-after-lapd-policy-change>

¹² See Rho et.al., “Escalated police stops of Black men are linguistically and psychologically distinct in their earliest moments” at <https://www.pnas.org/doi/10.1073/pnas.2216162120#bibliography>

¹³ If a significant part of the disparity comes from calls for service, it suggests that the disparity could stem largely from differential rates caused by the public rather than the police.

provide information about the officer to enable micro-level analysis and identify patterns of practice.

Third, per Assembly Bill 2773, officers will be required to document the reason given to the person for the stop on the RIPA form. These updates are summarized in the table below.

Topic	Added Field(s)	Modified Field(s)	Removed Field(s)
Reporting Officer	Race or Ethnicity Gender Made in conjunction with a non-reporting agency	Type of Assignment Required Description for type of assignment	
Setting	Type of Stop Welfare/Wellness, Community Caretaking Location Type	City or unincorporated area	Location text field
Perception Data	Perceived Sexual orientation Perceived to be unhoused	Perceived Race or Ethnicity Perceived Gender	LGBT - Yes/No
Reason for Stop	Probable cause to Arrest or Search (subtypes) Probably cause per W71 5150 (subtypes) Vehicle Passenger Person at residence	Reasonable Suspicion Subtypes	
Actions Taken	Force related actions Non-force actions		Actions Taken (general list)
Basis for Search & Property Seizure	Basis for search, type of consent given	Basis for Search text field Validations with new non-force actions taken	
Result of Stop	Verbal Warning - Offense code Written Warning - Offense Code	Revised list for result of stop	Warning (general) - offense code

AB2773 : new requirements for the "Reason Given to Person for Stop" details pending

Finally, a challenge for agencies throughout the state has been how to best present RIPA data for public consumption. The California Police Chiefs Association has partnered with member agencies to develop a data dashboard template that can be used by agencies (for a fee) to present RIPA data online in a user-friendly and consistent way (for example, on SMPD's Transparency Center site).¹⁴

¹⁴ The Transparency Center can be accessed at:
<https://www.santamonica.gov/departments/police>

Additional Recommended Data Points

The RIPA form also provides agencies with the discretion to collect additional information as deemed necessary. We recommend that SMPD take advantage of this opportunity to add relevant data fields:

- In its report, SMPD asserted that using Census Bureau data (which counts the residential population) as the main benchmark resulted in misleading findings because the actual population (as opposed to the residential population) of Santa Monica at any particular time is highly variable, made up of residents, tourists, employees driving into and out of the City, and the unhoused. However, because the 2022 RIPA collection form did not capture information regarding a stopped person's address (e.g., a zip code), SMPD's was unable to conduct any data analysis that might support its assertion.¹⁵

We recommend that SMPD add a data field to capture the address (at a minimum, the zip code) of the stopped individual. This would allow SMPD to more effectively analyze stop data of those identified as "residents" versus those identified as "non-residents" (e.g., with an address outside of Santa Monica) or those without an address (e.g. the unhoused).

¹⁵ SMPD might have been able to obtain the subject's residence by matching the RIPA entry to a subject's address (for example, as documented on a traffic citation or arrest report). But doing so retroactively for over 5,000 stops would be work intensive and not capture stops that do not result in a citation or arrest.

- SMPD should consider requiring officers to document when they were first able to perceive the race/ethnicity of the stopped subject. SMPD and other law enforcement agencies assert that many stops, particularly moving violations, are initiated *prior* to seeing the race/ethnicity of the person they are stopping; as such, they maintain that for these stops, officers cannot be engaged in bias-based policing because they have no information about the race/ethnicity of the subject until after making the decision to effectuate the stop.¹⁶ By capturing when an officer was first able to identify the race/ethnicity, this factor can be added to the statistical analysis.

RECOMMENDATION 2

SMPD should add custom data fields to the RIPA collection form, including but not limited to the address/zip code of the stopped person and when an officer first identified the race/ethnicity of the stopped person.

¹⁶ In its report, SMPD provided a copy of Policy 401, which prohibits biased-based policing. Command staff also reported that the Department is committed to frequent and regular implicit bias and biased-based policing training.

Mini-Audit: Findings and Recommendations

As part of this project, we reviewed a small sampling of 2022 stops that fell under the RIPA collection criteria to examine if data collected by officers was accurate and to observe officer behavior and stop outcomes, generally.

We randomly selected six cases from the over 5,000 stops conducted in 2022. While the very small sample size does not provide any statistically significant conclusions, it did provide a general sense of the nature of the stops and officers' actions. SMPD provided all related body-worn camera footage, reports, and the related RIPA data for each case.

We observed that officers had an articulable legal basis for each stop, which they shared with the stopped person immediately or shortly after initiating the stop. Two were for moving violations (speeding) that we were able to observe on body-worn camera footage, though one resulted in the issuance of a "fix-it" ticket for license plate placement.¹⁷ Two were for non-moving violations: use of a cell phone while driving and failure to wear a helmet while riding a motorcycle. One was initiated by a call for service related to theft, and one was initiated by a call for service

¹⁷ From our review of the body-worn camera footage, it appeared that officers were conducting stops of several motorcycle drivers who were caught speeding. The specific subject in the case we reviewed said that they were all visiting Santa Monica for a special event, and that he did not know the speed limit. For this reason, the officer let the subject go with a speeding warning and "fix-it" ticket.

regarding a male yelling and allegedly exposing himself on a public sidewalk.

In all cases except one, which we detail below, the officers were respectful and professional, the stops were short in duration, and the officers took what we found to be appropriate actions.

A challenge of RIPA data collection is that it relies on individual officer's perceptions of a subject's identifying characteristics, leading to questions about the accuracy and quality of the data collected.¹⁸ In this mini-audit, we compared the subjects' characteristics (as listed on their identification or otherwise observed on body-worn camera footage) to the RIPA data reported by each officer. In every case, the data collected by the officer was accurate.

SMPD reported that they make every effort to ensure the accuracy of data reported on RIPA forms, from training officers specifically on data collection requirements to conducting frequent implicit bias training to help eliminate bias. However, data quality issues may still arise. We recommend that SMPD consider conducting its own periodic audits of RIPA data to identify and address any discrepancies or issues with data reporting.

RECOMMENDATION 3

SMPD should conduct periodic audits of RIPA data to identify and address any discrepancies or issues with data reporting.

Our very limited sample aligned with SMPD's hypothesis that individuals stopped in Santa Monica are often not residents. In listening to the conversations between the officer and person stopped, we were able to determine that two were Santa Monica residents (both white), one was unhoused (also white), and four were non-residents (one Asian male visiting for a special event, one Hispanic male driving home from work

¹⁸ But officer perception is the critical data since it is that perception that forms the basis of either bias or bias-free stops.

through Santa Monica, and two Black shoplifting subjects, a male and a female, from neighboring areas).

We also used our mini-audit to test the theory that officers cannot discern a subject's race before initiating a stop. With respect to the traffic violations specifically, it was impossible to identify the race/ethnicity or gender of the driver prior to the stop in two of the cases: one was wearing a helmet and the other occurred at night. In the other two, it is possible¹⁹ that the officer could have identified the race/ethnicity prior to initiating the stop; in these, one was White male and the other a Hispanic male.

In the call for service involving a white male yelling and allegedly exposing himself, two officers observed the male who matched the described actions. The officers approached the male and instructed him to pull his pants up or he would be arrested. When he refused and continued to yell, the officers placed him under arrest, pulled his pants up, and searched him. They placed him in the rear of the police vehicle. When a third officer arrived, one officer muted his body-worn camera to discuss the incident. The male was eventually transported to the jail.

The call for service for theft was longer as officers sought to identify the subjects, discern what crime(s) had occurred, and determine the appropriate actions and charges. Officers stopped two subjects that matched the description provided by the reporting party: one Black male and one young Black female, possibly carrying stolen items, near a popular shopping area.

¹⁹ We acknowledge that our “vantage point” – watching body-worn camera footage after the fact – may be more conducive to identifying subject characteristics than officers’ real time perspective in the field.

Conclusion

Our evaluation of SMPD's 2022 RIPA Report and related data reveals both commendable efforts and areas for improvement.

The Department's presentation of RIPA data and possible alternative explanations for disparities in stop outcomes demonstrates a commitment to transparency and accountability. But SMPD, like agencies statewide, faced challenges in data analysis. While the Department's methods were sound, we recommend a more sophisticated statistical analysis through partnership with independent experts to better capture the complexities of policing patterns and potential biases.

Promising developments such as Assembly Bill 2773 aim to address concerns raised by the RIPA data. Additionally, updates to RIPA reporting requirements and the introduction of a standardized data dashboard template offer opportunities for improved data collection, analysis, and presentation to the public.

Our mini-audit provided promising insights into officer behavior and stop outcomes, and also underscored the need for ongoing evaluation and monitoring of policing practices to ensure fairness, transparency, and community trust.

Overall, it is hope that our recommendations assist SMPD in its clear commitment to continuous improvement.