

DATE: January 26, 2023

TO: Public Safety Advisory Board

FROM: Michael Canfield, Police Captain

SUBJECT: **Public Safety Advisory Board Subcommittee on Racial and Identity Profiling Act Data Recommendations**

PURPOSE

The purpose of this memorandum is to receive recommendations from the Public Safety Advisory Board Subcommittee on the Racial and Identity Profiling Act regarding how to make the data required by the Act accessible to the public. The memorandum transmits the first year of collected Act data and identifies the next steps for implementing the Subcommittee's recommendations, accumulating sufficient data, and planning for objective analysis of data findings.

BACKGROUND

The Mountain View Police Department (MVPD) recognizes the importance of meaningful data analysis, including the analysis of Racial and Identity Profiling Act (RIPA) data, to MVPD's overall mission of providing excellent Police services to the Mountain View community, ensuring transparency and proactively identifying potential bias.

Ph.D. Research Fellow Analysis of Traffic Stop Data

In fall 2020, the City Manager's Office and the MVPD partnered with Stanford University and the University of Michigan, as part of a coalition of research institutes working with police departments, to hire Alex Stephenson, a Ph.D. research fellow from the University of California, Berkeley. Stephenson's charge was to analyze traffic stop data to examine if there were any trends or disparities in the Police Department's contacts with the community.

Stephenson was assigned to the Office of the Police Chief and the City Manager's Office and given unfettered access to MVPD's contact and traffic stop data. He was also granted full access to speak to whomever he wanted in MVPD and to go on a "ride-along" with Officers to provide a context for the data he was analyzing.

Stephenson's research focused on providing insight on the following topics:

- What is the nature of any observed disparities in traffic stops by the MVPD?
- Are any observed disparities indicative of potential bias in the MVPD?
- What information should be collected going forward by the MVPD?

Stephenson provided presentations on his work and findings during the June 24, 2021 and August 26, 2021 PSAB meetings. Stephenson analyzed data from all traffic stops made by MVPD from 2014 to 2020 and examined whether bias was a factor in the decision to stop motorists and the decision to search motorists. Stephenson found that there was no clear evidence that MVPD "stop decisions" were discriminatory, and there was mixed evidence of disparities with regard to the decision to search a car. In his presentation to the PSAB, Stephenson explained that in regard to the "mixed-evidence terminology...clear conclusions are difficult to draw due to the small number of searches conducted by MVPD over the time frame of interest. Therefore, evaluations of these decisions should be done with caution."

PSAB RIPA Work Plan Item

The Public Safety Advisory Board (PSAB) Fiscal Year 2021-22 Work Plan, adopted by the City Council on September 28, 2021, included a project to develop and recommend follow-up actions related to Stephenson's traffic stop analysis, with a focus on MVPD's implementation of RIPA requirements and exploring methods to make policing data more open and accessible to the public.

RIPA mandates that California law enforcement agencies collect the following data when a detention is made. For the purposes of RIPA, a detention is when a person is stopped by the MVPD and not free to leave, or they are contacted by MVPD and provide consent to be searched. The RIPA required fields are listed below:

- Date, time, and duration of the stop;
- Location of stop;
- Perceived race or ethnicity of person stopped;
- Perceived gender of person stopped;
- Whether person stopped perceived to be LGBT;

- Perceived age of person stopped;
- Whether person stopped has limited or no-English fluency;
- Perceived or known disability of person stopped;
- Reason for stop;
- Whether stop was made in response to a call for service; and
- Actions taken by an Officer during a stop.

In addition to collecting the above required data, MVPD collects information regarding whether the Officer making the contact believed the subject was having mental health-related challenges and at what point during the contact the Officer perceived the subject's race and gender.

RIPA requires that the data collected be provided to the California State Department of Justice (DOJ) quarterly, among other requirements. The MVPD began collecting RIPA data on December 1, 2021, in advance of the January 1, 2022 deadline, and provided the first quarterly data submission to the DOJ on April 1, 2022.

During its February 24, 2022 meeting, the PSAB created the RIPA Subcommittee consisting of Board members Brodovsky, Langton, and then Vice Chair Frink. The suggested work of the Subcommittee was to:

- Review MVPD's process for collecting and submitting RIPA data to the State;
- Review and provide input on data generated from RIPA stops;
- Review and provide input on community sentiment of data collected by MVPD;
- Explore and develop recommendations on ways to make MVPD data more open and available to the public;
- Advise MVPD on ways to partner with the community to determine additional data-sharing that may be useful in the future; and
- Provide updates and recommendations to the PSAB for consideration

Subcommittee Work

The RIPA Subcommittee began its work by reviewing the RIPA, MVPD's RIPA-related policies, and the required and additional data fields. MVPD General Orders, Section 402.1.1, Reporting of Stops, parallels the statutory requirements of RIPA and clarifies when an Officer must submit RIPA data. MVPD General Orders, Section 402.2, Supervisor Responsibilities, directs a supervisor to initiate an investigation of any "actual or alleged violation" of MVPD's bias-based policing policy. These General Orders are included as Attachment 1 to this memorandum.

The RIPA Subcommittee then met with Ph.D. Research Fellow Stephenson, who shared his informed perspective and answered questions about the process, opportunities, and challenges for analyzing this new source of data. Stephenson highlighted the challenge in trying to draw conclusions from the relatively small sample size of RIPA data and accounting for the impacts that different organizational and policy changes could have on the data. Stephenson emphasized the importance of needing to establish a process for meaningful and objective data analysis.

Staff will continue to collect RIPA data and to develop a plan and direct resources for objective analysis. Following Stephenson's recommendation, the use of comparable RIPA data sets will be applied to his previous research work. This blending of the previous data with the RIPA data will help address the issue of limited RIPA data sample size, while continuing to apply the *veil of darkness* standard. This will enable the ongoing departmental focus on assessing the potential for bias in policing. MVPD believes access and transparency will be best served by sharing this data analysis on an ongoing basis in MVPD's annual report. As described in Stephenson's report on *Assessing Disparities in MVPD Stops: Summary Report* (Attachment 2), the *veil of darkness* standard is a research methodology used to evaluate the potential difference the perceived race of a driver makes by comparing stops when the driver's face can be seen during daylight to stops when the driver's face is obscured during darkness.

Although it is likely that Research Fellow Stephenson's partnership with the City is coming to an end, the City Manager's Office and MVPD are committed to ensuring continued external analysis of our RIPA data and will look for other opportunities to utilize data and conduct effective data analysis.

The RIPA Subcommittee reviewed MVPD's 2022, Q1 through Q3 RIPA data as well as the Q1-Q2 audit report from the California Department of Justice, which showed 1,171 data entries in Mountain View for "Individuals Stopped in Encounters," 105 corrected duplication errors, and one incomplete data field error. This DOJ audit is included in this memorandum as Attachment 3. Since that time, Q4 RIPA data has been submitted. A report on the four quarters of 2022 data is included in this memorandum as Attachment 4.

The Subcommittee developed a list of stakeholders, including those listed below, and began its community outreach:

- El Cafecito Justicia Aroma;
- Reach Potential Movement;
- Community Services Association (CSA);
- Housing insecure or homeless community members;
- LGBT+ community members;
- Mountain View Coalition for Police Reform and Accountability;
- Asian American Pacific Islander community members;
- Silicon Valley chapter of the National Association for the Advancement of Colored People (NAACP); and
- Justice Vanguard.

The Subcommittee asked these community stakeholders a series of questions designed to gauge the importance of the RIPA data to each group, how they would likely use the data, and how best to format and make the data accessible. Although not uniform in their answers, the Subcommittee heard consistent themes from the stakeholder groups. These included:

- MVPD-specific RIPA data should be provided online in an easily accessible visual/graphical representation as well as in manipulatable data form.
- Data and respective data reports should be translated into Mandarin, Russian, and Spanish.
- Access is important to enable community groups to review and interpret MVPD's RIPA data.
- There is interest in using RIPA data to inform community members' feeling of safety with the MVPD, inform community aid providers on how to help their clients navigate their individual challenges, identify patterns or problems, and potentially prompt early intervention.
- Providing access to printed RIPA data reports will increase access for community members who may not otherwise review it online.

- Frequent posting of RIPA data will support the transparency efforts of the MVPD.

The Subcommittee took great care in weighing the community feedback and reflected on the review of policies and the data collection process to develop recommendations for making RIPA data accessible to the community. There was specific consideration for how to best provide access to RIPA data to Mountain View's underserved and non-English-speaking community members.

RECOMMENDATION

The Subcommittee recommends that:

- MVPD conduct annual RIPA compliance reviews of each Officer to ensure accuracy and adherence to policy, and that MVPD implement a system to conduct additional random RIPA-compliance reviews.
- The following steps be taken to increase public access and further transparency of the MVPD's RIPA data:
 - Creation of an interactive dashboard displaying RIPA data in a format that is easily viewed on mobile devices;
 - Quarterly publication of RIPA data in a CSV file format, allowing for the public to review and examine the data;
 - Quarterly publication of the RIPA data in English, Spanish, Russian, and Mandarin for posting on the City's webpage and distribution to community groups and stakeholders in both an electronic and hard copy format;
 - Availability of RIPA data upon request at the Police station; and
 - Continued opportunities for MVPD to listen to community voices and look for new and more effective means to make its RIPA data transparent and accessible to the entire community.

NEXT STEPS

Following the feedback from the PSAB at this meeting, MVPD will partner with other City staff to evaluate and put in place processes and timelines for the respective PSAB recommendations. Next steps for MVPD could include the following:

- Continue to collect both the required RIPA data and additional data sets;
- Collaborate with Ph.D. Research Fellow Stephenson to identify resources to support continued external data analysis, including applying applicable RIPA data to existing research on bias and Police contacts;
- Research and implement an interactive and mobile-friendly RIPA data dashboard;
- Work with the City Manager's Office to translate and publish quarterly RIPA data in English, Spanish, Russian, and Mandarin on the City website;
- Develop a RIPA data webpage;
- Make quarterly RIPA data available upon request in both digital (CSV file format) and hard copy formats;
- Publish the accessibility of its RIPA data across the MVPD's various social media platforms and directly to stakeholders and seek feedback on continued methods for RIPA data access and transparency; and
- Draft and implement policy for a supervisor to review every Officer's RIPA entry accuracy and policy adherence and to implement additional random internal audits.

MC/MS/1/MGR
625-01-26-23M-1

Attachments: 1. MVPD General Orders, Sections 402.1.1 and 402.2
 2. Assessing Disparities in MVPD Stops
 3. DOJ RIPA Audit for 2022 Quarters 1 and 2
 4. 2022 MVPD RIPA Data