



# COUNTY *of* VENTURA

## PUBLIC SAFETY RACIAL EQUITY ADVISORY GROUP MEETING AGENDA

1911 WILLIAMS DRIVE, OXNARD, CA  
THURSDAY, FEBRUARY 1, 2024  
5:30 PM -7:30 PM

### MEETING PARTICIPATION:

**Topic:** PSREAG Meeting

**Location:** Ventura County Behavioral Health  
Large Training Room  
1911 Williams Drive, Oxnard, CA

*Members of the public may join in person or by Zoom link below:*

**Join Zoom Meeting:** <https://us02web.zoom.us/j/85188551246>

Dial by your location  
+1 669 900 6833 US (San Jose)  
Meeting ID: 851 8855 1246  
Find your local number: <https://us02web.zoom.us/j/85188551246>

### PUBLIC COMMENTS BY EMAIL:

IF YOU WISH TO MAKE EITHER A GENERAL PUBLIC COMMENT OR COMMENT ON A SPECIFIC AGENDA ITEM BEING HEARD, YOU CAN SUBMIT YOUR COMMENT VIA EMAIL BY 9:00 AM THE DAY OF THE MEETING TO THE FOLLOWING ADDRESS: [COUNTYDEI@VENTURA.ORG](mailto:COUNTYDEI@VENTURA.ORG). PLEASE INCLUDE THE FOLLOWING INFORMATION IN YOUR EMAIL: (A) MEETING DATE, (B) AGENDA ITEM NUMBER, (C) SUBJECT OR TITLE OF THE ITEM, (D) YOUR FULL NAME. DURING PUBLIC COMMENT ON THE AGENDA ITEM SPECIFIED IN YOUR EMAIL, YOUR EMAIL WILL BE SUBMITTED FOR THE RECORD.



# COUNTY *of* VENTURA

## OPENING

### **1. CALL TO ORDER (10 MIN)**

- a. Spotlight a Group Norm
- b. Roll Call & Confirm Quorum

### **2. APPROVAL OF PAST MEETING MINUTES (5 MIN)**

### **3. PUBLIC COMMENT OPPORTUNITY FOR ITEMS ON THE AGENDA AND/OR FOR OTHER ITEMS WITHIN PSREAG SUBJECT MATTER JURISDICTION (10 MIN)**

## REGULAR AGENDA

### **4. UPDATE, PRESENTATION AND POTENTIAL ACTION TO APPOINT A NEW COMMUNITY BASED ORGANIZATION MEMBER TO PSREAG (30 MIN)**

- a. Presentation by DEI Staff
- b. Member Discussion
- c. Consider Potential Action

### **5. UPDATE BY RECOMMENDATIONS REVIEW *AD HOC* SUBCOMMITTEE (10 MIN)**

- a. Presentation by Ad Hoc Lead/s
- b. Member Discussion

### **6. UPDATE OF DRAFT REPORT FROM POLICY AND PRACTICE *AD HOC* SUBCOMMITTEE (20 MIN)**

- a. Presentation by Ad Hoc Lead
- b. Member Discussion

### **7. MEMBER AND STAFF COMMENTS (10 MIN)**

- a. Upcoming meetings of the PSREAG scheduled for the 1<sup>st</sup> Thursday of the Month at 5:30 PM. The next regular meeting will be held at 1911 Williams Drive, Oxnard, CA, and hybrid options for the public.



# COUNTY *of* VENTURA

## 8. ADJOURN

Materials related to an item on this Agenda submitted after distribution of the agenda packet are available for public inspection on the Ventura County PSREAG website <https://www.ventura.org/psreag/> subject to staff's ability to post the documents prior to the meeting.

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Ventura County Public Safety Racial Equity Advisory Group per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the County Executive Office, 800 South Victoria Avenue, Ventura, CA 93009-1740 or telephonically by calling (805) 654-2876 or email to [CountyDEI@ventura.org](mailto:CountyDEI@ventura.org). Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested.



## PUBLIC SAFETY RACIAL EQUITY ADVISORY GROUP

### MEETING MINUTES

1911 WILLIAMS DRIVE, OXNARD, CA

THURSDAY, JANUARY 4, 2024

5:30 PM -7:30 PM

#### 1. CALLED TO ORDER @ 5:32PM

- a. QUORUM ASCERTAINED

#### 2. Voting Members in Attendance:

- a. Cynthia Gonzalez, NAACP
- b. Damon Jenkins, Black Bar Association
- c. Christina Eilar, Latino Town Hall
- d. Daniel Gonzalez, Future Leaders of America
- e. Andrew Salinas, VCSO
- f. Mike Jump, DA
- g. Claudia Bautista, Public Defender
- h. Gina Johnson, Probation
- i. Christina Eilar, Santa Paula Latino Townhall
- j. Cindy Liu, WeBelong: Everywhere
- k. Bob Bland, Conejo Valley Interfaith Association
- l. Genevieve Flores-Haro, MICOP
- m. Roland Catabona, Diversity Collective of VC

#### 3. Other Attendees:

- a. Kate English
- b. Steven Auclair
- c. Brooke Lautz
- d. Angel Garcia
- e. Candice Modica
- f. Rajima Danish Engel – online
- g. Melissa McMurdo – online
- h. Willie Lubka



#### **4. APPROVAL OF PAST MEETING MINUTES**

- a. Damon moved to adopt minutes/Claudia 2<sup>nd</sup> – unanimously approved

#### **5. PUBLIC COMMENT OPPORTUNITY FOR ITEMS ON THE AGENDA AND/OR FOR OTHER ITEMS WITHIN PSREAG SUBJECT MATTER JURISDICTION (10 MIN)**

- a. No comments

#### **6. UPDATE FROM VENTURA COUNTY SHERIFF'S OFFICE ON RECENT RECOGNITION FOR TRANSPARENCY (10 MIN)**

- a. Presentation by VCSO
  - i. Transparency Award by LocalSmart for VCSO Transparency Dashboard
  - ii. VCSO Website has RIPA, Jail, Use of Force, etc.
  - iii. Ventura County is Safest County as defined by Crime Rates in State
- b. Member Discussion

#### **7. UPDATE FROM 2024 CO-CHAIRS, REVIEW OF PROBLEM STATEMENT AND PLANNING DISCUSSION FOR 2024 (20 MIN)**

- a. Presentation by Co-Chairs & DEI Staff – Cynthia Gonzales with NAACP and Gina Johnson, Chief Probation Officer VC
  - i. Appreciation extended to past co-chair Claudia Bautista
  - ii. Goal is to be respectful and take care of each other as we have in the past and continue to adhere to established norms
  - iii. Review of Problem Statement from 2023 – “Need to investigate existing public safety policies and practices that have a disparate impact on racial and ethnic minorities as well as other underserved populations and develop recommendations that will help to diminish this impact.”
- b. Member Discussion
  - i. Consider opportunities to convene together and create agreement on the way we approach and use data
  - ii. Members felt that the problem statement was still relevant and worthy of continued efforts



## **8. UPDATE REGARDING LETTERS OF INTEREST FROM COMMUNITY BASED ORGANIZATIONS (5 MIN)**

- a. Presentation by DEI Staff
  - i. 3 Submissions so far
  - ii. Review committee meets Monday
- b. Member Discussion

## **9. UPDATE BY RECOMMENDATIONS REVIEW *AD HOC* SUBCOMMITTEE AND CONSIDER RECOMMENDATION FOR APPROVAL (20 MIN)**

- a. Presentation by Ad Hoc Lead/s
  - i. Damon Jenkins shared goals related to 1) Complaint Procedures 2) Training, and 3) potential future goal that supports continued conversations
- b. Member Discussion
  - i. Goal 1: “In order to support the goal of transparency and building community relations, public safety organizations should ensure their complaint processes are easily accessible to the communities they serve. Information about how the complaint process works should be made available upon request. Public safety organizations should welcome community feedback on how to improve the complaint process. Complaint processes should be reviewed and adjusted routinely in service of these goals.”
  - ii. Accessibility” and “Reviewed and adjusted routinely”
    - 1. Develop metrics as potential next steps
    - 2. Members shared alignment of goal 1
- c. Consider Potential Action
  - i. Damon Jenkins moved to adopt Goal 1 as presented, 2<sup>nd</sup> by Mike Jump – no objections

## **10. UPDATE FROM POLICY AND PRACTICE *AD HOC* SUBCOMMITTEE (5 MIN)**

- a. Presentation by Ad Hoc Lead
  - i. Robert Bland – finalizing report with goal of sharing with larger group by next meeting.
- b. Member Discussion - none



## 11. MEMBER AND STAFF COMMENTS (10 MIN)

- a. Upcoming meetings of the PSREAG scheduled for the 1<sup>st</sup> Thursday of the Month at 5:30 PM. The next regular meeting will be held at 1911 Williams Drive, Oxnard, CA, and hybrid options for the public.

## 12. Meeting ADJOURNED 6:34pm

Materials related to an item on this Agenda submitted after distribution of the agenda packet are available for public inspection on the Ventura County PSREAG website <https://www.ventura.org/psreag/> subject to staff's ability to post the documents prior to the meeting.

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Ventura County Public Safety Racial Equity Advisory Group per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the County Executive Office, 800 South Victoria Avenue, Ventura, CA 93009-1740 or telephonically by calling (805) 654-2876 or email to [CountyDEI@ventura.org](mailto:CountyDEI@ventura.org). Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested.

# **RACIAL EQUITY AND POLICING IN VENTURA COUNTY**

## **An Examination of The Ventura County Sheriff's Office's Racial And Identify Profiling Data**

**Prepared by  
PUBLIC SAFETY RACIAL EQUITY ADVISORY GROUP**

**March 2024**



## **EXECUTIVE SUMMARY**

We the people of Ventura County depend on our county sheriff and his staff to keep us safe: to protect us from those who would harm us or take that which belongs to us, and to bring to justice those who have engaged in these crimes.

In order to accomplish what we ask of them, it is not only desirable but necessary that the sheriff and his deputies work in partnership with the community. When the sheriff's department and the community work together as partners to maintain safety, prevent crime, and apprehend those who break the law, everyone is safer.

However, cooperation between law enforcement and the communities they serve is more difficult, if not impossible, when a significant segment of the population feels that they are unfairly targeted by law enforcement because of their race, national origin, disability, or sexual preference. In the past, we have heard anecdotal accounts of racial discrimination by law enforcement officers. However, there was no way to determine if these were isolated incidents or evidence of a larger pattern of discriminatory behavior. In 2015, The California legislature passed the Racial and Identity Profiling Act (RIPA), which required all law enforcement agencies in California to collect and report data relative to the race, nationality, gender identity, and disability of persons stopped by deputies. The VCSO began collecting this data in 2021. This data can serve as the means for a more comprehensive and objective examination of interactions between law enforcement and racial and ethnic minorities.

The Policies and Practices Subcommittee of the Ventura County Public Safety and Racial Equity advisory group has performed the first comprehensive analysis of the Ventura County Sheriff RIPA data to determine if there is evidence of disparate impact on communities of color.

This study was not undertaken in an attempt to demonstrate that law enforcement officers in Ventura County are motivated by racial animus in the performance of their duties. To the contrary, it was and remains our conviction that most law enforcement officers in this county perform their duties without fear or favor and are not motivated by animus toward persons of any race, ethnicity, disability, or sexual orientation. Further, nothing in our study to date has caused us to alter that belief.

However, in an organization of 700-plus deputies, it would indeed be remarkable if there were no exceptions to that rule. In fact, anecdotal reports from community members and acts reported in the press would indicate that to be the case. In addition, it is possible and, in fact, probable that implicit bias

and structural racism can and do result in disparate outcomes for people of color.

This study uses the RIPA data and other related information to conduct a comprehensive examination of interactions between law enforcement and the community they serve to assess the impact VCSO policy and practices on racial and ethnic minorities.

We are aware that some in the law enforcement community have pointed to shortcomings of the RIPA data and provided reasons why traditional interpretations of this data, including those of the California State RIPA Board, are flawed. In the Data Analysis section, we discuss the most common objections cited by law enforcement including those identified by The Peace Officers Research Association of California. It is our opinion that although there are ambiguities in the RIPA data, this data is still the best indicator that we have of disparate impact on racial and ethnic minorities.

The study examined RIPA data from the VCSO dashboard, additional data provided by the sheriff, and Ventura County data found on the California Department of Justice Open Justice Data Portal. This study examined the racial and ethnic distribution of 25 different Ventura County law enforcement interactions with the public. In 24 of these 25 data elements, the results favored White Non-Hispanic persons and were disproportionately negative for Hispanic and Black individuals.

The study found that if a person is Hispanic or Black, their chances are significantly greater to be:

Stopped for:

- a traffic violation
- Reasonable suspicion

Subjected to

- Curbside Detention
- Patrol Car Detention
- Physical or Vehicle Contact
- Removal from Car
- Being Handcuffed
- Completion of a Field Interview Card
- Searched

To be

- Considered a Suspect
- Subjected to the use of force

- Charged with Resisting Arrest
- Arrested

To have their complaints dismissed

To be less likely to report a crime

The data that supports these conclusions is presented in graphical format in Appendix A and summarized in the Results Section of this report.

**Sheriff's Office Interpretation of Data** – The Ventura County Sheriff's Office has provided a response to the data analysis presented in this paper. This response presents an alternative model for analyzing and interpreting the RIPA Data. The Sheriff's Office response argues, in part, that the limited RIPA data should be compared not to the total countywide population but rather to the suspect/criminal information being reported by our community. The response concludes: "As does PORAC (Peace Officers Research Association of California), we believe it is simply not possible, legally or scientifically, to show racial profiling as currently defined in California by AB 953, using the data the RIPA Board has chosen to collect. We feel the Subcommittee's Report falls short in making a credible case of discrimination within this agency."

The complete VCSO Response is included in this report as Appendix B

**The Discussion section** of this paper examines seven key interactions between law enforcement and the minority community. These areas are:

- Reasonable Suspicion,
- Use of Force,
- Resisting Arrest,
- The Nexus of Use of Force and Resisting Arrest,
- Pretextual Stops,
- Complaint Resolution, and
- Consensual Searches

These areas were chosen because they are not only subjective and transactional but also have a high potential for escalating minor encounters into major confrontations with severe consequences for people of color. The interactions between law enforcement officers and the people they stop are asymmetrical with the police officers in a position of power and authority. The dynamics of that interaction are often dictated by the way in which individual officers navigate that asymmetrical power relationship. People of color often have a history of perceived harassment, intimidation, and lack of respect that magnifies the potential for conflict escalation in their encounters with law enforcement. This is particularly true when the officer's behavior is consistent with that stereotype. In the Discussion section of this paper, the disproportionate

representation of Latin-X and African Americans in Ventura County statistics for these 5 areas are discussed in the broader context of these asymmetrical power relationships.

**The Recommendations Section** of this paper includes the recommendation for the formation of a working group of PSREAG members and sheriff's representatives to explore reasons for the racial and ethnic disparities identified in this report and to recommend changes in policy, training, and accountability to address these issues.

It is recommended that an independent review board be established and empowered to review the results of the investigation and the recommended resolution of all complaints based on race. Additionally, it is recommended that changes be made to the complaint resolution process to increase transparency and public confidence.

RIPA data for 2022 from the five municipal police departments in Ventura County was required to be submitted to the California State Department of Justice by April 2023. It is recommended that the PSREAG analyze that data in a similar fashion to the way the sheriff's data was analyzed in this report.

It is further recommended that data from the District Attorney's Office to determine if there are racial and ethnic differences in cases recommended for charging and prosecution by that office

## TABLE OF CONTENTS

<a href="#"><u>Introduction</u></a>	<b>7</b>
<a href="#"><u>Data Analysis</u></a>	<b>8</b>
<a href="#"><u>Results</u></a>	<b>11</b>
<a href="#"><u>Discussion</u></a>	<b>19</b>
<a href="#"><u>Recommendations</u></a>	<b>31</b>
<a href="#"><u>Topics For Further Investigation</u></a>	<b>35</b>
<a href="#"><u>Appendix A Graphical Representation of Data</u></a>	<b>33</b>
<a href="#"><u>Appendix B VCSO Response</u></a>	<b>93</b>
<a href="#"><u>Appendix C Civilian Oversight Models</u></a>	<b>102</b>

## INTRODUCTION

The Ventura County Board of Supervisors (BOS) resolution adopted on November 10, 2020, declared racism a public health crisis and pledged to promote equity, inclusion, and diversity in housing, employment, economic development, health care, and public safety in the County of Ventura. In June of 2021, the Ventura County Board of Supervisors (BOS) established the Public Safety Racial Equity Advisory Group (PSREAG) to provide a forum where public safety and community leaders could collaborate to identify strategies and proposals to improve institutional law enforcement practices.

Consistent with this mission, the PSREAG established a Policy and Practice Subcommittee to assess whether the sheriff's policies and practices have disparate impacts on ethnic minorities and people of color. Although this study is not exhaustive, and our work is ongoing, it was essential to provide this progress report to indicate what our analysis has revealed to date.

The subcommittee began its work with an analysis of the practices of Ventura County Sheriff Officers, and that analysis forms the basis for this report.

This study was undertaken with the assumption that the vast majority of Ventura County Sheriff's Deputies perform their duties without fear or favor and do not allow racism or implicit bias to influence their interactions with the community they serve. However, that does not preclude the possibility that there is some number of deputies, however small that number may be, that allow biases to influence their decisions and actions in the course of their duties. A recently reported incident where a sheriff's deputy tore down a Black Lives Matter banner posted on private property, current lawsuits that allege discrimination, and several complaints against the Sheriff's Office would tend to confirm that premise. In addition, well-meaning persons may have unconscious biases that cause them to behave in ways that have a disparate impact on the citizens in certain protected classes.

Before the Racial and Identity Profiling Act (RIPA) of 2015 (AB 953), the only data available to examine this premise was the accounts of individuals who believed that they had experienced disparate treatment by law enforcement because of their race or ethnicity. However, the Racial and Identity Profiling Act required all law enforcement agencies in California to collect and report data relative to the race, nationality, gender identity, and disability of persons stopped by deputies. The VCSO began collecting this data in 2021. This paper represents an attempt to perform a comprehensive examination of that data

and to learn what it tells us about the impact of the policy and practices of the VCSO on racial and ethnic minorities.

## **DATA ANALYSIS**

### **Data Sources**

Data used in this study was derived from several sources, including the Ventura County Sheriff's Racial Identify Profile Act Dashboard (hereafter referred to as RIPA), which contains racial and ethnic identities of Victims, Suspects, Arrestees, and Persons Stopped by Sheriff's Deputies.

Stop data is divided into three categories: Reason for Stop, Actions Taken During Stop, and Result of Stop. This study examined the following parameters found in the RIPA data.

Stops

Total Stops

All Stops

Reason for Stop

Traffic Violations

Other than Traffic Violations

Reasonable Suspicion

Consensual Encounter Resulting in Search

Action Taken During Stop

None

Curbside Detention

Patrol Car Detention

Field Interview Card Completed

Removed from Vehicle by Order

Physical or Vehicle Contact

Handcuffed

Consent Search

Result of Stop

Citation

No Action

Warning

Arrest without warrant

In-Field Cite & Release

Field Interview Card Completed

Total Arrests

Victims

Suspects

In addition, the sheriff provided the following data as part of a presentation to the PSREAG

Use of Force

Complaints

Crime Report Suspect Descriptions

Shoplifting Arrestees

Organized Retail Theft (ORT)

Data accessed from the California Department of Justice Open Justice Data Portal included the following

Arrests by category (Misdemeanor, Felony, and Status)

Complaints

Finally, the data on Resisting Arrest was provided by VCSO in September 2022.

## **SCOPE & LIMITATIONS**

The RIPA Dashboard published by the VCSO did not include data relative to the perceived sexuality, disability, or English fluency of the person stopped and, therefore, not included in this study.

All of the 5 Ventura County municipalities with their own police forces were required to begin to collect RIPA data by January 2022 and to report that data to the California State Attorney General by April of 2023 for the previous year. However, RIPA data was unavailable for these five municipalities when this study was conducted.



The information analyzed included data from several periods, depending on the source. The most current data comes from the RIPA dashboard, which is updated monthly. The VCSO provided additional data in a presentation to the PSRSEAG in August 2023. The California Attorney General's Data Portal reflects data reported by California law enforcement agencies for the calendar year 2022. Finally, there is a limited amount of data provided by the VCSO in September of 2022, which has not been updated and is not available from other sources.

The data on the RIPA Dashboard and other sources is inconsistent in how data is presented for racial/ethnic groups, representing a small percentage of the measured parameter. For example, the percentage of Asians stopped is presented on the dashboard. However, in the data for curbside detention, Asians are lumped with others in the "Other" category, presumably because the incidence is very low.

### **Constraints and Considerations in the Analysis of RIPA Data**

There are well-documented limitations on the interpretation of RIPA data that constrain or create ambiguity regarding the conclusions that can be drawn from this data.

Some of these constraints are addressed in the following paragraphs.

One issue concerning the interpretation of the RIPA stop data revolves around the question of what the deputy knew and when he or she knew it. The argument has been made that because, in many cases, the deputy could not perceive the race or ethnicity of the individual prior to the stop. Therefore, the basis for the stop could not be racial animus. The Ventura County Sheriff's Office is one of the few agencies in the state that includes a question as to whether or not the deputy could perceive the racial demographic prior to the stop. Responses to this question indicate that in 87% of the cases, deputies reported that prior to the stop, they were unable to perceive the race or ethnicity of the person being stopped. This would appear to indicate that the racial disparities in the stop data were not a result of bias on the part of the deputy making the stop.

There are a few considerations to keep in mind when considering this question.

First, it should be pointed out that other studies contradict this conclusion. "Veil of Darkness" studies have found that after dark when officers are less able to determine the race or ethnicity of the driver, there is a decrease in the number of people of color who are stopped. Such findings certainly raise doubt about the claims that officers are generally unable to ascertain the race of the person they

are stopping. It is not unreasonable to question if there is an issue of semantics relative to the question.

Second, we must consider the possibility that this is a distinction without a difference. Data from the Ventura County Sheriff's RIPA dashboard revealed that for 14% of the stops (15,000), the deputy was able to perceive the race/ethnicity of the person stopped prior to the stop. When this data is examined, we find that even in stops where the person's ethnicity was perceived prior to the stop, the number of stops for Hispanics and Blacks is greater than their representation in the population. Stops of White Non-Hispanic persons are considerably less than their representation (See Appendix A Figure 5). In fact, the differences are more dramatic for the population where the demographics are perceived prior to the stop than they are for all stops. For Blacks, the number of stops where the race is perceived prior to the stop is 5.3%, and for all stops, the percentage is 4.3%, a 23% increase. For Hispanics, the corresponding numbers are 50.2% vs 45.4% for all stops. On the other hand, the numbers for White Non-Hispanic stops are 41.2% as opposed to 43.2% for all stops. Given these results, it is difficult to make the case that the differences in stop data between White non-Hispanic persons and other ethnic groups are not significant because the deputy could not perceive the identity of the person prior to the stop.

Third, we must keep in mind that the question of whether or not the deputy could determine the demographic of the person being stopped applies only to the initial stop. After the person in question has been stopped, the deputy has had up close and personal contact with the individual and thus has a very good idea of the ethnicity of the person who has been stopped. Consequently, data such as "Result of the Stop" and "Action taken during Stop" reflect actions taken with a reasonable idea of the race or ethnicity of the person involved.

## **RESULTS**

### **STOPS**

The basic stop data shows that Hispanics are stopped at a rate that is 151% of their representation in the population, and African Americans are stopped at a rate that is 139% of their representation in the population (See Appendix A Figure 2). By contrast, White Non-Hispanic individuals are stopped at a rate that is 79.7% of their population percentage. Traffic Stops are by far the most frequent reason for a stop. Not surprisingly, the distribution for Traffic Stops

closely mirrors the data for all stops (See Appendix A Figure 3). However, when traffic stops are removed from the data, and we look only at the other reasons for a stop, the Hispanic Stop Rate is 174% or their representation in the population, the corresponding rate for African Americans is 168%, compared to 72% for Whites Non- Hispanic persons(See Appendix A Figure 4).

## **REASON FOR STOP**

Next to Traffic Stops, "Reasonable Suspicion" was the next highest number of stops. When Traffic Violations were excluded from the data, Reasonable Suspicion was the leading reason for a stop, accounting for more stops than all other reasons combined.

Reasonable suspicion is a highly subjective measure and correspondingly showed the most significant disparity based on ethnicity. African Americans were stopped for reasonable suspicion at a rate that was 210% of their representation in the population. For Hispanics, the rate was 162% of their representation compared with 78% for Whites (See Appendix A Figures 6 through 10). The implications of these findings are discussed in greater detail in the Discussion Section of this paper.

When data for Consensual Encounter Resulting in Search is examined, one group stands out as significantly different from others. Hispanics are searched at a rate that is 190% of their representation in the population, while White non-Hispanic persons are searched at a 68% rate. African Americans are searched at a rate that is slightly higher than their representation, and all other groups are searched at rates that are significantly lower than their representation in the population (see Appendix A Figures 11 & 12)

## **ACTION TAKEN DURING STOP**

During the vast majority of stops, no action was taken. In fact, the number of stops in which no action was taken is three times larger than all other actions combined. In comparison with their population percentage, Asian Americans were most frequently stopped with no action taken, followed by White non-Hispanic persons.

Hispanics and Blacks were least likely to have no action taken during a stop (See Appendix A Figures 17 & 18)

When action was taken during a stop, the most frequent forms of action were Curbside Detention and Patrol Car Detention. When we examined the percentage of stops resulting in either Curbside Detention or Patrol Car

Detention, we found the pattern to be the same as in other variables. If you are Black or Hispanic, your chances of being detained curbside or in a patrol car are much greater than if you are White. In the case of patrol car detention, Asians were also more frequent targets than their white counterparts (See Appendix A Figures 15 & 16).

Physical or vehicle contact occurred during a stop 252 times between 1 January 2021 and 31 July 2023. Of those 252 contacts, 144, or 57.1%, were Hispanic. This number represents 190% of Hispanic representation in the population and 3.3 instances per 1,000 stops population. For Asians, the number is 3.3 instances per 1,000 and 1.8 for both Whites and African Americans. (See Appendix A Figure 17).

The number of people removed from their cars by order of the sheriff's deputy was relatively small (345), but the subjects were overwhelmingly Latin-X. The number of Hispanics removed from their vehicles was 208, more than half of all people removed from their cars, and roughly double the number of Whites removed, even though their population percentage was considerably lower. Relative to the population, the rate of removal for Hispanic residents was 200% of their representation in the population compared to 57% for their White peers. The comparable number for African Americans was 148%. The same pattern is evident when data is analyzed by examining the number of times a person was removed from their car per 1,000 stops. When the data is examined as number of stops per 1000, the pattern is the same: Hispanics were removed 4.3 times per 1000 and 3.5 for Blacks compared to 2.3 times for Whites. (See Appendix A Figures 18 and 18A).

The same pattern was evident in the number of times a person was handcuffed. For Hispanics, the rate was again significantly greater than any other group, followed by Blacks and then by Whites. (See Appendix A Figure 19)

People of color are more likely to have a field interview card completed as a result of the stop than their White counterparts; however, in this case, the rate for African Americans is the highest, followed by Hispanics, and the rate for Whites is the lowest of all groups (See Appendix A Figure 20).

## **RESULT OF STOP**

A citation was the most frequent action that resulted from a stop. For citations, the differences between ethnic groups narrow, and the percentage of citations for each group comes closer to the ratio in the population for all groups except Asian Americans, whose percentage of citations is still far below their percentage in the population (See Appendix A Figure 21 & 21A)

The second most frequent result is “no action .”Interestingly enough, “no action” occurs more frequently for Hispanics and Blacks relative to their percentage in the population than for Whites and Asians. Hispanics were released with no action taken, 159 % of their representation in the population. For Blacks, the percentage was 145% of their representation. For Whites and Asians, the corresponding numbers are 76% and 29%.

(See Appendix A Figure 22 & 22A)

The same pattern exists for warnings. Hispanics and Blacks received warnings much more frequently than whites and Asians relative to their population. Hispanics received warnings 156% of their representation in the population and Blacks 145%. In contrast, the frequency of warnings for Whites was 77% of their representation in the population and 33% for Asians. (see Appendix A Figures 23 & 23A)

There are at least two plausible reasons why Hispanics and Blacks are more frequently given warnings, or no action is taken. The first reason is that these two groups may be treated more leniently than other races. However, this explanation seems unlikely, given the pattern of adverse outcomes for these two groups on all other measures. The more probable cause is that they should not have been stopped in the first place!

The picture changes when we examine the more severe consequences of the stop. African Americans and their Latin-X brothers and sisters tend to experience these consequences much more frequently than other groups

Cite and Release data where Hispanics are cited and released at a rate that is 176%

of their representation in the population, and for Blacks, the rate is nearly identical at 177%. By contrast, the rate for Whites is 70%. (See Appendix A Figures 24 & 24A)

When the result of the stop is an arrest without a warrant, Hispanics are arrested at a rate that is 135% of their representation in the population, and Blacks at a corresponding rate of 194%. The corresponding rate for Whites is 92%, and for all others, it is 26%.

For Custodial Arrests Pursuant to a Warrant, the rates are Hispanics 198%, Blacks 116%, Whites 65%, and all others 47%. (See Appendix A Figures 25A & 25A)

Field Interview cards are completed at the discretion of the deputy making the stop and imply the need to document the presence of a person in a given neighborhood under certain specific circumstances. Field Interview cards are

completed far more frequently for Latin-X individuals and Blacks than Whites or others. For African Americans, the cards are completed at a rate that is 200% of their representation in the population, and for Hispanics, the corresponding rate is 157%. For Whites, the percentage is 76%, and 106% for all others. (See Appendix A Figures 25 & 25A)

## **USE OF FORCE**

Most police law enforcement agencies, including the VCSO, require that when force is employed, it must be both necessary and proportional to the circumstances. Moreover, deadly force should only be used if all other reasonable means have been exhausted. Data from the VCSO Presentation to the PSREAG in July 2023 indicated a pattern consistent with this policy. Of the 530 Use of Force incidents in 2022, non-deadly force was used in 74.2% of the cases; intermediate force was used 25.7% percent of the time, and deadly force was used only once, or 0.2% of the times (See Appendix A Figure 34)

Nonetheless, force was employed against Hispanics and Blacks in far greater proportions than their White counterparts. In the calendar year 2022, Hispanics were subjected to the use of force by sheriff's deputies at a rate that was 184 percent of their representation in the population, Blacks 139% and Whites 52%. If the rates are adjusted for the frequency with which each ethnic group is stopped, the same inequities exist. Force was employed against White non-Hispanic persons in 1.2% of their stops, whereas force was used against African Americans in 2.9% of their stops, a rate more than double their White counterparts. For Hispanics, the rate was 1.7%, which is also significantly higher than that of Whites. (See Appendix A Figures 35 & 36)

## **VICTIMS**

The Victim Data on the RIPA Dashboard indicates that people of color, Hispanics, Asians, and Blacks, are victims of crimes at rates substantially less than their White peers. The data reveals that Hispanics represent only 18.6 percent of the victims, even though they

represent 30% of the population. On the other hand, their white counterparts represent 54.2% of the population and a roughly equal percentage of the victims (48.8). The rate for Asians is 1.8% compared to 9.2% of the population, and for Blacks, the numbers are 1.9% compared with 3.1%. (See Appendix A Figures 35 & 36)

This curious result can be attributed to many different causes, including socioeconomic differences that make Whites more likely targets of crime. Alternatively, the data may indicate that people of color are less likely to report crimes than White non-Hispanics. The latter conclusion is consistent with other research that has found, for example, that Hispanics are less likely to report crimes committed against them than their White peers. The PSREAG research paper entitled "Immigration Enforcement, Public Safety, And Racial Equity In Ventura County" concluded that "evidence supports the notion that immigrants are less likely to report crime either as witnesses or as victims when local law enforcement is known to voluntarily cooperate with ICE, particularly concerning crimes that are sensitive in nature such as sexual violence or domestic violence."

Finally, it should be noted that 29.9% of the victims were in the classifications of unknown race, two or more races, and other races. An ambiguity that could dramatically change the conclusions that can be drawn from the victim data. Consequently, the Victim data must be considered inconclusive. (See Appendix A Figure 37)

## **SUSPECTS**

The RIPA dashboard shows that Hispanics represent 33.6 % of suspects and 30.0 % of the population. Blacks represent 3.1% of the population and 6.0% of suspects. (See Appendix A Figure 38. Additional data provided by the Sheriff presents 2022 "Crime Report Suspect Descriptions" by ethnicity. The divergence from population statistics is even more dramatic in this subset of the suspect data, with Hispanic suspects at 49.2% of suspects and Blacks representing 15.3%. However, the RIPA data shows that over one-third of the suspects are of unknown ethnicity. This makes it difficult to draw definitive conclusions since the unknown number could dramatically change the balance between any of the represented groups. The Crime Report Suspect Descriptions data has a similar ambiguity resulting from the fact that it did not include individuals whose ethnicity was not recorded, and we have no idea of the size of this "unknown" population.

## **ARRESTS**

The RIPA Dashboard shows Hispanics are arrested at a rate that is 185% of their representation in the population.



African Americans are arrested at a rate that is 139% of their representation in the population. Whites, on the other hand, are arrested at a rate of 63.4% of their representation. (See Appendix A Figure 26)

When the arrest data is broken down according to those arrests without a warrant and those pursuant to a warrant, the data yields the following result. For arrests without a warrant, Hispanics were arrested at a rate that was 136% of their representation, Blacks at 195%, and Whites at 95%. (See Appendix A Figure 27) If the arrests are examined as a percentage of stops for the respective groups, Hispanics are stopped at a rate of 9.1%, Blacks at 10%, and Whites at 6.9% (See Appendix A Figure 28).

For arrests pursuant to a warrant, the corresponding We find that Hispanics are arrested at a rate that is 198% of their representation in the population, Blacks at 116%, and Whites at 65% (See Appendix A Figure 29). When the data is examined as a percentage of stops, the numbers are 3.7% for Hispanics, 2.3% for Blacks, and 2.3% for Whites (See Appendix A Figure 30)

Arrest data, as reported to the California State Department of Justice, is broken down into three categories: Misdemeanor, Felony, and Status. The Status category describes arrests where agency intervention is based solely on a juvenile's status as a minor and would not be crimes if committed by adults. These offenses include truancy, incorrigibility, running away, and violating curfew, to name a few. The results show that for the White Non-Hispanic population, the arrest rate varied from 32.8 percent of their representation in the population for status arrests to 51.4% for Misdemeanors and 62.7% for Felonies. For the Hispanic Population, the corresponding percentages were 257% for status arrests, 206% for misdemeanors, and 197% for felonies. For Blacks, the numbers were 106%, 223%, and 142% (See Appendix A Figure 31).

## **RESISTING ARREST**

The data on resisting arrests was first analyzed by comparing the percentage of people in a given racial or ethnic group charged with resisting arrest to the percentage of that group in the population. The results showed wide variation between the rates at which Hispanic and Black individuals were charged with resisting arrest and the rate at which their White peers were charged. Hispanics were charged at a rate that was equal to 210% of their representation in the population, and African Americans were charged at a rate that was 216 % of their representation in the population. On the other hand, Whites were charged at a rate that was 54.6% of their representation, and Asians were charged at a significantly lower rate of 10.9%



Resisting Arrest data was further analyzed by calculating the frequency of resisting arrest for a given ethnic group as a percentage of that group's total number of arrests.

The data showed a similar pattern to the previous analysis for Hispanics and Blacks compared to Whites.

Whites were charged with resisting arrest in 0.58% of all White arrests, Hispanics were charged at a rate of 0.79% of their arrests (1.4 times the rate for Whites), and Blacks were charged with resisting arrests at a rate of 1.03% of their arrests (1.8 times the White rate). One outlier in the data was the percentage of Asians charged with resisting arrest when compared with total Asian arrests. Asians were charged with resisting arrest in 3.13% of their arrests, which is several times larger than any other racial or ethnic group. This result stands in contrast to the previous analysis, which shows that the number of charges for resisting arrest among Asians in comparison to their representation in the population is lower than any other group. The most likely explanation for this difference is that the latter result is an artifact of the small number of Asian arrests. Out of 43,416 arrests, only 93, or 0.2% were Asian. As a result, a few charges of resisting arrest in a given year could dramatically alter this percentage. (See Appendix A Figures 32 & 33)

## **COMPLAINTS**

Ventura County Complaint data show that in the six years from 2016 to 2022, 584 complaints were filed, an average of 97 per year. Current data on the average number of complaints per agency nationwide was unavailable. However, data from a 2002 study by the Bureau of Justice found that the nationwide average was 6.6 per 100 sworn officers. For the Ventura County Sheriff's Office, this would equate to 51 yearly complaints.

Of the 584 complaints, 54 were sustained, a rate of 9.2% for all complaints. When the complaint is based on race, the picture changes dramatically. In the six years between 2016 and 2022, there have been 80 complaints based on race; during that time, none were sustained. (See Appendix A Figure 39)

Data on the origin of complaints was available between 2016 and 2021.

Complaints are designated as having originated within the department or from citizens. The data shows that 2 to 4 department complaints are sustained for every citizen complaint. (See Appendix A Figure 40)

## **DISCUSSION**

### **What the Data Shows**

Taken as a whole, the analysis shows that the outcomes of encounters with Ventura County Sheriff's deputies are consistently more negative for Hispanic and Black people than for their White counterparts. RIPA data was not consistently available for Asian and Middle Eastern populations because, in most cases, they were lumped into a category labeled "Other."

This propensity for adverse outcomes for Brown and Black individuals is consistent across a wide range of encounters. Relative to their representation in the population, Hispanics and Blacks are more likely to:

- have force used against them
- be arrested
- be charged with resisting arrest
- be searched
- be subjected to curbside detention,
- be subjected to patrol car detention,
- be handcuffed
- be removed from their vehicle,
- have field interview cards filled out for them,
- be subject to status arrests (Hispanic)

This pattern of negative consequences could result from many factors other than their race. It could be a random outcome, and it could be because black and brown people commit more crimes, it could be because these two groups fail to cooperate with deputies when stopped, or a combination of all of these.

However, when nearly every variable for which we have data shows the same consistent pattern of more frequent adverse outcomes for Black and Brown people, it is hard to imagine that race/ethnicity is not a contributing factor to these outcomes, whether through outright racism or implicit bias. Additional data is required to affirm this assertion.

These trends are not unique to Ventura County but are consistent experiences and studies nationwide. The following paragraphs discuss data and trends from

Ventura County in the context of findings and experiences from other jurisdictions nationwide.

## **REASONABLE SUSPICION**

Reasonable suspicion is the legal standard that allows police to stop and question someone based on a reasonable belief that they are involved in criminal activity. This area is prone to racial bias and discrimination, as police may rely on stereotypes, hunches, or vague descriptions to justify their actions. Because officers are offered no clear parameters regarding whom to stop and frisk and are instead left to rely almost solely on their judgment, racial stereotypes can subtly influence an officer's decision regarding whom to stop and frisk.

Studies have shown how reasonable suspicion has been utilized in four major U.S. cities, Los Angeles, Philadelphia, Chicago, and New York, to provide empirical evidence of said policy's racially discriminatory outcomes.<sup>1 2 3 4</sup> Such abuses are not simply hypothetical but are the daily reality for millions of minorities.

These four cases show that police have considerable power to stop citizens and perform searches based on minimal facts. However, the implications of this point differ depending on who the citizen is and where he or she lives. The unfortunate fact is that reasonable suspicion have resulted in stops and frisks of residents of inner cities-primarily poor persons, African Americans, and Hispanic Americans-far out of proportion to their numbers, and often without justification.

Data from the Ventura County Sheriff indicate a similar pattern to that of the studies mentioned above. When Traffic Violations were excluded from the data,

---

<sup>1</sup> Ayres, I., & Borowsky, J. (2008). A Study of Racially Disparate Outcomes in the Los Angeles Police Department. *ACLU of Southern California*. Retrieved from <http://islandia.law.yale.edu/ayres/Ayres LAPD Report.pdf>

<sup>2</sup> Stop and Frisk in Chicago. (2015, March). *ACLU of Illinois*. Retrieved from [http://www.aclu-il.org/wp-content/uploads/2015/03/ACLU\\_StopandFrisk\\_6.pdf](http://www.aclu-il.org/wp-content/uploads/2015/03/ACLU_StopandFrisk_6.pdf)

<sup>3</sup> *Daniels, Et Al. v. the City of New York*. (2012). Center for Constitutional Rights. <http://ccrjustice.org/home/what-we-do/our-cases/daniels-et-al-v-city-new-york>

<sup>4</sup> Jonas, D. (1989). Pretext Searches and the Fourth Amendment: Unconstitutional Abuses of Power. *University of Pennsylvania Law Review*, 137(5), 1791-826

Reasonable Suspicion was the leading reason for a stop, accounting for more stops than all other reasons combined.

African Americans were stopped for reasonable suspicion at a rate that was 210% of their representation in the population. For Hispanics, the rate was 162% of their representation compared with 78% for Whites.

There are many reasons why people of color are stopped for reasonable suspicion more than their white counterparts, and it is not necessarily because of the racial animus of white officers toward Hispanics or Blacks. One such reason is unconscious bias.

Despite the progress made in combating explicit forms of racial discrimination, implicit forms of racial bias remain widely prevalent. Unlike explicit biases, which individuals are aware they hold, implicit biases are held subconsciously, with the biased individual often unaware that he holds such beliefs.

Implicit bias research conducted on police officers has shown that they are not immune to the negative racial beliefs that permeate American society. Studies have indicated that such biases considerably impact discretionary choices officers make.<sup>5</sup>

Some researchers have suggested that the threshold for reasonable suspicion stops is lower for people of color than for their white counterparts. According to these authors, behavior that constitutes reasonable suspicion in a minority neighborhood does not meet the threshold for reasonable suspicion in a white neighborhood.

Institutional racism can also be a contributing factor in the disproportionate impact of reasonable suspicion on minorities. An institutionally racist criminal justice system can also be a significant contributor to the harassment many Black and Brown individuals face at the hands of police. For example, many significant cities institute a policy whereby officers are concentrated in areas with a high proportion of Hispanic or Black residents, and liberal use of reasonable suspicion stops is tolerated if not encouraged. On the contrary, reasonable suspicion is not the norm for law enforcement officers in majority-white neighborhoods, even when these areas have high crime rates.

---

<sup>5</sup> Eberhardt, J. L., Goff, P. A., Purdie, V. J., & Davies, P. G. (2004). Seeing Black: Race, Crime, and Visual Processing. *Journal of Personality and Social Psychology*, 87(6), 876-893. <https://doi.org/10.1037/0022-3514.87.6.876>

## USE OF FORCE

Study after study has shown that police tend to use more force against black and Hispanic citizens than White citizens.

A study of 1.6 million 911 calls in two cities published in the American Economic Review in March 2022 reported that Black and Hispanic civilians are respectively 55 and 75 percent more likely to experience any force and five times as likely to experience a police shooting.

A 2017 study published in the British Journal of Criminology concluded that white officers use greater force on black suspects than they do on white suspects.

A think tank study by the Center for Policing Equity reported by CNN([CNN reported](#)) in which thousands of incidents where law enforcement interactions turned forceful concluded that blacks are much more likely to be involved than other groups. The [report](#) found the average rate of using force among blacks to be 3.6 times as high as among whites and 2.5 times as high as the overall rate.

Survey data from the Bureau of Justice Statistics on police interactions in 2019 and 2020 provide the broadest look at relations between police officers and the public. Racial disparities in policing persist, particularly in the threat or use of force. Only 2% of people who had any contact with police experienced a nonfatal threat or use of force by police in the past year. However, this aggression fell disproportionately on Black, Hispanic, and "Other" (non-Asian, non-white) people. Black people were also nearly 12 times more likely than white people to report that their most recent police contact involved misconduct, such as using racial slurs or otherwise exhibiting bias.

[A study in Chicago](#) based on police officers' own descriptions of more than 60,000 incidents revealed that officers used force more often against blacks even though they offered lower levels of resistance than whites.

In their 2023 report, the California State RIPA Board employed a multivariate statistical model to consider the impact of the stopped individuals' race/ethnicity on whether force was used during a stop. Results of the analysis showed that Black and Hispanic/Latin(x) individuals were more likely to have force used against them compared to White individuals. In contrast, Asian and other individuals were less likely. Compared to White individuals, the odds of officers using force during a stop were 1.24 times and 1.09 times as high for Black and Hispanic/Latin(x) individuals, respectively. Asian and Other individuals whom officers stopped had lower odds of having force used against them (0.69 and 0.84, respectively), relative to the odds for individuals officers perceived as

White. Results of the analysis showed that Black and Hispanic/Latin(x) individuals were more likely to have force used against them compared to White individuals. In contrast, Asian and other individuals were less likely.

The Ventura County Use of Force data is consistent with data from cities and counties across the country in showing that force is used against people of color at a much higher rate than their White peers. In fact, the Ventura County data shows that force is used against African Americans at a rate that is higher than the statewide average.

- In 2022, African Americans were subject to the Use of Force at a rate that was 242% of the rate of their White counterparts. Hispanics were subjected to the use of force at a rate that was 142% of the rate at which Whites had force used against them.

Several reasons have been offered for this disparity. One possibility is that officers have a lower threshold for the use of force when the person involved is Black or Hispanic. Thus, the same actions that precipitate the use of force when the suspect is a person of color would not evoke the same reaction if the person involved is white. Since the number of use-of-force incidents is relatively small, a small number of deputies employing this differential judgment could account for the differences we are seeing. Studies in cities such as New York have shown that a very small percentage of all police officers account for the majority of cases involving the use of force.

Another possible explanation is what criminologists describe as [officer-created jeopardy](#): Officers regularly — and unnecessarily — placed themselves in danger by standing in front of fleeing vehicles or reaching inside car windows, then fired their weapons in what they later said was self-defense. Frequently, officers also appeared to exaggerate the threat. In many cases, local police officers, state troopers, or sheriff's deputies responded with outsize aggression to disrespect or disobedience — a driver talking back, revving an engine, or refusing to get out of a car, what officers sometimes call "contempt of cop."

The Ventura County Sheriff has a policy of investigating every case where force was used by a deputy against a civilian.

However, the details of those investigations have yet to be made public. As a result, there is no way for the public to know what was investigated, how thoroughly it was investigated, and what the results of that investigation were.

If, for example, the goal of such investigations was to determine whether or not the deputy involved broke the law or violated department policy, that



investigation would not uncover racially based differences in the threshold for violence or "officer-created jeopardy."

As a result, these investigations do very little to convince the community that these uses of force are not influenced by racial bias,

## **RESISTING ARREST**

In New Jersey, a teenager was beaten by police. Footage of the beating showed police officers punching 19-year-old Cyprian Luke, who reportedly identifies as Afro-Latino, in the head as one of the officers repeatedly shouted, "Stop resisting!" The mantra "stop resisting" is a familiar one to anybody who has assessed police violence. The premise that if black people complied during police interactions, there would be no police brutality is a common trope. According to newly revealed data on the use of force cases in Chicago, it is a story with no basis in reality.

In California, anyone who willfully resists, delays, or obstructs any public officer, peace officer, or emergency medical technician in the discharge or attempt to discharge any duty of their office or employment can be charged with resisting arrest. This charge includes, among other things, fleeing, threatening, assaulting, or failing to provide ID to a police officer during arrest.

The breadth and scope of the ordinance makes it applicable to a wide range of persons, situations, and actions and, therefore, potentially subject to differing standards of applicability depending on the race or ethnicity of the person involved.

Sociologists at the University of Wisconsin-Madison reviewed 13 years of California criminal history data from 2006 to 2018 to analyze racial disparities in arrests, charges, and convictions (University of Wisconsin Fact Sheet Series by Professor Michael T. Light Racial Disparities in California Criminal History Data No.001: Charges of Resisting Arrest).

A review of the data concluded that Black and Hispanic individuals were arrested, charged, and convicted at higher rates for resisting arrest as compared to white individuals. The disparities were heightened in some counties. Specifically, the study highlights Ventura County as having one of the highest racial disparities in resisting arrest charges between Hispanics and Whites.

Current data from the Ventura County Sheriff's RIPA dashboard indicates this trend continues. Data analyzed in this study shows that Hispanics were charged with resisting arrest at a rate that was equal to 210% of their representation in

the population, and African Americans were charged at a rate that was 216 % of their representation in the population. On the other hand, Whites were charged at a rate that was 54.6% of their representation. When examined as a percentage of arrests, the same trend is evident. Hispanics were charged at a rate that was 1.4 times that of Whites, and African Americans were charged at a rate that was 1.8 times the White rate.

## **THE NEXUS BETWEEN THE USE OF FORCE AND RESISTING ARREST**

Emmett Brock was leaving work and driving to an appointment. On the way, he witnessed Deputy Joseph Benza "behaving in an aggressive manner" toward a woman. When Brock drove past, he "flipped him off casually" and continued driving. He then noticed Benza had started following him for several blocks, but he did not see any lights or sirens.

He said he called 911 because he was confused about what was happening and was concerned for his safety, and the dispatcher said if there were no lights and sirens, he could continue on as normal. Brock continued to a 7-Eleven and parked in front of the store, where Benza confronted him. Benza told him, "I stopped you," which Brock said confused him after what the 911 dispatcher had said about not needing to stop if there were no lights or sirens. He replied, "No, you didn't," and moved toward the store when Benza grabbed him and threw him on the ground less than 10 seconds after first approaching him.

The two men struggle in the parking lot, with the deputy on top of Brock and Brock telling Benza to get off him, yelling, "Stop! You're gonna kill me!"

As the deputy lies on top of Brock, he can be heard in the video telling him to move his arms behind his back. Brock replies repeatedly that he can't because the deputy has pinned his hands. Brock told CNN that his hands were pinned under his stomach and were stuck because of the weight of Benza on top of him.

In a report following the incident, Benza wrote that he stopped Brock for a vehicle code violation because he saw an object hanging from the rear-view mirror. "I punched S/Brock face and head, using both of my fists, approximately eight times in rapid succession," Benza wrote in a report following the incident. Benza also reported that Brock repeatedly tried to bite him, which was also noted in the medical report, with a comment following the exam that "there are no bite marks at this time."

Brock was arrested for mayhem, resisting arrest, causing injury to a police officer, obstructing or resisting a police officer, and failure to obey a police officer,



The preceding is an excerpt from a CNN article describing an encounter between an LA County Sheriff's deputy and a Whittier school teacher in February 2023. Unfortunately, this is a story that repeats itself, in various forms, numerous times by law enforcement officers who abuse their authority and then "blame the victim" by charging them with resisting arrest. Resisting arrest has become the "go-to" charge to justify "officer-created jeopardy" and out-of-proportion responses to disrespect or disobedience.

The Ventura County data available for this analysis does not provide sufficient granularity to assess how often racially motivated use of force can lead to charges of resisting arrest; what we can say is that both "use of force" and "resisting arrest" data show significant racial disparities in the percentage of Hispanics and Blacks who are subject to each.

## **COMPLAINTS**

Our discussion of Complaints is based on the following assumptions.

1. Experience with complaints from the public in areas other than law enforcement informs us that many complaints are based on a lack of knowledge and understanding of the rules governing the situation they are complaining about and, for that reason, may be found to be without merit.

Correspondingly, the same may be true regarding complaints about law enforcement.

2. Conversely, no one wakes up in the morning and says, "I think I will file a complaint against the VCSO today ."When a complaint is filed, it is because someone had an encounter with a sheriff's deputy that left them feeling that they had been disrespected, treated unfairly, and/or physically harmed.

3. these formal complaints are just the tip of the iceberg. For every person who files a complaint with the sheriff's office, 10 to 20 others with similar experiences likely chose not to file a complaint.

4. Any agency that investigates itself without any outside oversight or review will be more likely to find no wrongdoing

5. The high rejection rate and lack of transparency are causing ill will and distrust in the community.

It is not surprising that most of the complaints filed against the VCSO are not sustained. What is surprising is the percentage. When 90% of complaints are not sustained, and most of the ones that are sustained originate within the department and do not come from the public; when out of the 75 complaints

based on race, not a single one has been sustained; even the most skeptical of observers would have to question the validity of these findings.

Moreover, many complainants experience of the process is: I filed a complaint, I received an acknowledgment that the complaint had been received and then I heard nothing for a year or more and finally I received a form letter that said we investigated ourselves. We found we had done nothing wrong – case closed!

Whereas we are not in a position to comment on the thoroughness and impartiality of the investigations into these complaints, we do believe that more transparency and independent review will go a long way toward restoring public confidence in the process. Because people have no visibility into the process, they do not feel that it is fair, and they leave the experience with a negative opinion of the Sheriff's Office.

For any agency that interacts with the public, the communities they serve must have confidence that they perform their duties with fairness and impartiality. If each complaint is approached as a learning opportunity rather than a criminal incitement against a deputy, these complaints can provide valuable lessons learned on how to avoid future complaints. Each complaint should be examined, not just in terms of whether the deputy involved violated the law or department policy, but also what caused the complainant to feel aggrieved in this encounter and could the situation have been handled in a way that would not have left the citizen feeling they had been disrespected or mistreated. These lessons learned can provide best practices for future interactions with the public.

## **PRETEXTUAL STOPS**

Pretextual stops are stops initiated by law enforcement for a minor traffic violation, **with** the actual purpose of investigating or searching for evidence of another unrelated crime.

We have no way of knowing from the RIPA data exactly how many of the 107 thousand stops made by Ventura County Sheriff Deputies were pretextual stops. However, we know that VC Sheriff's Deputies employ pretextual stops because the sheriff sent a letter to the State Legislature defending the need for pretextual stops.

A recent presentation by the Ventura County Sheriff's Office reported that in 2022, deputies made 34,466 stops, and of that number, 16.9% (or 5,825) were for Non-Moving Violations, and 21.7% (or 7,479) were for equipment violations. Perhaps not all, but at least some of these were pretextual stops.

What we do know is that most of these stops would have been prohibited if SB 50 had passed in the last legislative session. This proposed legislation prohibited California Law Enforcement from making stops for certain low-level infractions. However, the legislature did not enact the bill, which was opposed by the Ventura County Sheriff and many other law enforcement officials throughout the state.

During that same period, 4,785 stops were made for Reasonable Suspicion, and it is probable that some of these stops were pretextual stops, although we do not have data to confirm that. The problem with pretextual stops is that they can turn violent or even deadly.

Walter Scott was stopped for a non-functioning third brake light; Tyre Nicols was stopped for what was alleged to be reckless driving; Kurt Reinhold was stopped for jaywalking; Patrick Lyoya was stopped for an unspecified traffic violation; Jayland Walker's car had a broken taillight and a missing license plate bulb, Ricky Cobb was pulled over for not having taillights and Sandra Bland stopped for failure to signal a lane change. What these motorists and many others like them had in common is that they all were African American, they all were stopped for relatively minor traffic violations, and they all were killed by the people who were supposed to protect and serve them (except Sandra Bland who died in police custody)

If we examine the interactions that occur during a pretextual stop, it is easy to see why they have the potential for violence. When a person is stopped because of a pretext, that person is not deceived by the pretext, and they are prepared to challenge the officer when he approaches.

They believe the reason given for the stop is not the real reason they are being detained, and they are often angry about being stopped for little or no reason. Further, if the person is a person of color, they likely believe that their race or ethnicity was a factor in the decision to stop them. African Americans refer to this as being stopped for "driving while Black."

Consequently, when the officer approaches the vehicle, he/she is approaching a driver who is already irritated, if not outright angry, over being targeted for what they perceive to be a pretextual stop. At that point, the officer's attitude is critical in de-escalating the situation or escalating the conflict further. In many cases, a calm, professional demeanor by the officer can prevent the situation from escalating. On the other hand, an officer whose approach is confrontative, authoritarian, or hostile can exacerbate the potential conflict and result in a "fight or flight" response from the person being stopped. Either the person tries to escape by driving or running away or becomes more combative and non-

cooperative. Either response on the driver's part evokes an even more hostile response from the officer, and the situation quickly spirals out of control.

Severe injury or death can be the outcome of this conflict escalation spiral, and that has been the case in many instances throughout the country. Fortunately, there have been no deaths at the hands of Ventura County Sheriff's Deputies during pretextual stops. However, the probability of such an outcome increases the more pretextual stops are used.

## **CONSENSUAL SEARCH**

A consensual search is a type of search conducted by law enforcement officers in the United States after obtaining the voluntary consent of the person being investigated. Searches that are the product of consent are one of several recognized exceptions to the warrant requirement of the Fourth Amendment to the United States Constitution. The three main categories of searches are a search of a house, automobile or pedestrian. In the case of an automobile, it is assumed the officer has already seized the car and the encounter is a Terry stop. When an officer returns a driver's identification, the encounter has been transformed into a consensual encounter. In the case of a pedestrian, a consensual encounter can lead to a Terry stop based on information gathered during conversation.

The existential question here is "why would anyone grant sheriff's deputies the right to search their automobile?" This is especially true if that person has something illegal in their possession. There are several reasons why this might happen.

- Lack of awareness – many people are not aware that they have the right to refuse a consent search
- Deceptive practices - Law enforcement officers can use a variety of deceptive practices to induce a person to consent to a search
  - Imagine this scenario: You're driving home. Police pull you over, allegedly for a traffic violation. After the stop is completed and the officer returns your license and registration, instead of telling you that you are free to go, the officer catches you off guard by asking: "You don't have anything illegal in your car do you?" You reply "No". Then the officer states "Well then you don't mind if I search your car do you?" The person having already stated that they do not have anything illegal in their possession, feels pressure to prove it by

permitting a search. If the person hesitates or says no, the officer may imply that they have something to hide.<sup>6</sup>

- A more devious but less common variant of the above scenario occurs when the officer purposefully misinterprets the person's reply. In response to the above question, if the person responds "Yes"; does that mean he is giving permission for the search or does that mean he is saying "yes, I mind"? On the other hand, if the person responds "no", does that mean the person is saying "No I don't mind" or "No I do not give permission for this search"?
- Compliance – Some people may consent to a search out of respect for authority, fear of retaliation, or desire to cooperate with law enforcement. Because of the asymmetrical power relationship between the law enforcement officer and the person they have stopped, the driver feels pressure to comply, even when they have been informed that they are not required to by law. Studies have shown that in private encounters with authority figures, people agree to behaviors that they would not normally assent to.

There is a greater risk of racial and other bias, intentional or implicit, in consent searches because the police have a high degree of subjective discretion.

Whether to ask a person for "consent" to search is a high-discretion decision.

The officer needs no suspicion at all and will almost always receive compliance.

Predictably, field data show racial profiling in "consent searches." For example, the Illinois State Police (ISP) in 2019 were more than twice as likely to seek consent to search the cars of Latinx drivers compared to white drivers, yet more than 50% more likely to find contraband when searching the cars of white drivers compared to Latinx drivers.

Ventura County Sheriff's Office data shows a similar pattern. Latin X drivers accounted for 56.9% of the consensual searches although they represent only 30% of the population, whereas White drivers accounted for only 36.7% of the consensual searches while more than 54% of the population.

Some states and cities have passed laws that require officers to notify a person of their right to refuse, but not California. The following are examples of Cities and states requiring informed consent.

## **Colorado**

---

<sup>6</sup> In *Ohio v. Robinette* (1996) the Supreme Court decided an officer does not need to inform the driver that the stop has ended. He can continue questioning and request a search of the vehicle. Since the encounter has now become a consensual encounter it is outside the protection of the Fourth Amendment. The Supreme Court assumed that a reasonable person would know the encounter was over and feel free to drive away

The state of Colorado enacted an informed consent law requiring police to inform drivers of their right to decline a consent search. The law was enacted in an effort to reduce racial profiling. It extends not only to drivers but also pedestrians. [12]

### **Fayetteville, North Carolina**

Fayetteville, North Carolina, came under criticism after a study showed between 2009 and 2010 black motorists were three times more likely than whites to be searched after a stop. A law was passed requiring police to get written consent before performing a search beginning March, 2012.

### **Durham, North Carolina**

In October, 2014 Durham, North Carolina, adopted a written-consent policy for all searches. This was after the city was presented with clear documentation that black motorists were searched well above their share of the city's population.

### **New York City**

The Right to Know Act was passed in 2017 by New York City's city council in response to the aggressive use of stop-and-frisk in New York City by the police department. The law consists of two parts. One is the "Consent to Search" law which requires an officer to inform someone they have the right to deny a search and to make sure that person understands that right. The other is the "NYPD ID" law, which requires the officer, in certain situations, to hand out business cards with their name, rank, badge number and command.

## **RECOMMENDATIONS**

If one is looking for proof of racial animus, they will not find it in this study. Studies such as this cannot provide definitive answers; instead, they provide questions. These questions can become the starting point for a collaborative effort between law enforcement and the community to explore the meaning and implications of the information we have uncovered and develop reasonable and effective solutions. It is imperative that both law enforcement and community representatives be involved in the effort to define problems and develop solutions that will lead to a system of justice that is effective in protecting and serving our community and also fair in the treatment of all people regardless of their color or creed.

This required commitment must be a commitment not just to discuss, not just to study, but also to act and to implement changes that reward fairness and

justice for all regardless of their race or country of origin. The goal of this partnership between law enforcement and the communities they serve is to create a society that is both safe and just.

The following are recommendations for where, in the opinion of this committee, we should start.

## **USE OF FORCE**

The data clearly shows that in Ventura County, force is used against black and brown people at a rate that is out of proportion to their representation in the population and that far exceeds that of their White counterparts.

Every Use of Force incident by a Ventura County Sheriff's Deputy is investigated internally by the VCSO. By law, the details of these investigations are not accessible to the public. However, there could be much more transparency about the process and the results of these investigations. Questions of particular interest include the following:

- Is there some small subset of deputies that accounts for a disproportionate number of use-of-force incidents?
- Are there deputies who use force against people of color more than others, and how does that compare with their area of responsibility?
- How does the investigative process examine the possibility of racial bias in the decision to use force?
- How can we compare the decision to use force against people of color and the decision not to use force for similar behavior by White persons?
- Did the investigation determine if the deputy responded with excessive aggression in response to disrespect or disobedience or if there was "officer-induced jeopardy"? What are the standards used to assess this?
- Do these investigations lead to lessons learned that will improve training and policy so that the number of encounters where force is required can be reduced for all people?

## **ARRESTS**

Data from Ventura County indicates that there are racial disparities in all Arrests. Resisting arrest is of particular interest because of the nexus between the use of force and resisting arrest and because of the possibility that this



charge can have the effect of "blaming the victim" in cases where deputies' aggression contributed to the resistance.

Studies of the New York City Police Department found that just 15% of New York Police Department arresting officers generate over 50% of all "resisting arrest" charges. An even smaller group of just 5% accounted for over 40% of those incidents.

Although the PSREAG does not need to know the names of the officers who account for the majority of resisting arrest charges against black and Brown people, however, in fulfillment of their charter to "collaborate to identify strategies and proposals to improve institutional law enforcement practices", they should know if there are deputies who account for excessive numbers of those charges and if the racial makeup of those charged matches the area they patrol.

"Status Arrests," where agency intervention is based solely on a juvenile's status as a minor, are more than four times higher for Hispanic minors than for white juveniles. The PSREAG is committed to exploring the reasons for this glaring disparity and making recommendations as appropriate.

## **COMPLAINT PROCESS**

It is unreasonable to expect that every complaint filed against sheriff's deputies will have merit. However, when the results show that a very small percentage of all complaints are sustained and none of the complaints alleging discrimination based on race have been sustained, community members may be justified in questioning the objectivity of the process. That skepticism is only heightened by the secrecy surrounding the process and the limited feedback provided to the complainant. In addition, some complaints take an inordinate length of time to adjudicate. These factors, coupled with the lack of feedback to the person filing the complaint, all contribute to the impression that these complaints are not being taken seriously and that the process is biased in favor of the sheriff's deputies.

The concept of having complaints investigated and adjudicated by the same agency that the complaint is against, with no external oversight, is inherently biased against the complainant. The result of this bias can be seen in the inordinately low number of sustained complaints.

These questions surrounding the complaint resolution process in Ventura argue for greater accountability and objectivity in the complaint resolution process in the form of civilian review. A first step would be establishing an independent board to review complaints based on race. The review board would not conduct



independent investigations but rather review the findings of the VCSO complaint investigations team.

Appendix C reviews models used in other jurisdictions for civilian oversight of law enforcement. It is recommended that the PSREAG engage in discussions with the VCSO to discuss pros and cons of these forms of civilian oversight and make recommendations to the Board of Supervisors based on the outcome those discussions.

In addition, we recommend adopting the following recommendations to improve communications and add transparency to the process.

It is recommended that the VCSO complaint process be modified to include the following.

- The VCSO generate aging reports on the complaints received, showing date since each complaint was filed and the status.
- The VCSO communicates with the person filing the complaint every 30 days while the complaint is pending, providing them with the status of their complaint.
- When the investigation is complete, the person who filed the complaint will receive a personal letter signed by the sheriff (not a form letter) that, as a minimum, would include the following.
  - The disposition of the complaint;
  - The findings underlying the disposition;
  - Copies of the documents and evidence relied on, to the greatest extent the information may be disclosed by law;

## **CONSENSUAL SEARCHES**

When the deputies stop someone and ask to search them without a warrant, they are violating their rights and dignity. Such searches are based on arbitrary, coercive and discriminatory criteria that often target marginalized groups. The person being stopped may not know that they have the right to say no to such searches, or they may fear retaliation if they do. To protect the civil liberties of the people, policies should be implemented that require the police to obtain written consent from the person before conducting any warrantless search. This

way, the person can make an informed decision and have a record of their consent or refusal.

## **SUGGESTED TOPICS FOR FURTHER INVESTIGATION**

### **Municipal Police**

Five cities within Ventura County have their own municipal police forces. Because of their size, these police departments were not required to collect RIPA data until 2022. The 2022 RIPA data was required to be submitted to the California State Department of Justice by April of 2023. At the time this report was prepared, that data was not available on the DOJ Open Justice Data Portal. When this data becomes available in a few months, it is recommended that the PSEREAG perform an analysis of the municipal data comparable to this analysis of the Ventura County Sheriff's Office.

### **District Attorney**

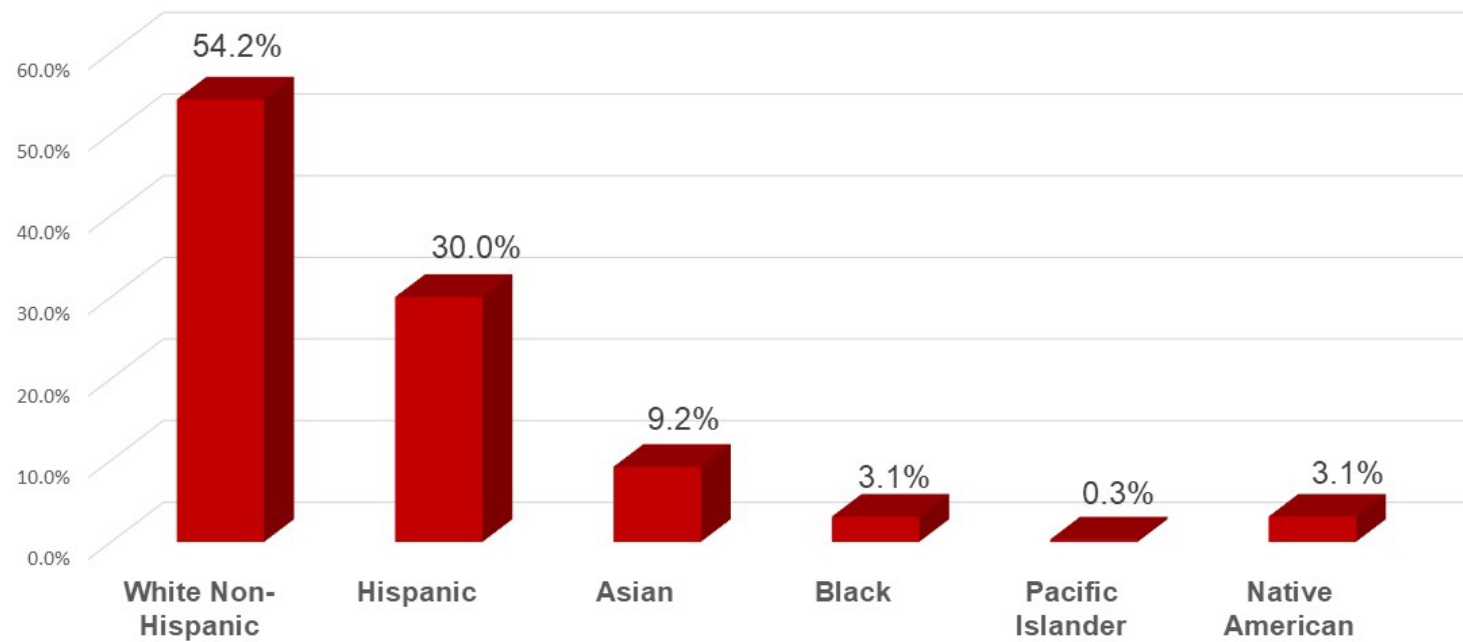
In addition, we should know if there are differences by race or ethnicity in the number of people prosecuted by the district attorney for felony and misdemeanor cases, particularly for resisting arrest. The PSREAG has requested this data from the Ventura County District Attorney. When provided, this data will be analyzed for racial disparities in the outcome of charging decisions. It is recommended that in the future, the District Attorney make this data available on an annual basis.

Further, we look forward to ongoing dialogue with the District Attorney about how decisions are made about which cases to prosecute, especially regarding resisting arrest and the results of those decisions on people of color.



# **Appendix A**

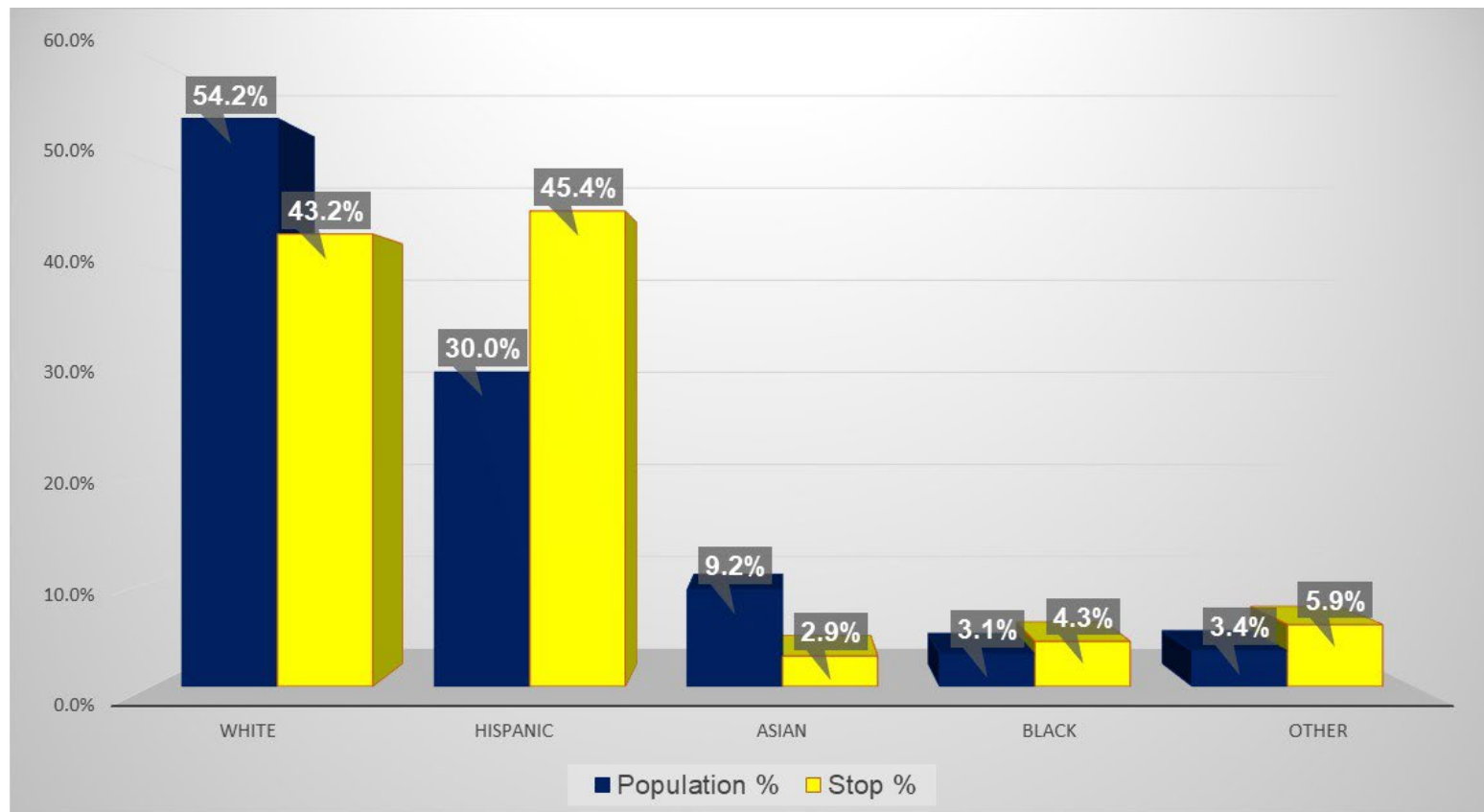
## **Graphical Presentation of Data**



**Figure 1 Racial and Ethnic Makeup of VCSO Jurisdiction**

**Source: 2020 US Census**

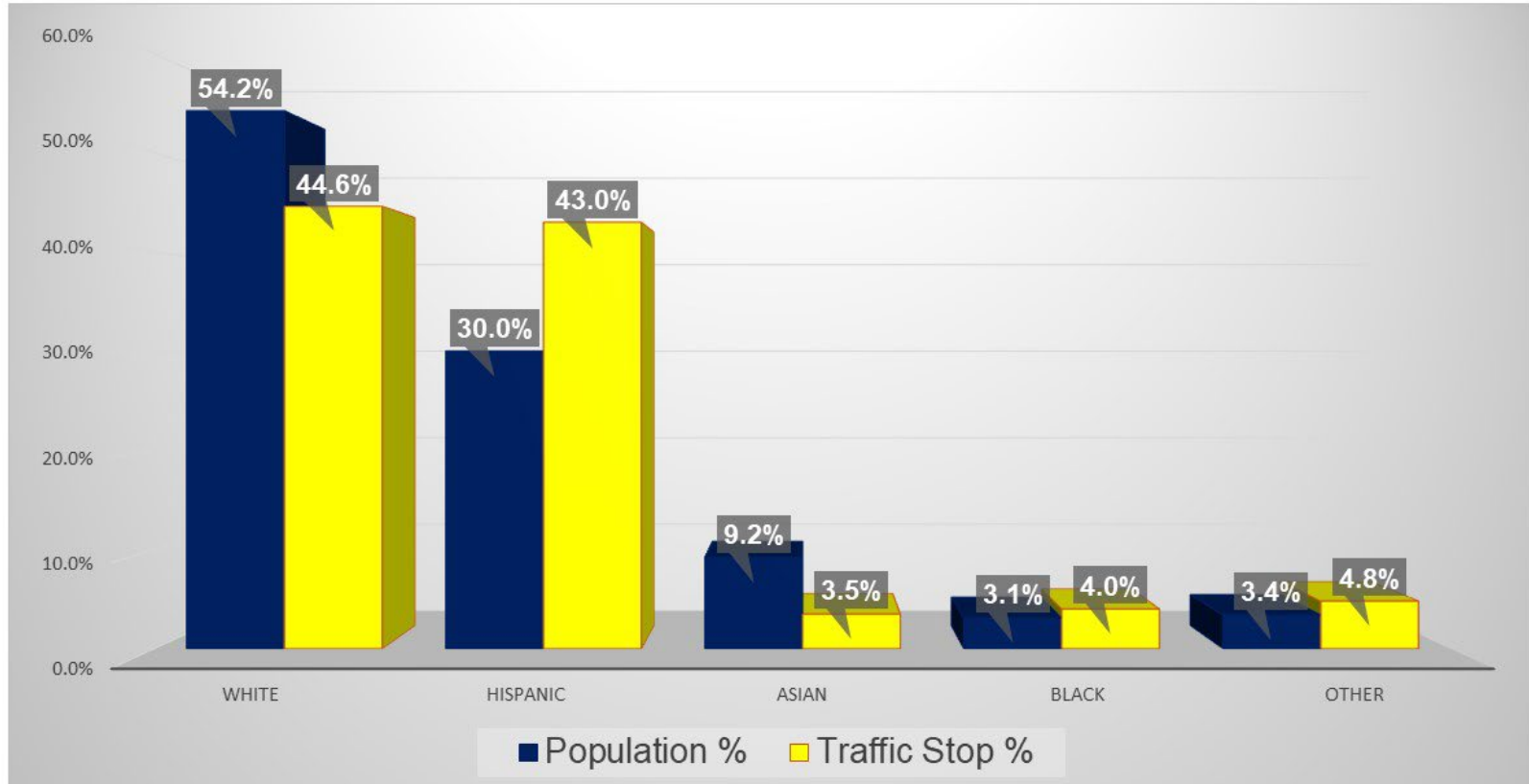
***STOPS***



**Figure 2 Stop Data vs Population**

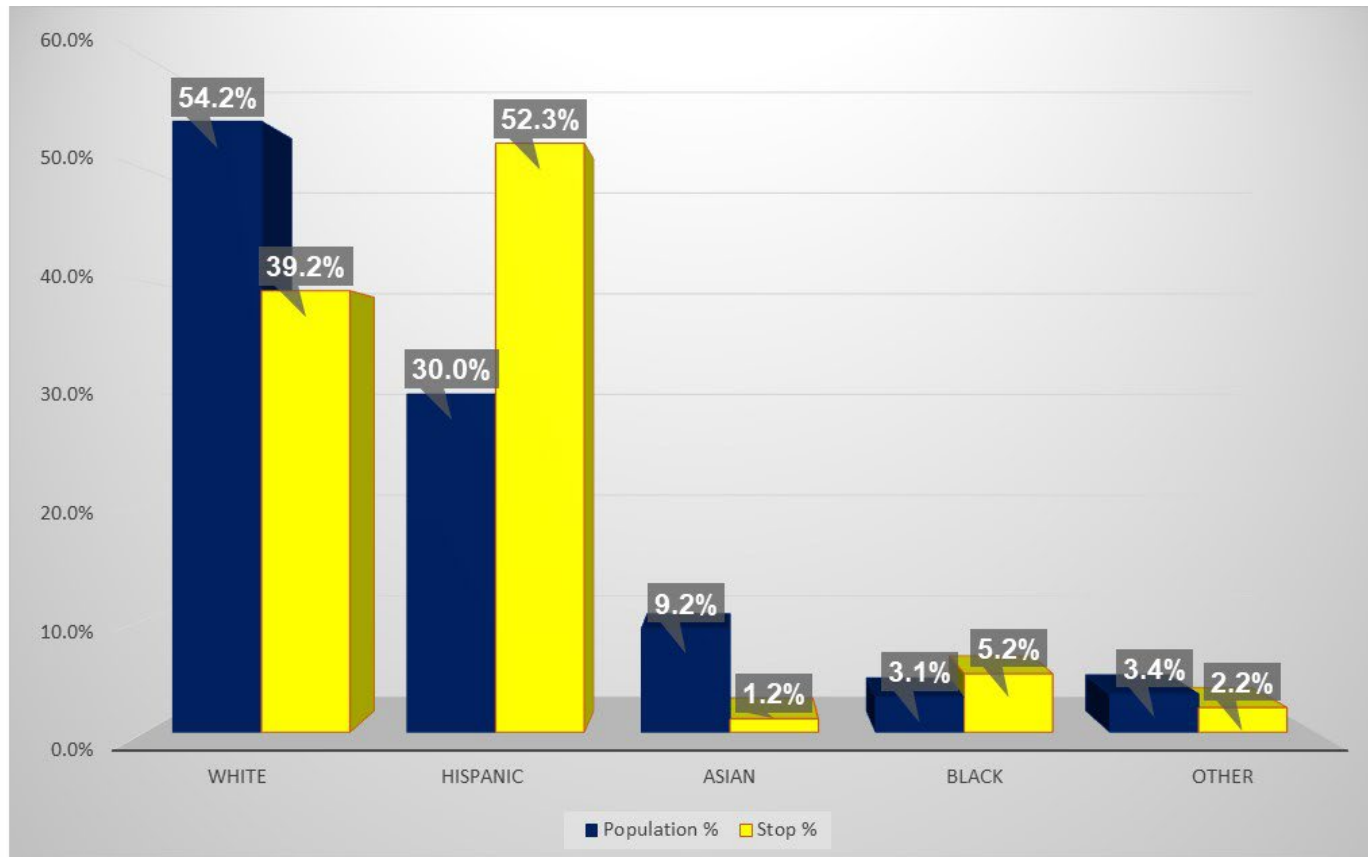
Source: RIPA Dashboard





**Figure 3 Traffic Stops vs Population**

Source: RIPA Dashboard

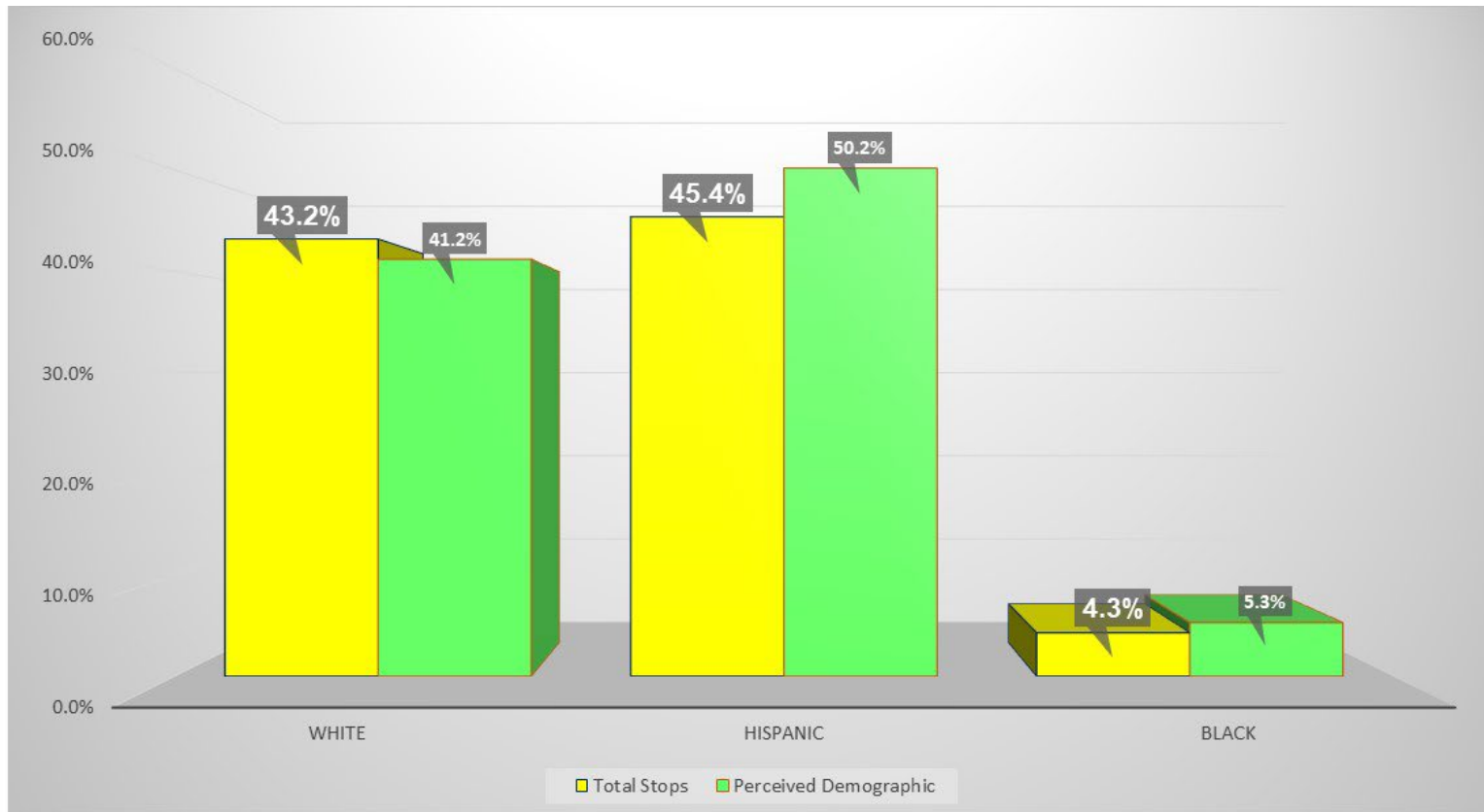


**Figure 4 Other Than Traffic Stop vs Population**

Source: RIPA Dashboard



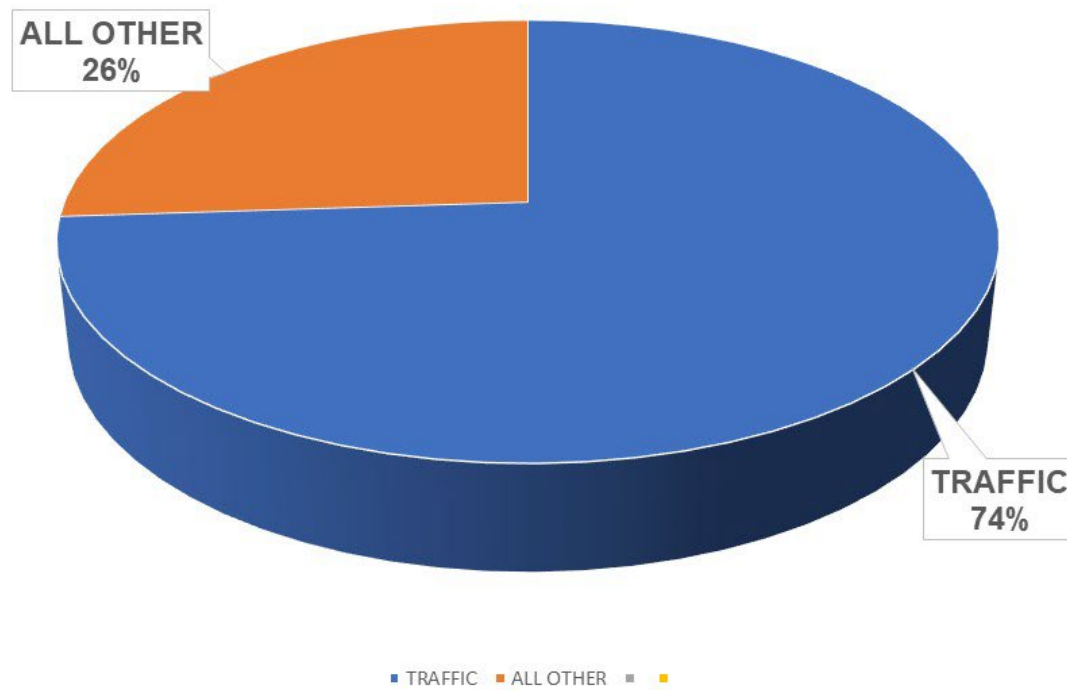




**Figure 5 Total Stops vs Stops When Deputy Perceived Race Prior to Stop**

Source: RIPA Dashboard

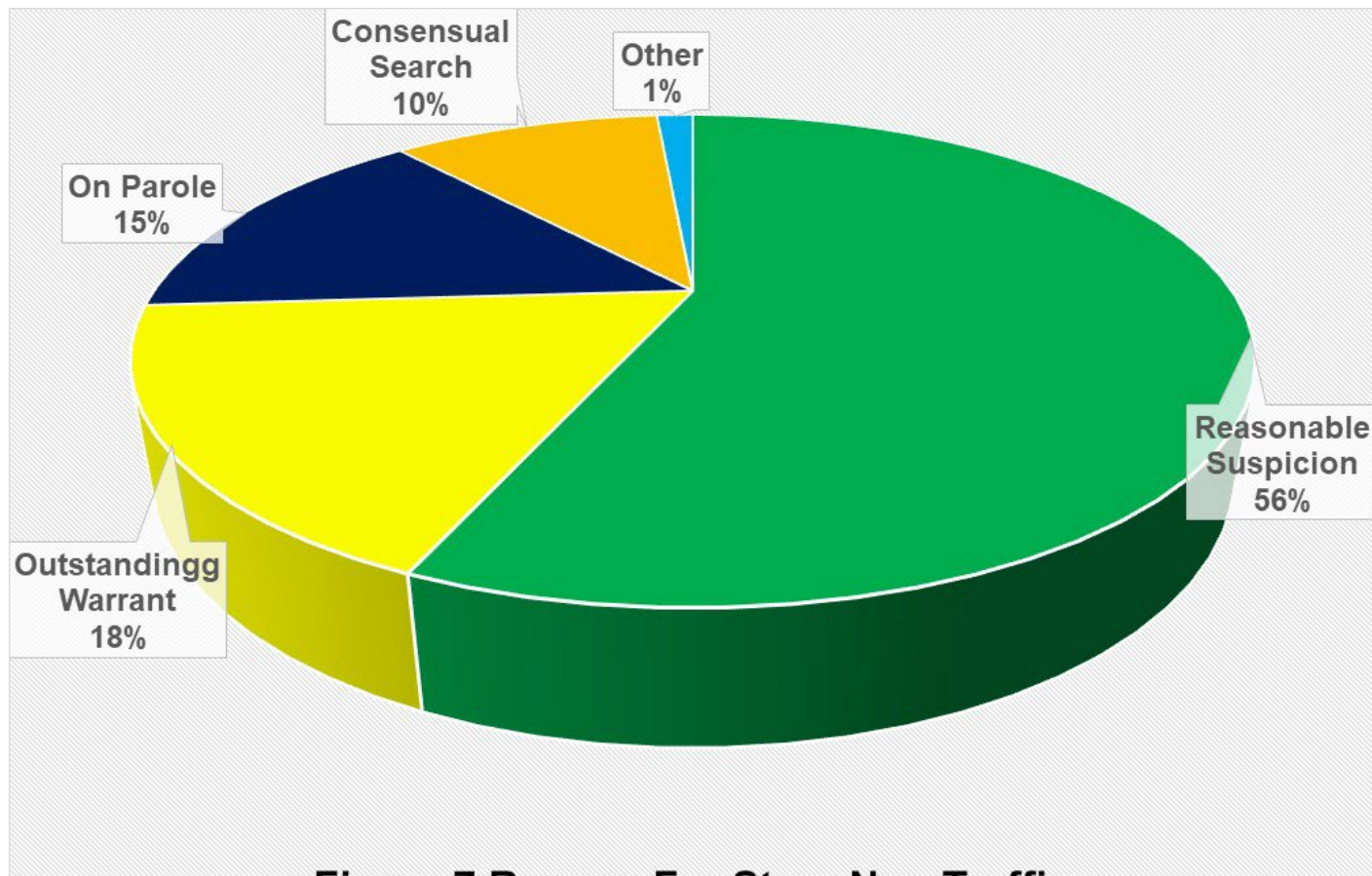
***REASON FOR STOP***



**Figure 6 Reason For Stop**

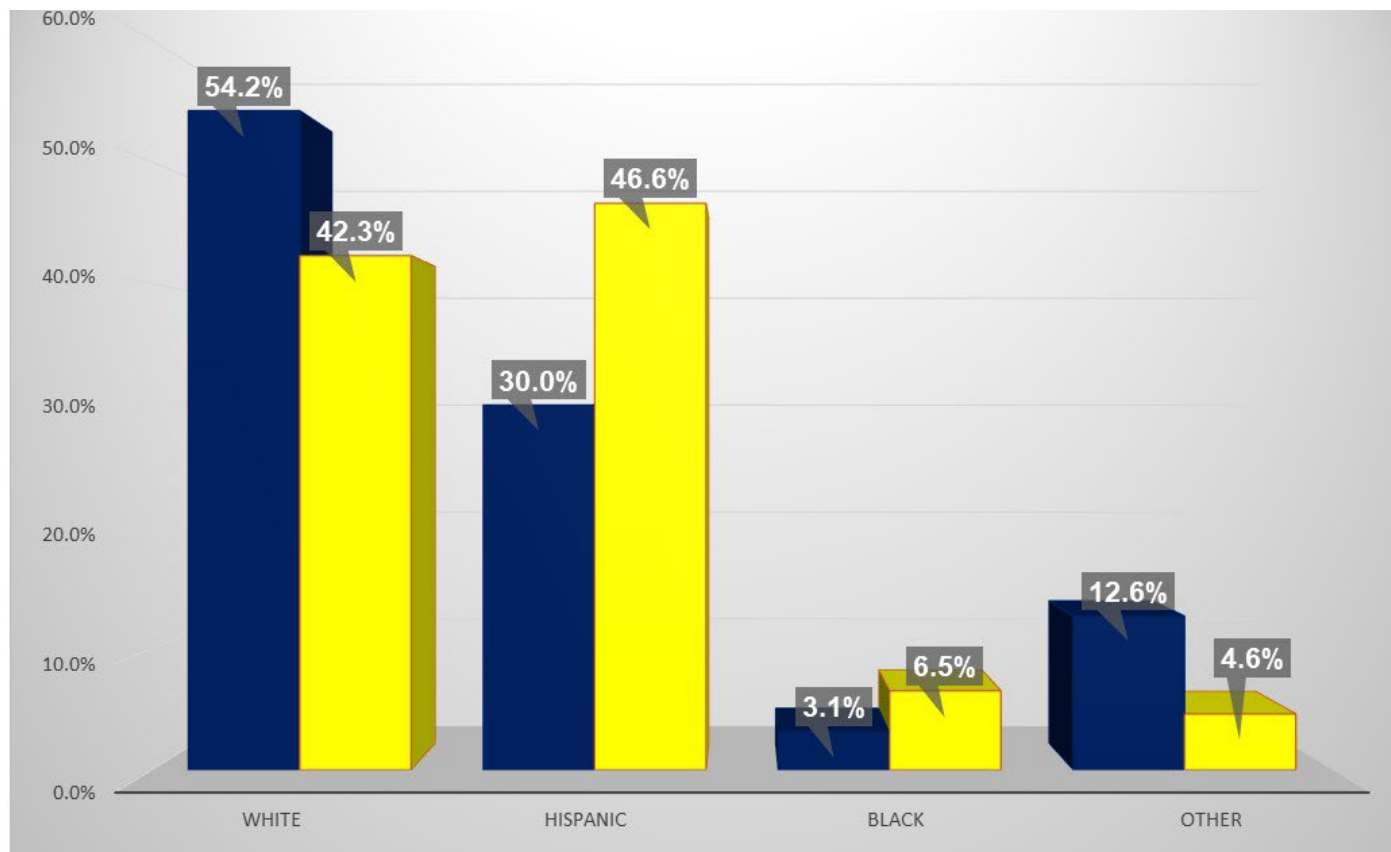
Source: RIPA Dashboard





**Figure 7 Reason For Stop Non-Traffic**

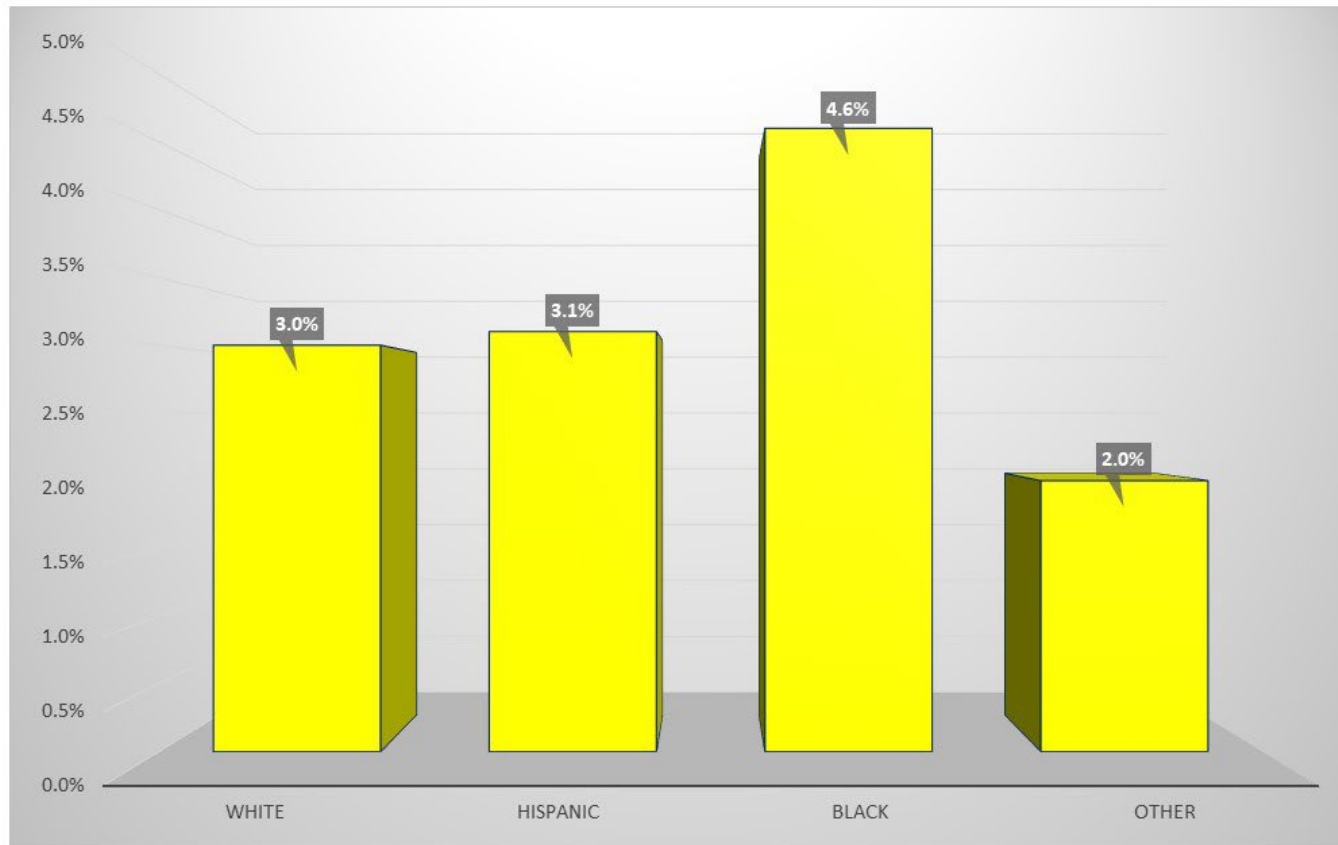
Source: RIPA Dashboard



**Figure 8 Stops for Reasonable Suspicion Compared to Population**

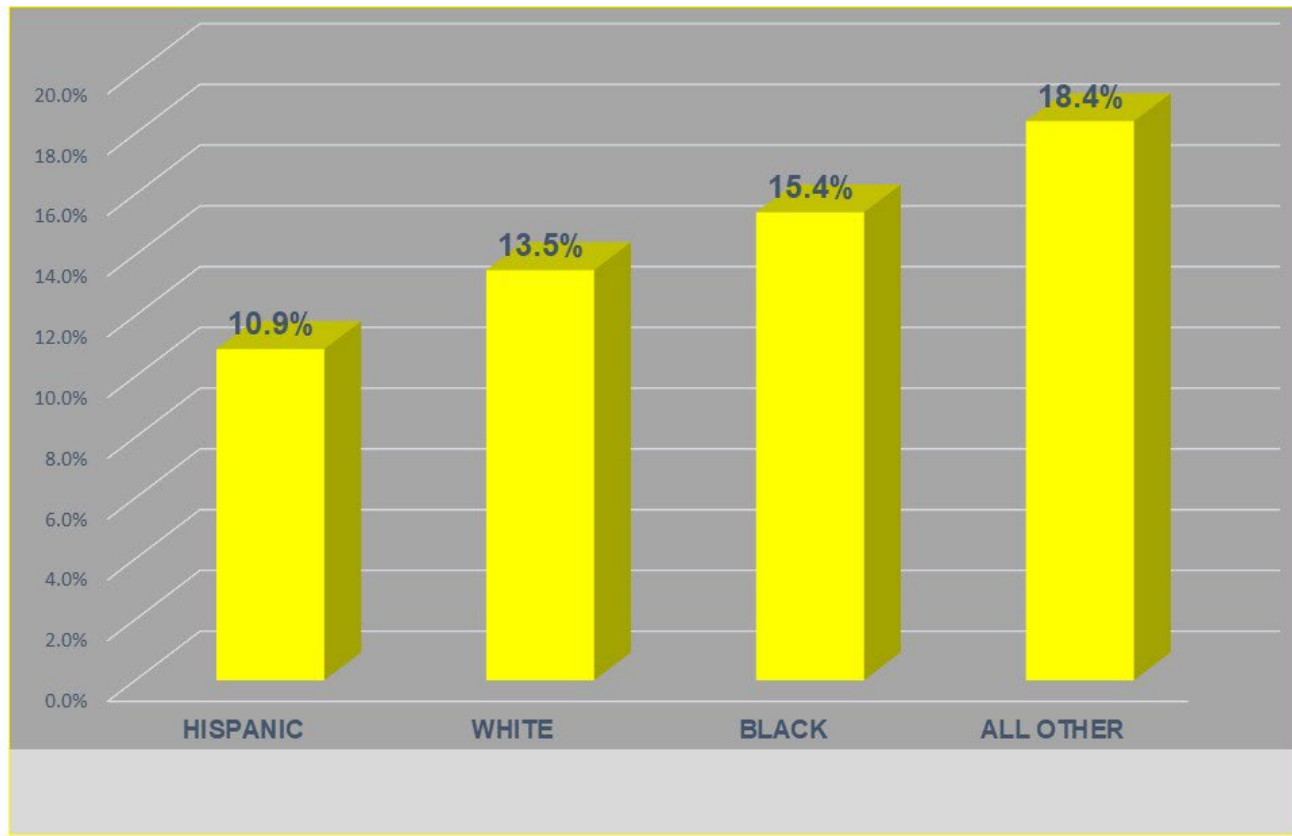
Source: RIPA Dashboard





**Figure 9 Stops for Reasonable Suspicion as a Percentage of All Stops**

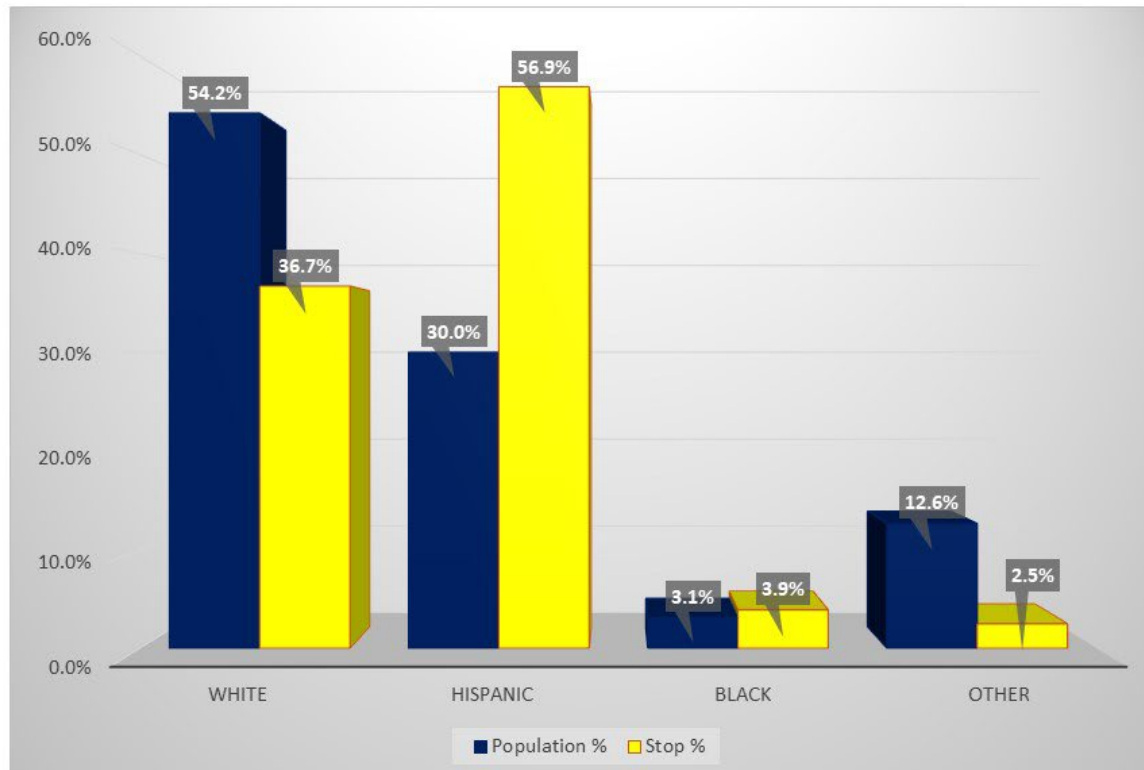
Source: RIPA Dashboard



**Figure 10 Reasonable Suspicion As A Percent Of Non-traffic Stops**

Source: RIPA Dashboard

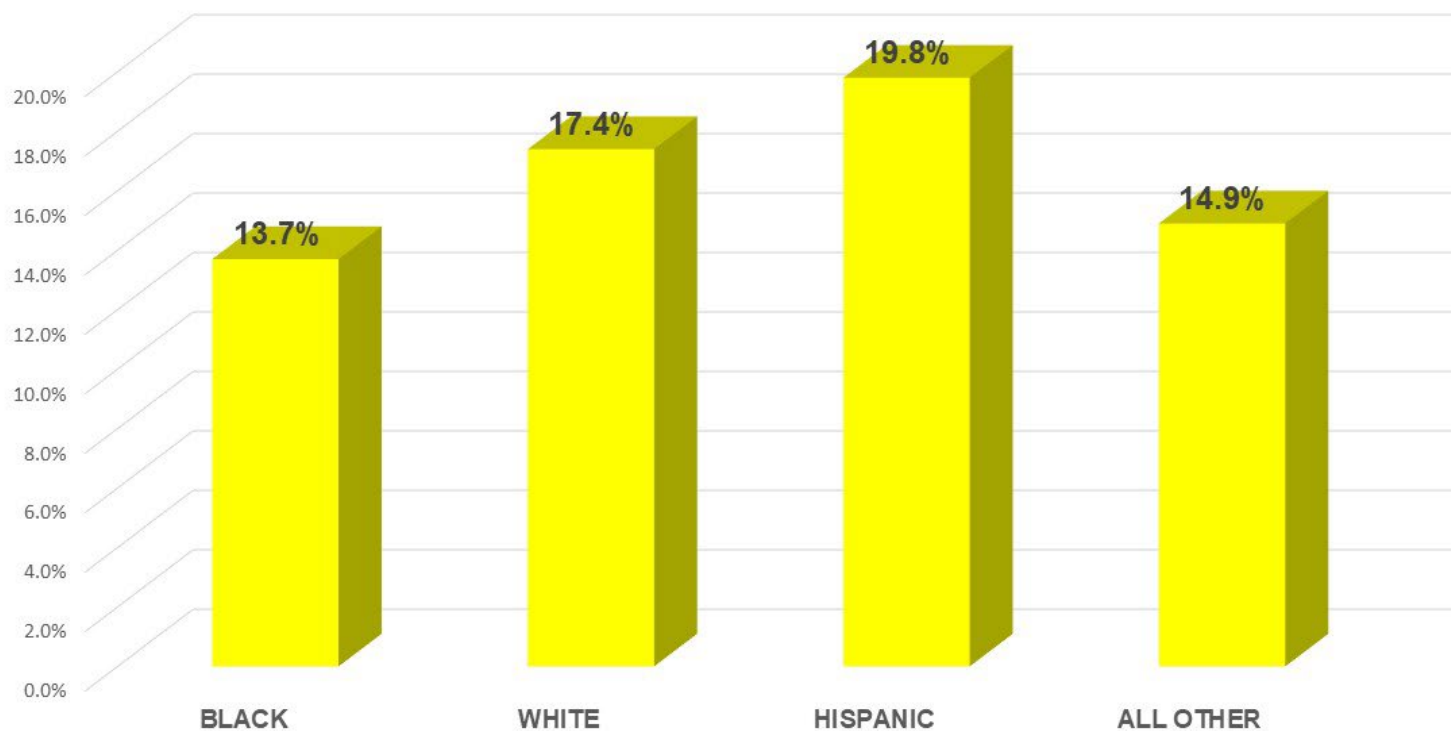




**Figure11 Consensual Search vs Population**

Source: RIPA Dashboard



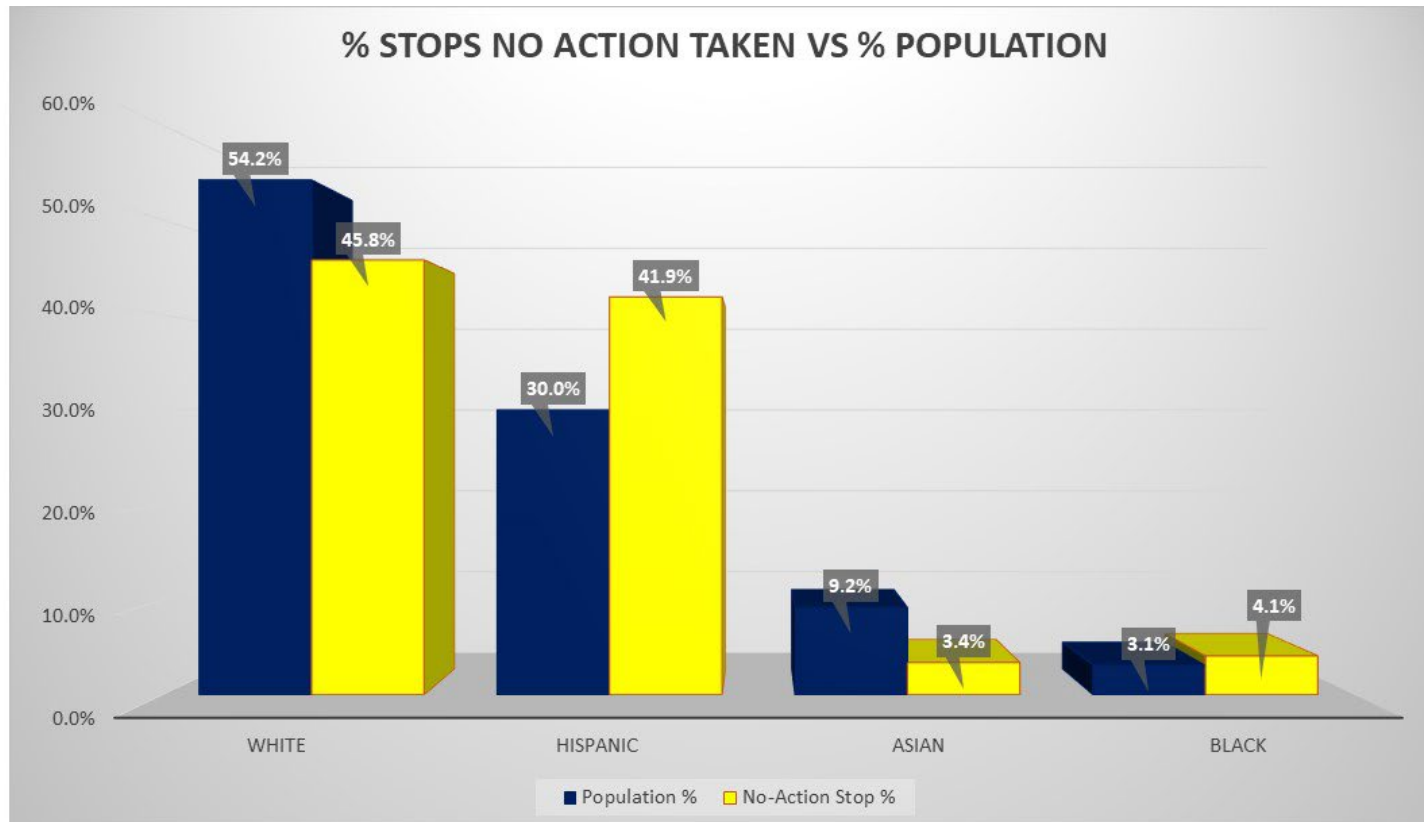


**Figure 12 Consensual Search as a Percentage of non Traffic Stops**

Source: RIPA Dashboard



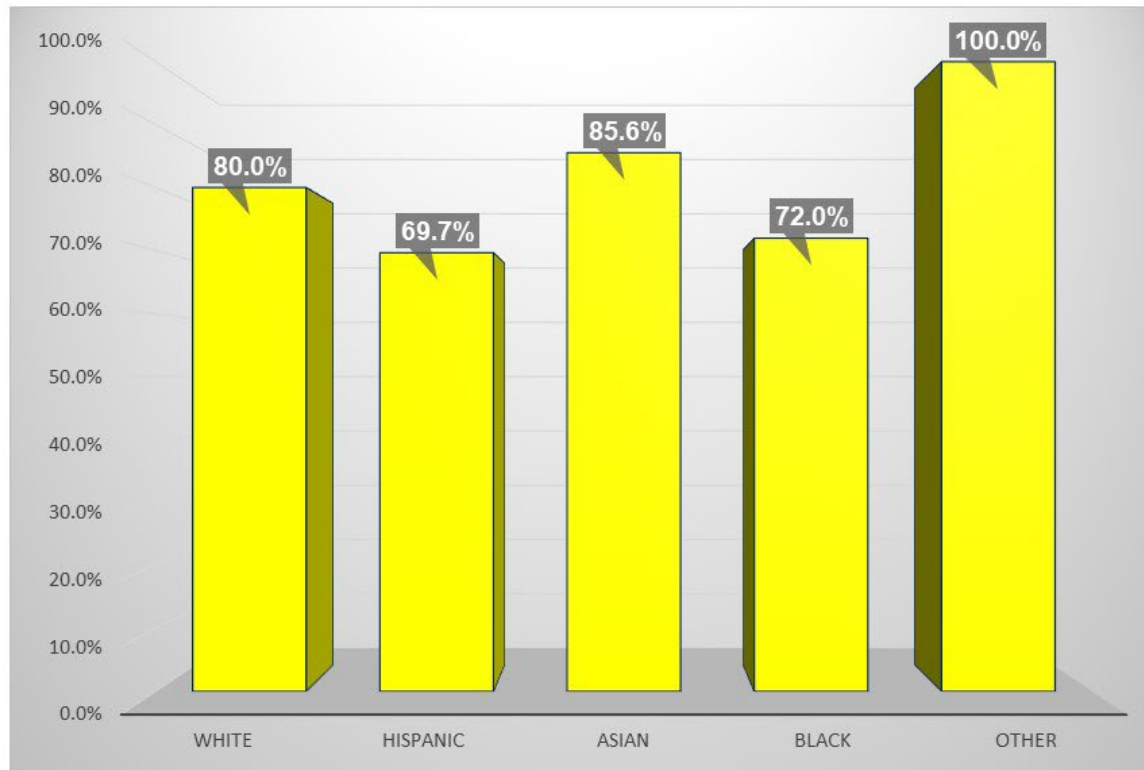
# ***ACTION TAKEN DURING STOP***



**Figure 13 Percent Stops No Action Taken Vs Percent Population**

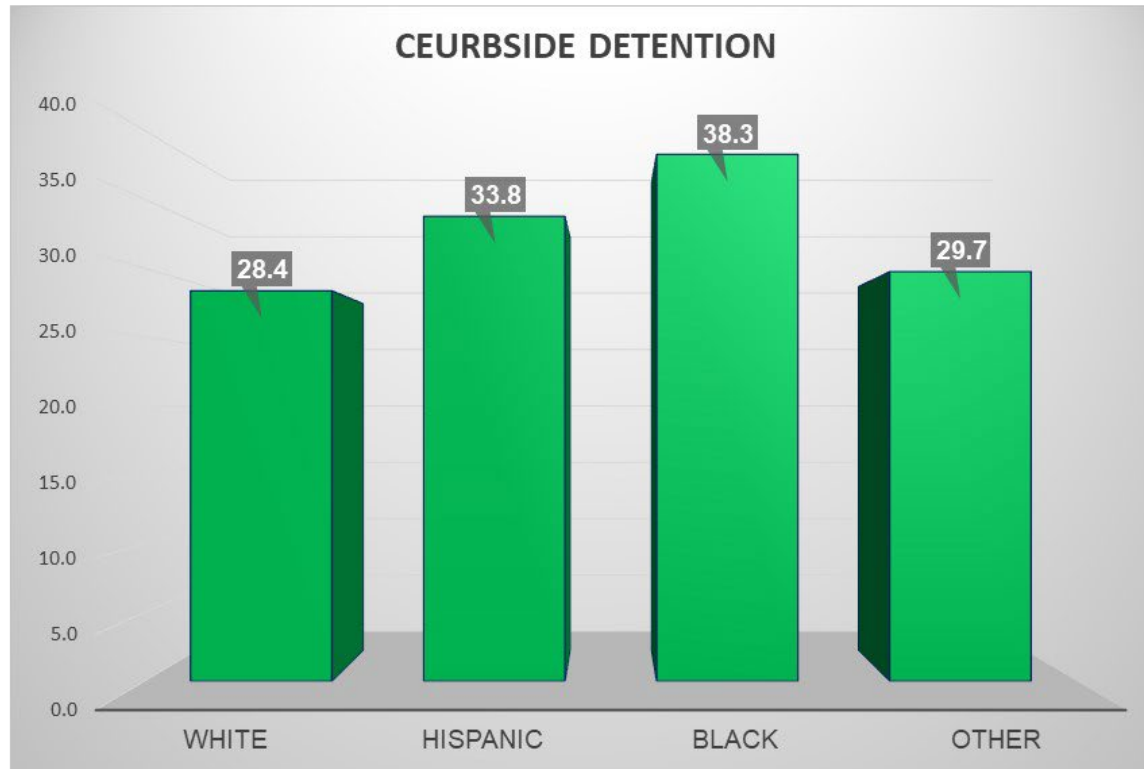
Source: RIPA Dashboard





**Figure 14 Percentage of Stops with No Action Taken**

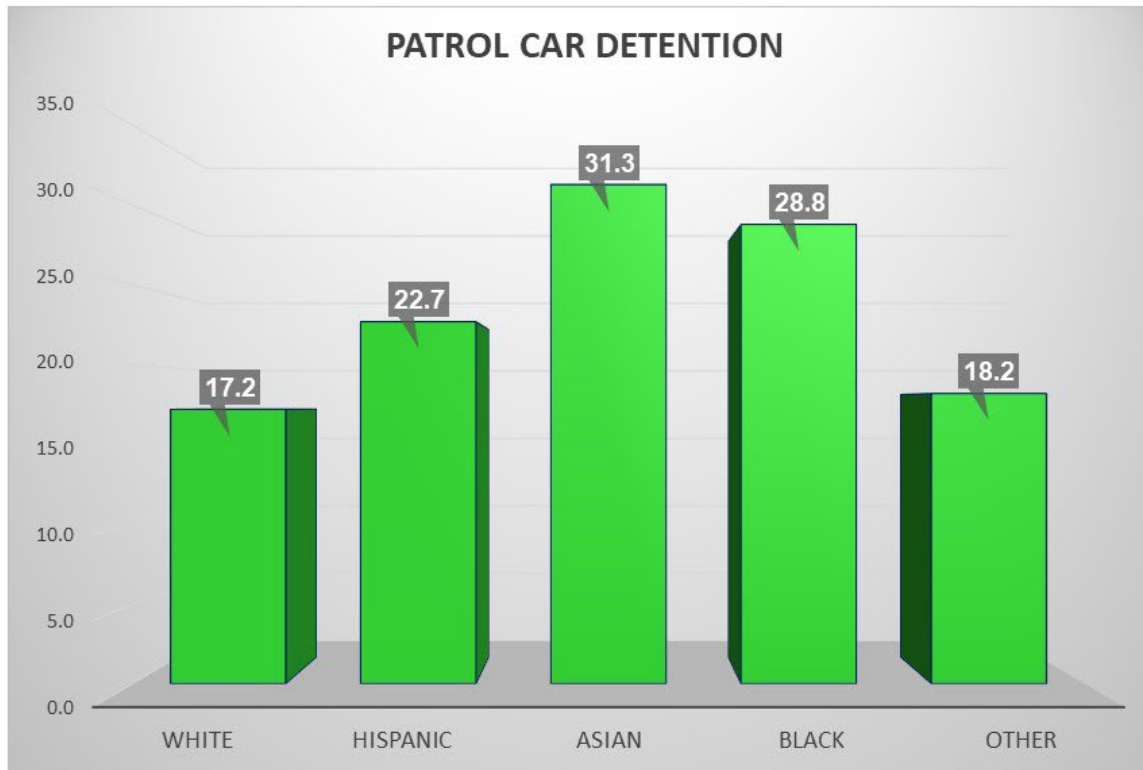
Source: RIPA Dashboard



**Figure 15 Curbside Detention (Number per 1,000 Stops)**

Source: RIPA Dashboard

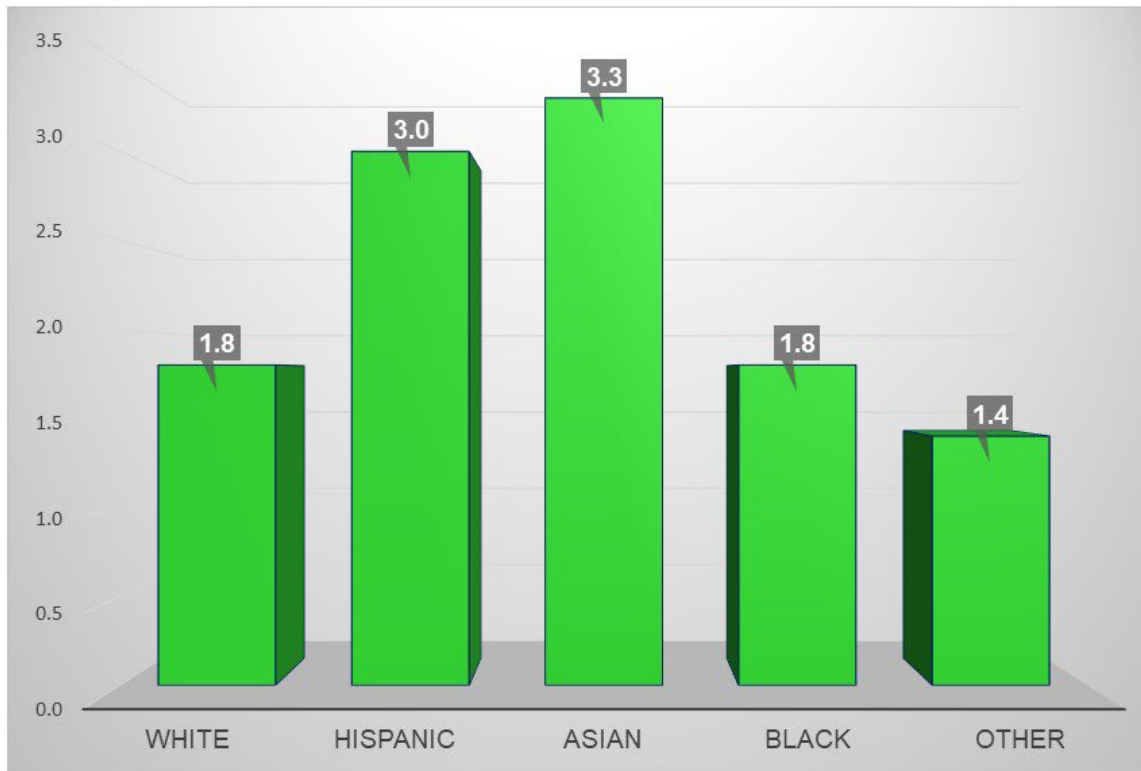




**Figure 16 Patrol Car Detention (Number per 1,000 Stops)**

Source: RIPA Dashboard

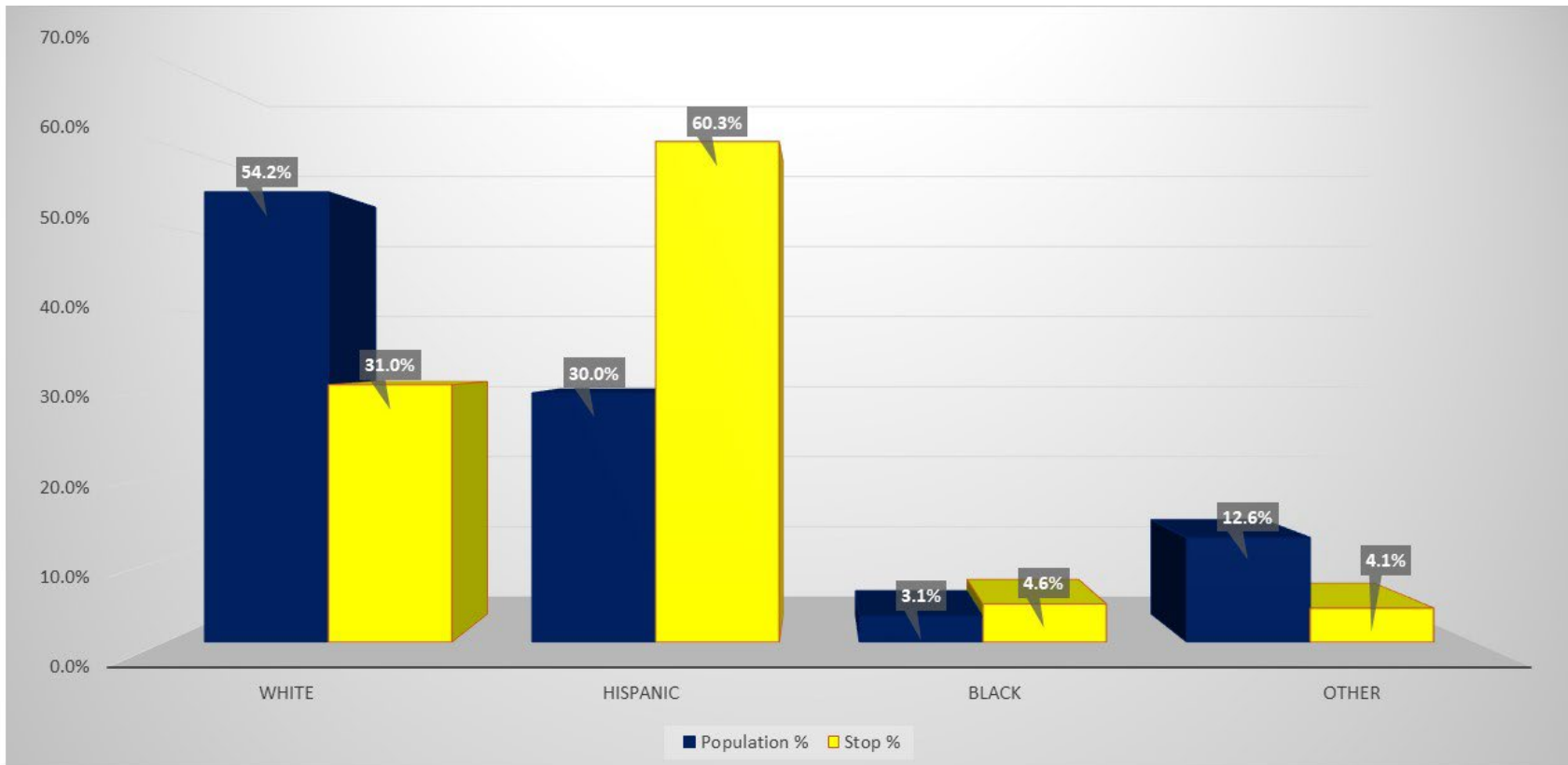




**Figure 17 Physical or Vehicle Contact (Number per 1,000 Stops)**

Source: RIPA Dashboard



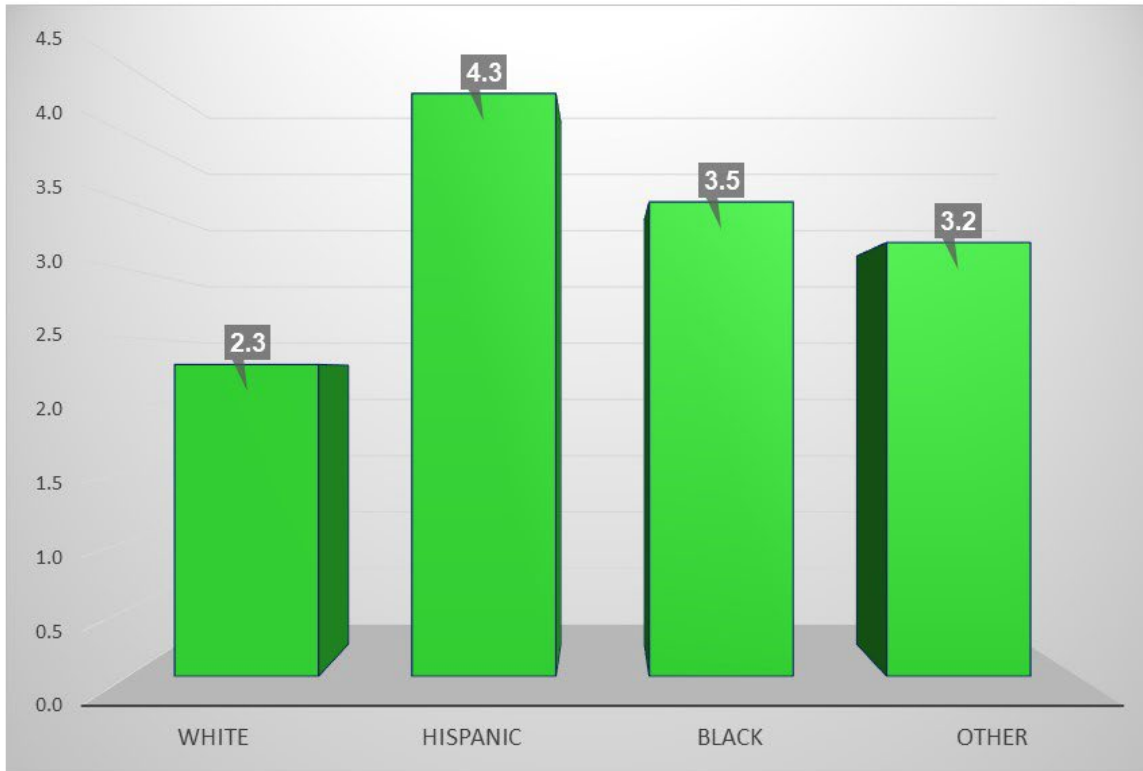


**Figure 18 Percent Removed from Vehicle compared to Population**

Source: RIPA Dashboard



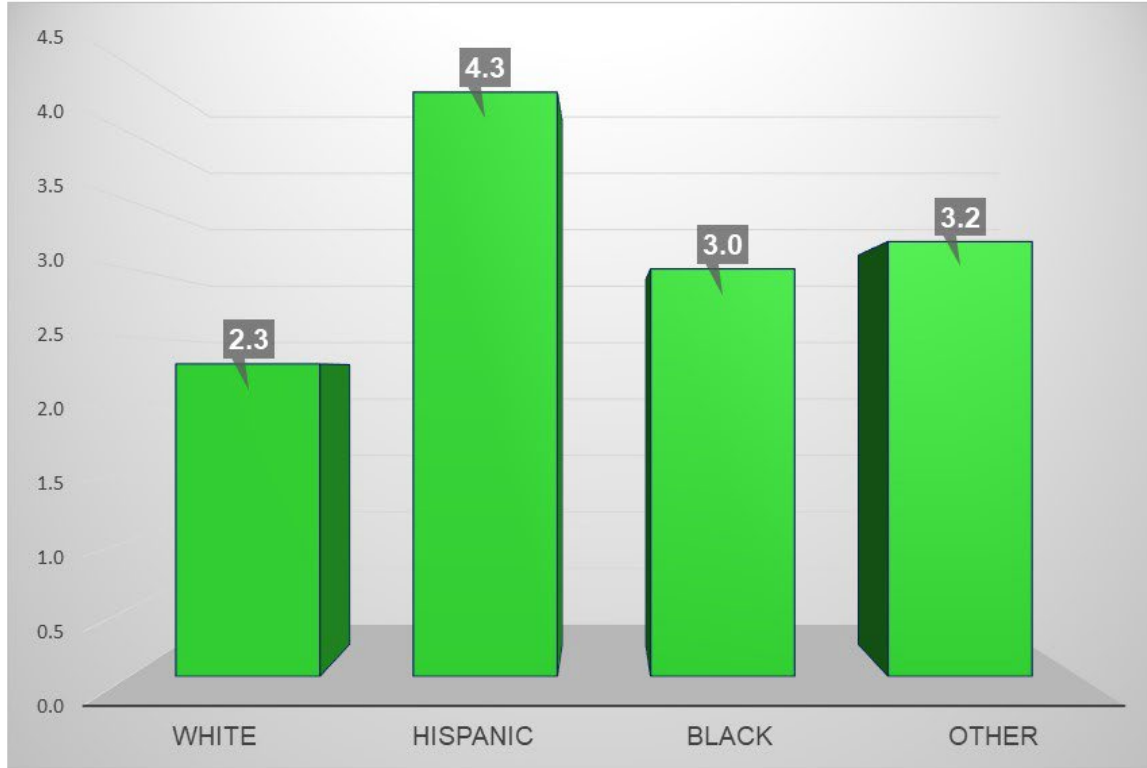




**Figure 18A Removed from Vehicle (Number per 1,000 Stops)**

Source: RIPA Dashboard

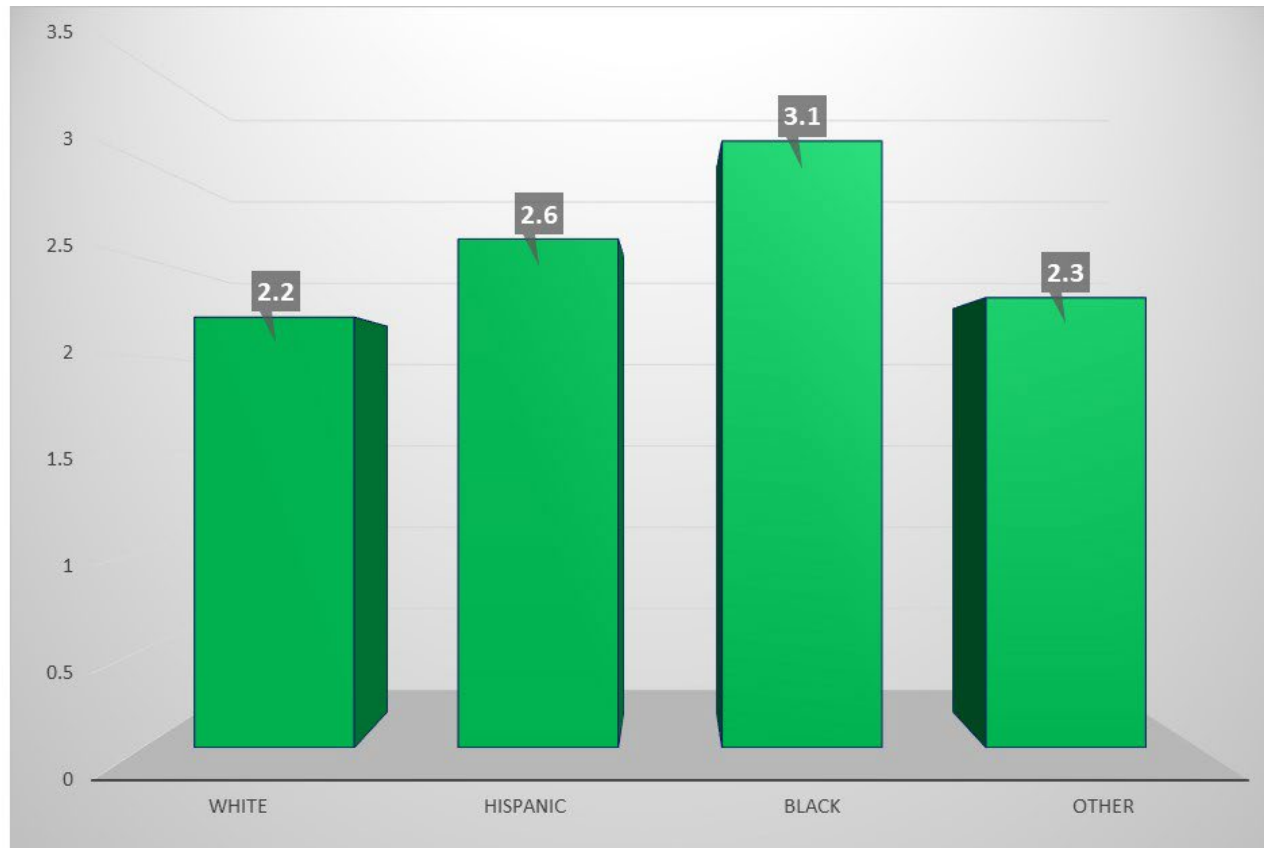




**Figure 19 Handcuffed (Number per 1,000 Stops)**

Source: RIPA Dashboard



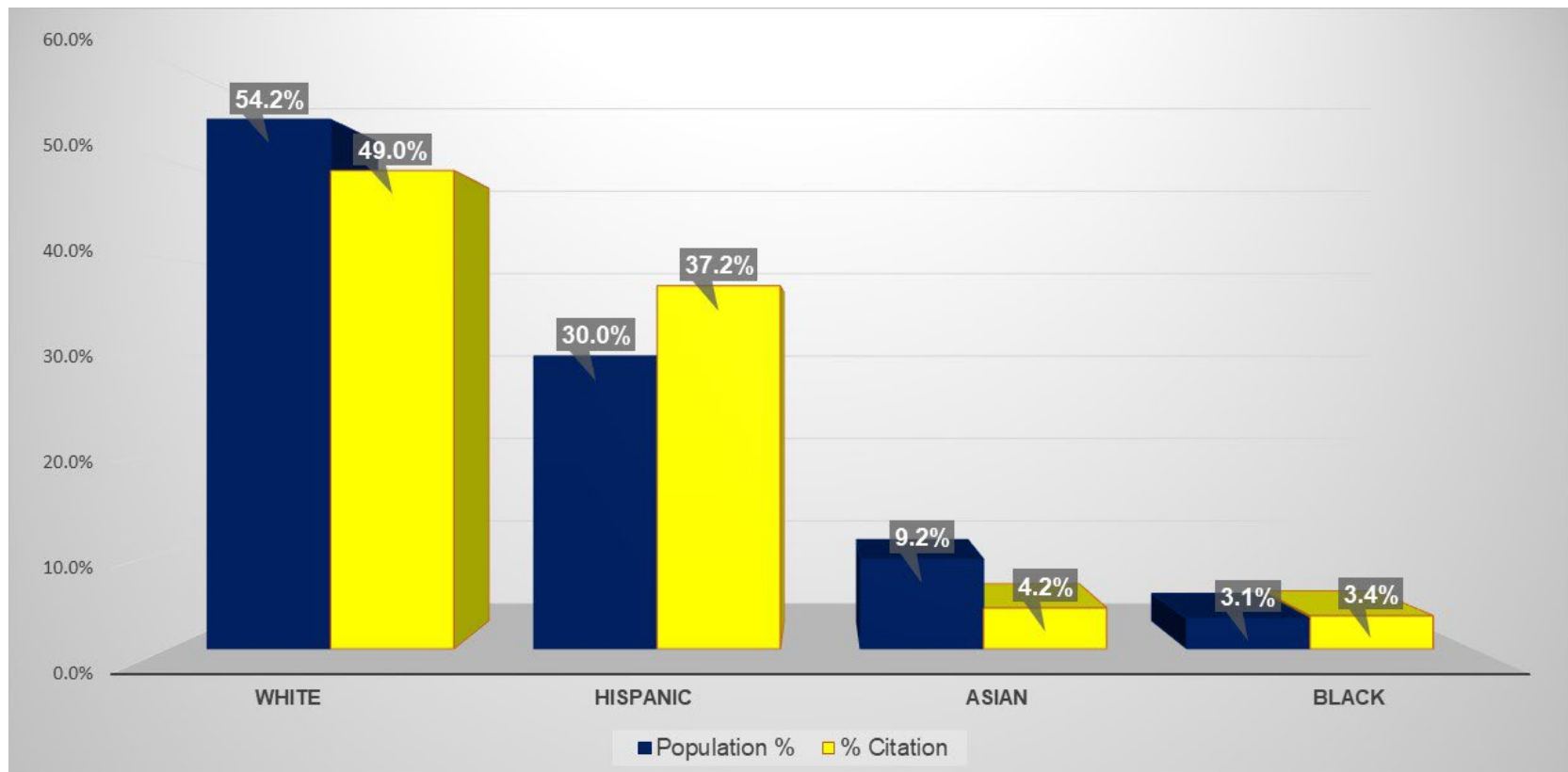


**Figure 20 Field Interview Card Completed (Number per 1,000 Stops)**

Source: RIPA Dashboard



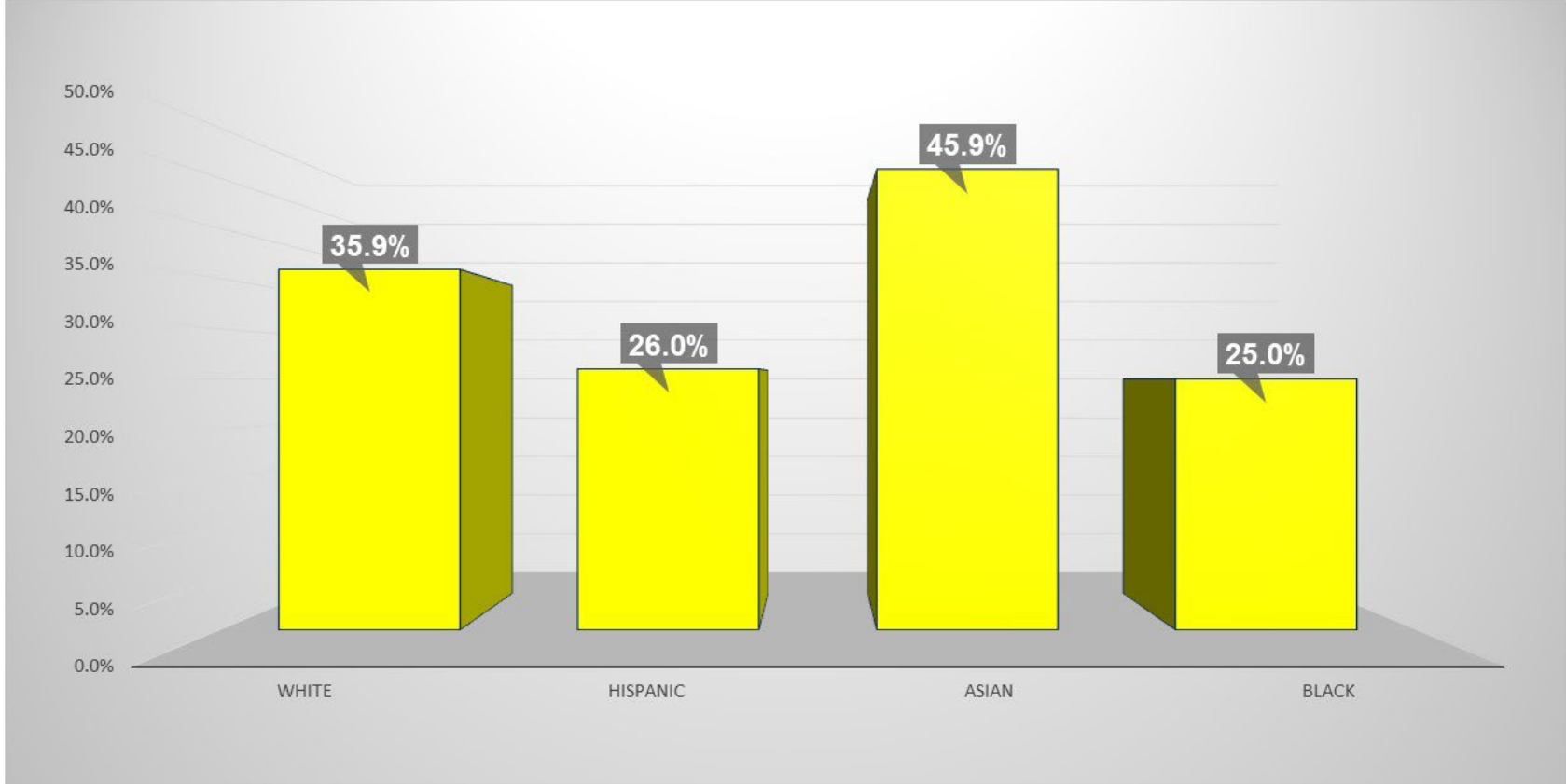
**RESULT OF STOP**



**Figure 21 Percentage of Citations vs Percentage of Citations**

Source: RIPA Dashboard

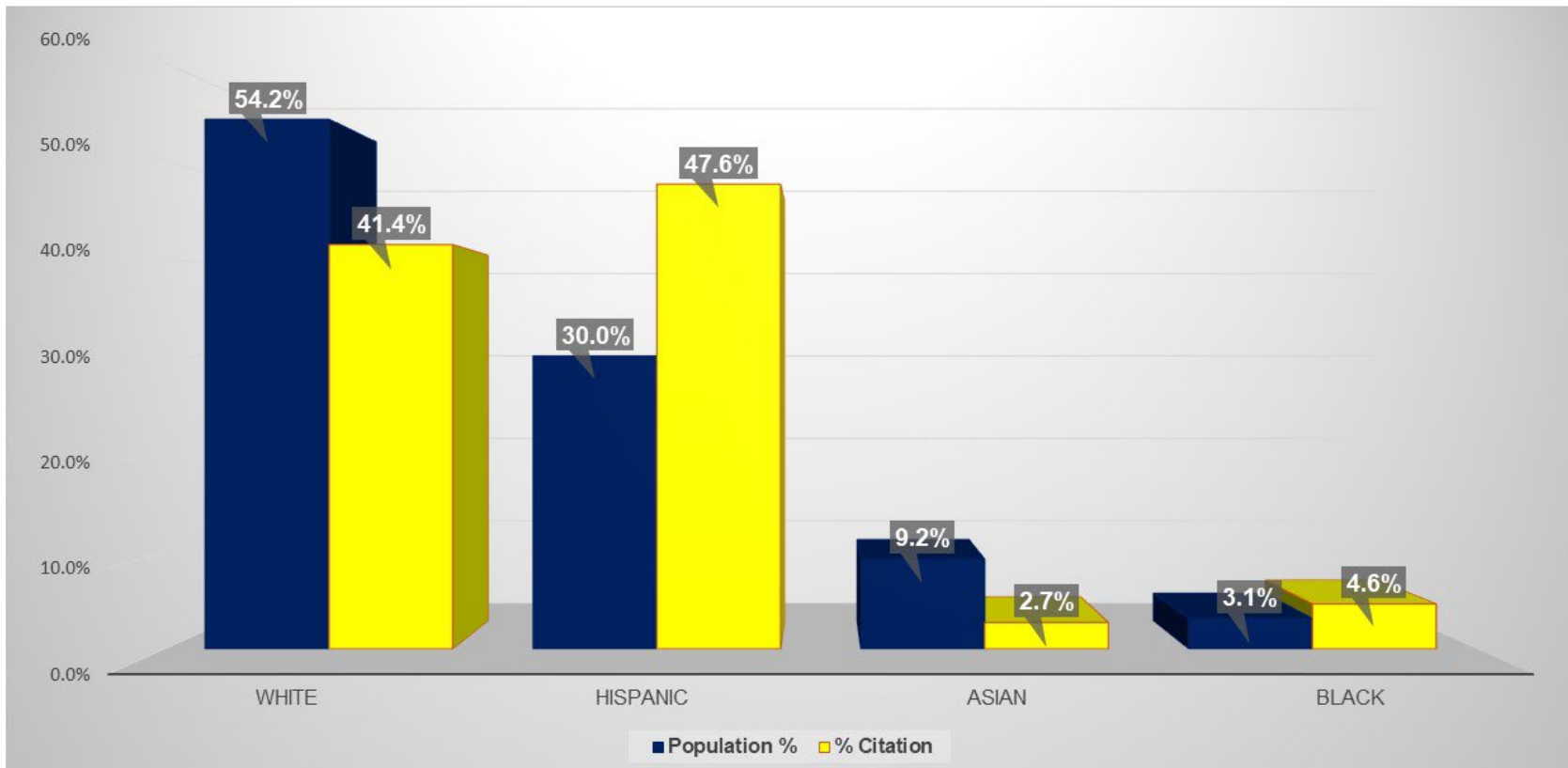




**Figure 21A Percent Stops Resulting in Citation**

Source: RIPA Dashboard

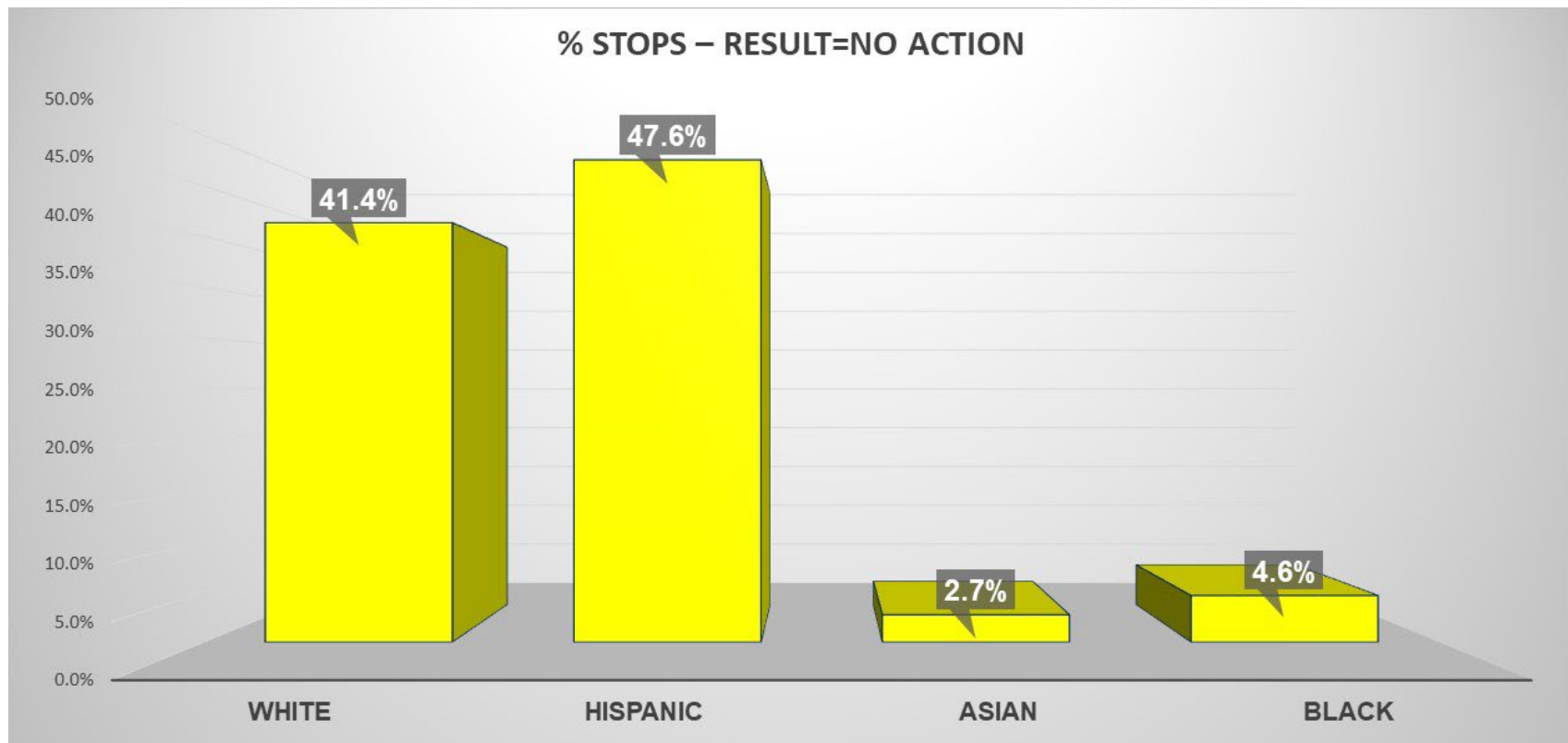




**Figure 22 Percentage No Action vs Percentage of Population**

Source: RIPA Dashboard



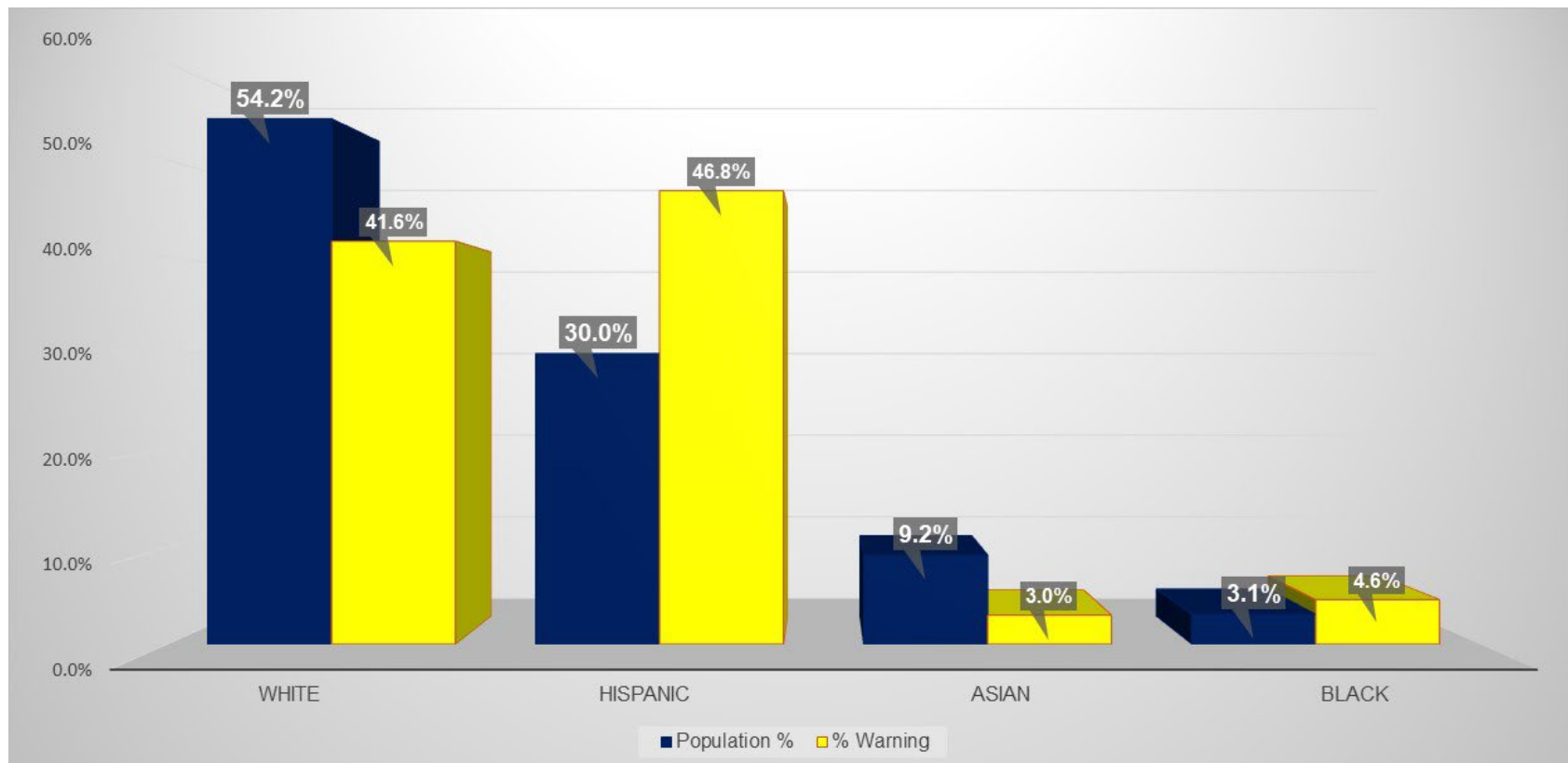


**Figure 22A Percent Stops Resulting in No Action**

Source: RIPA Dashboard



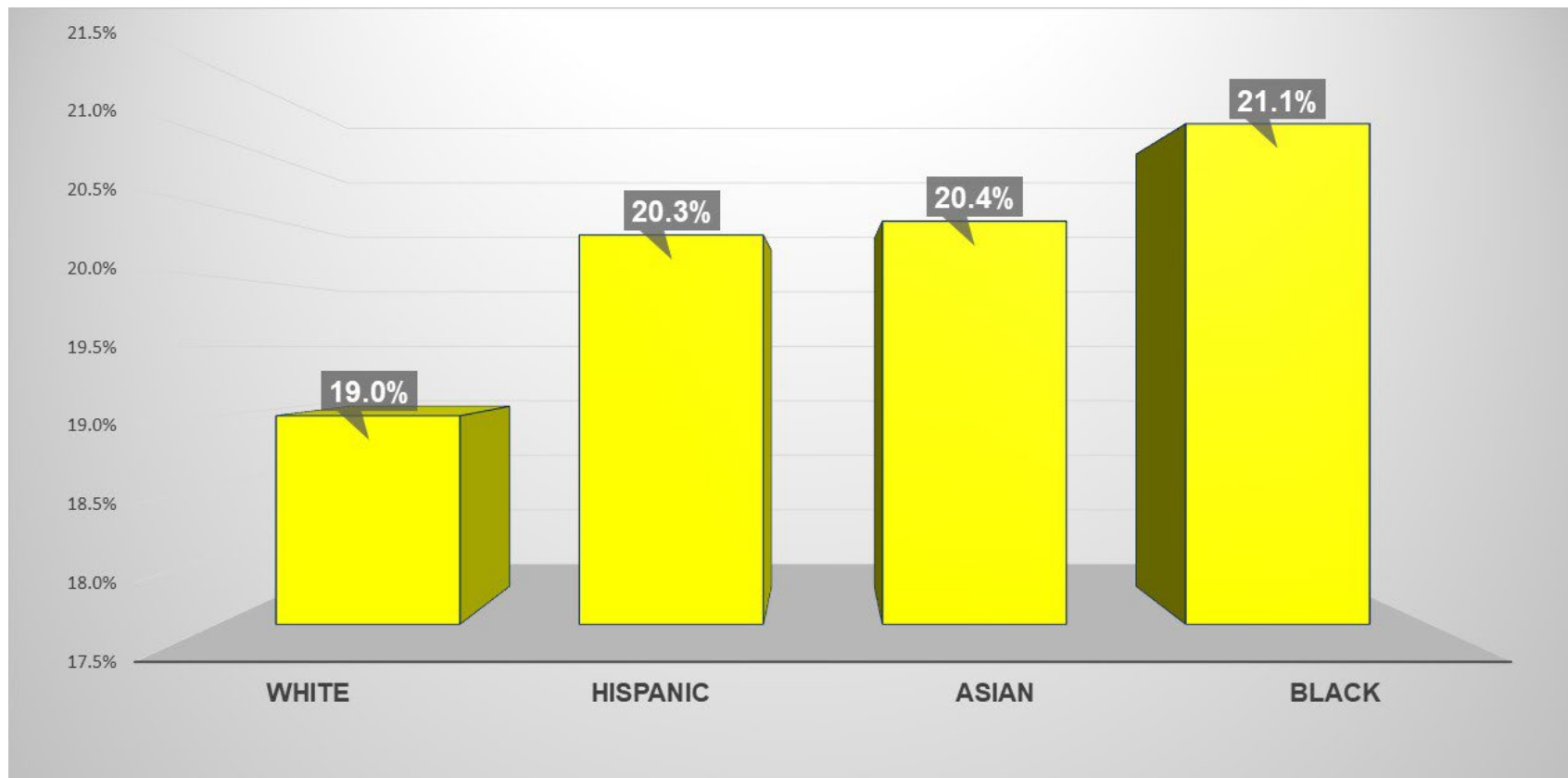




**Figure 23 Percentage Warning vs Percentage of Population**

Source: RIPA Dashboard

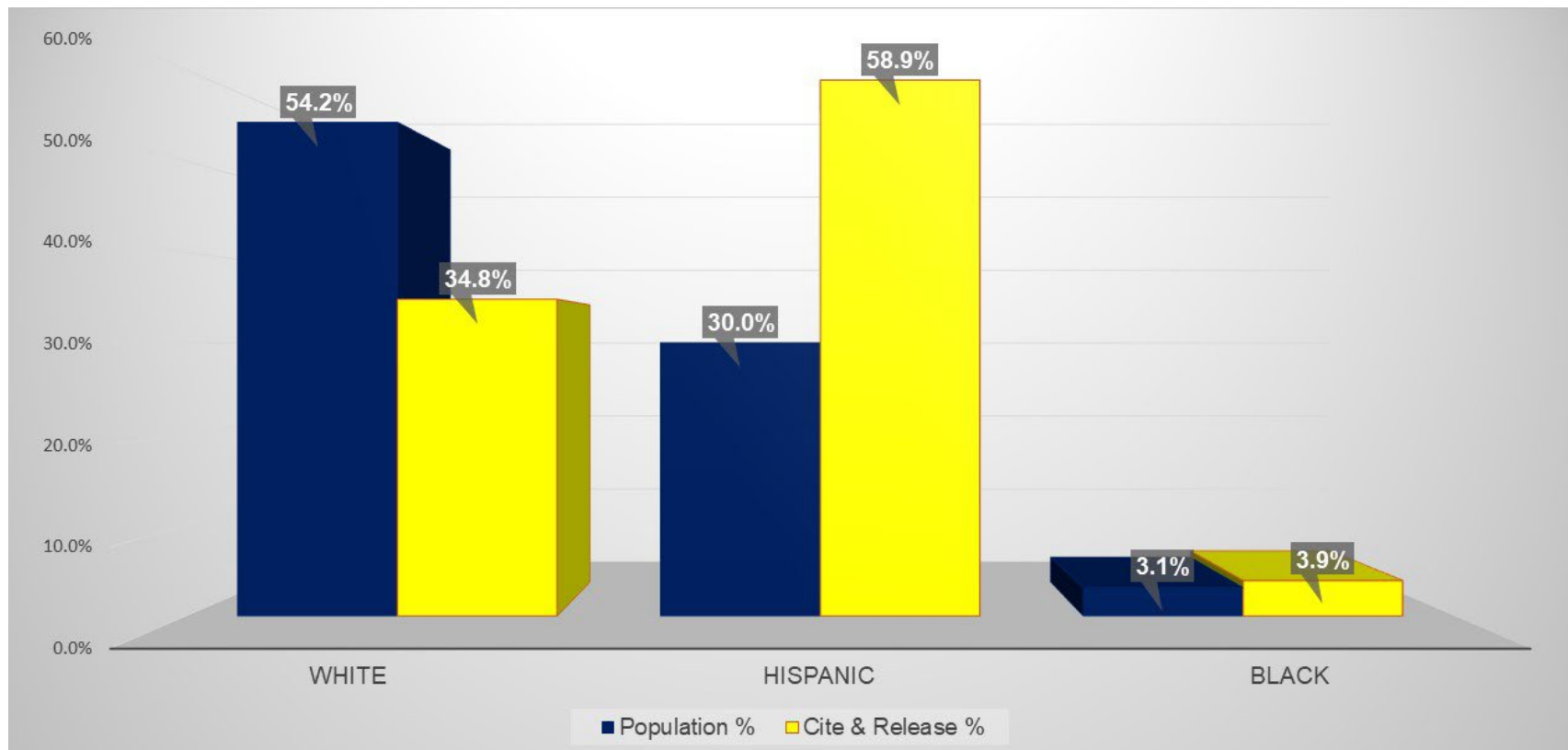




**Figure 23A Percent Stops Resulting in a Warning**

Source: RIPA Dashboard

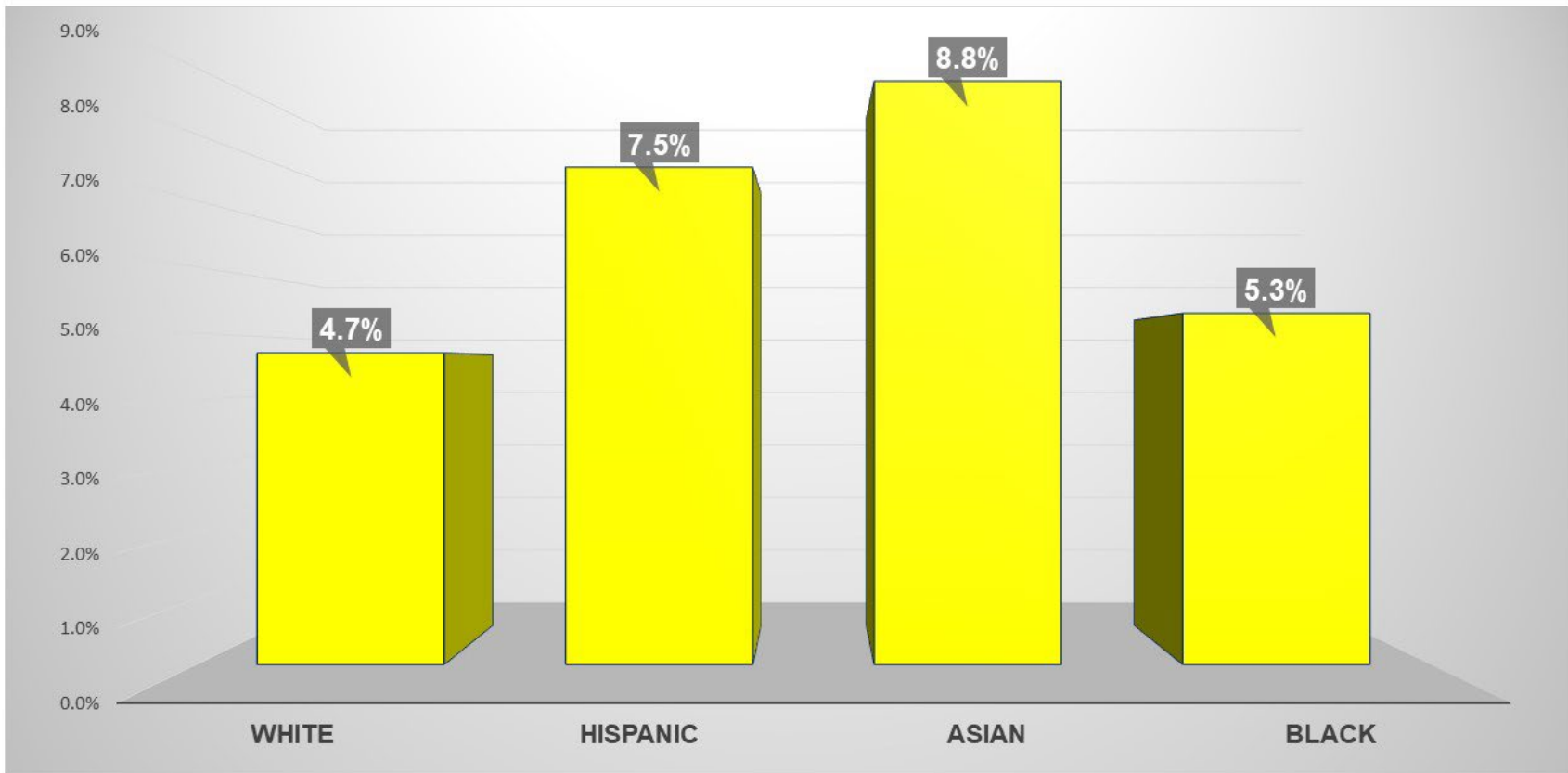




**Figure 24 Percentage Cite & Release vs Percentage of Population**

Source: RIPA Dashboard

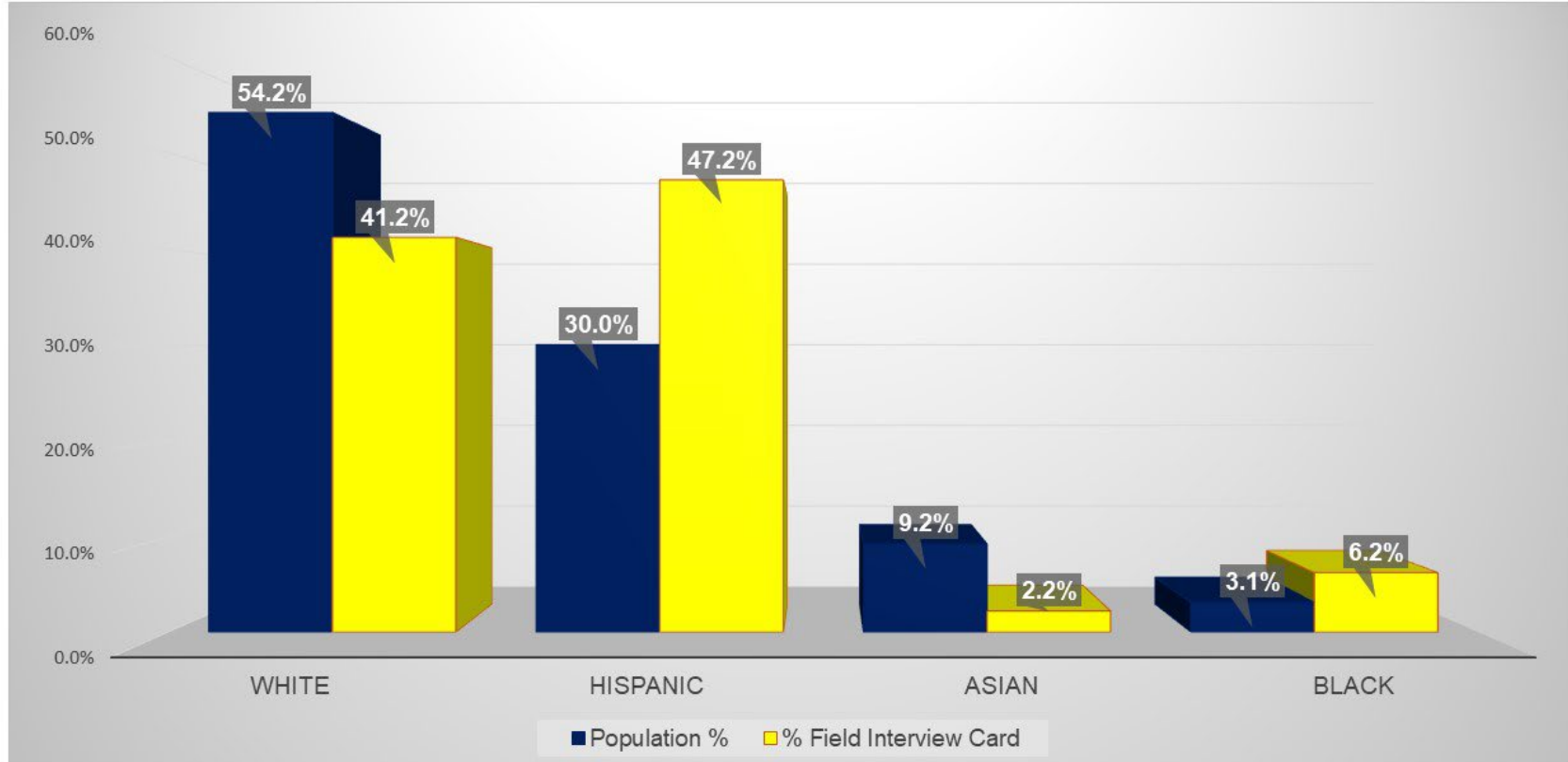




**Figure 24A Percent Stops Where Result is In-Field Cite & Release**

Source: RIPA Dashboard

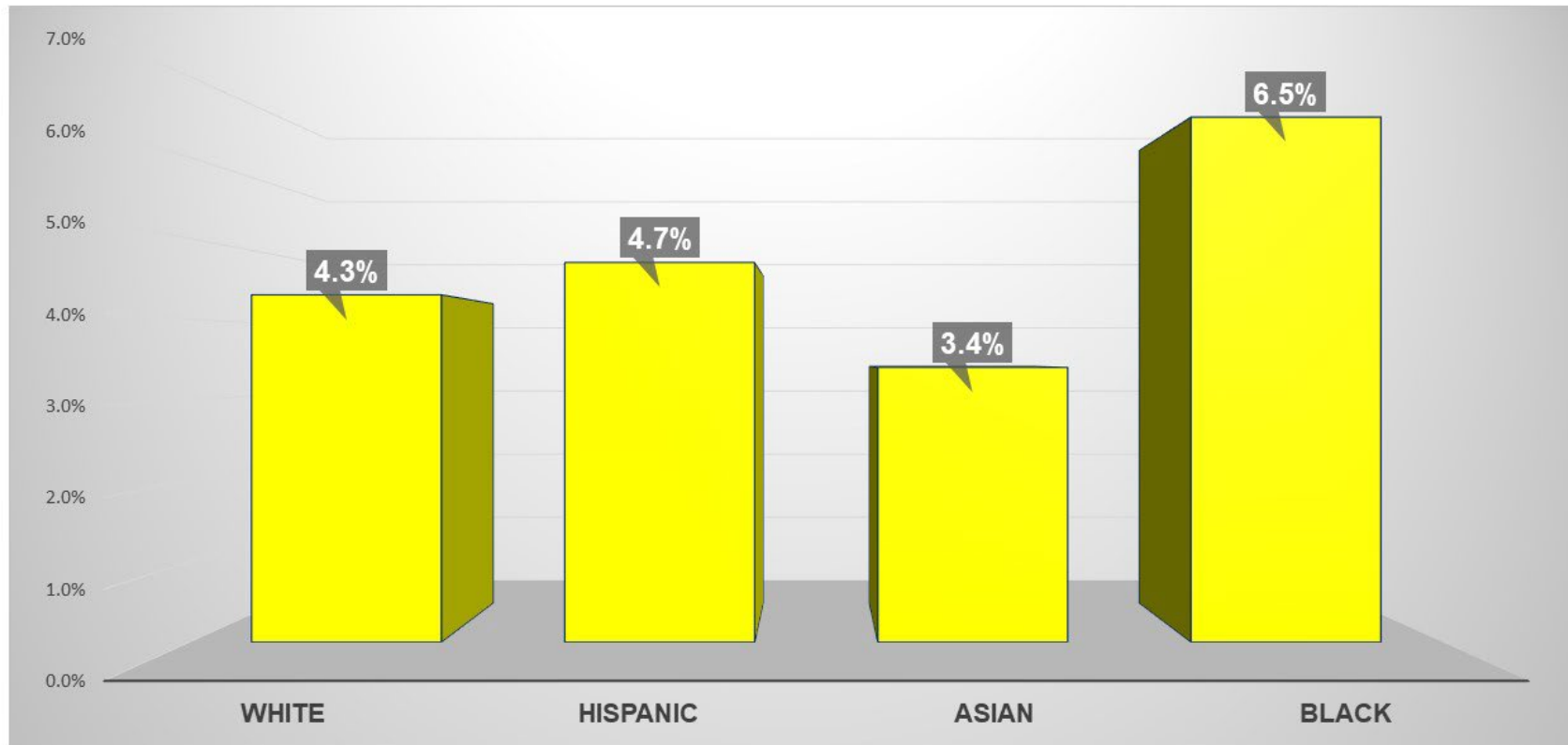




**Figure 25 Field Interview Cards vs Percentage of Population**

Source: RIPA Dashboard



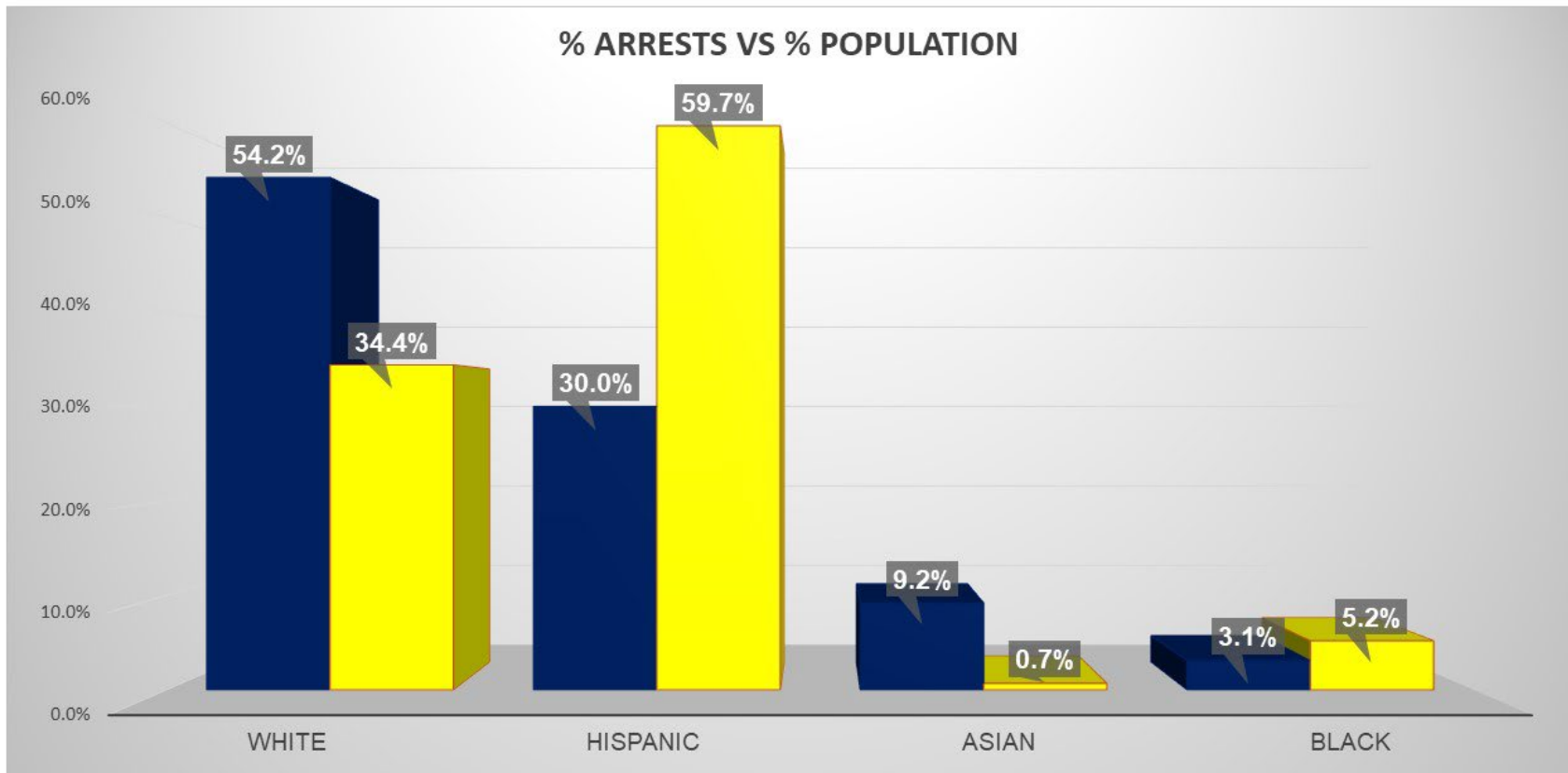


**Figure 25A Percent Stops Resulting in Completion of Field Interview Card**

Source: BIDA Dashboard



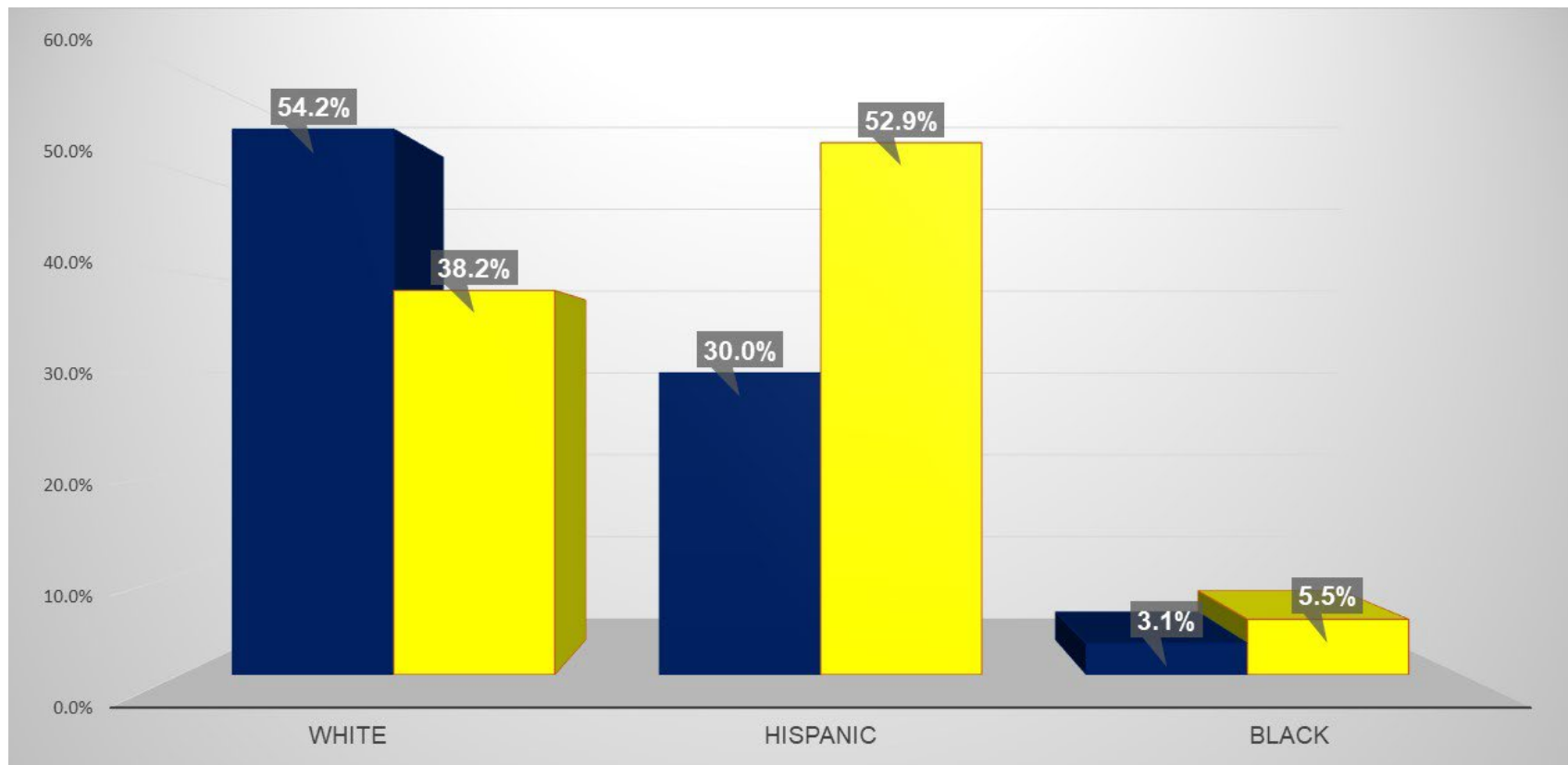
# ARRESTS



**Figure 26 Stops Resulting in Arrest Compared to Population**

Source: RIPA Dashboard

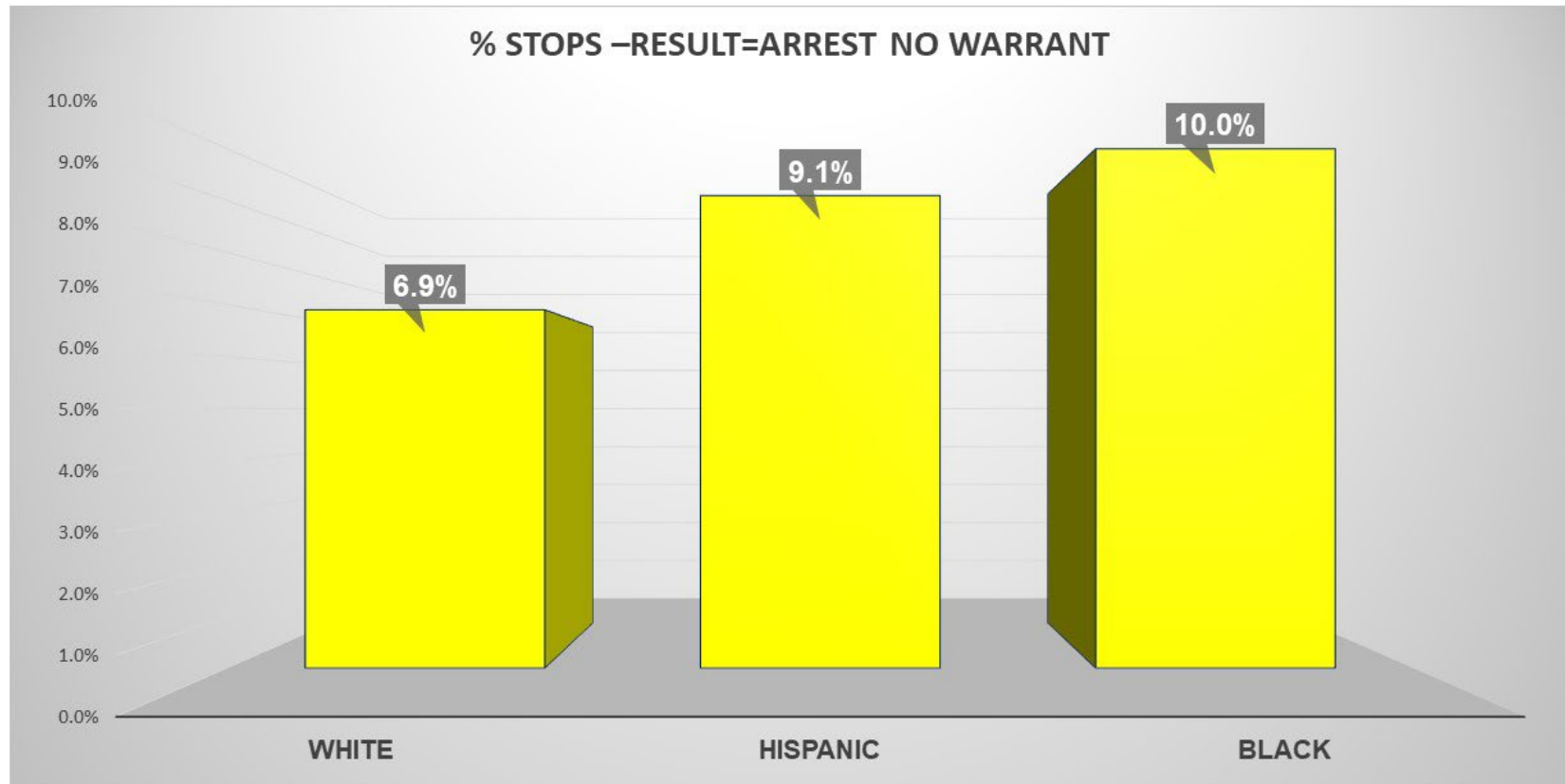




**Figure 27 Stops Resulting in Arrest without Warrant Compared to Population**

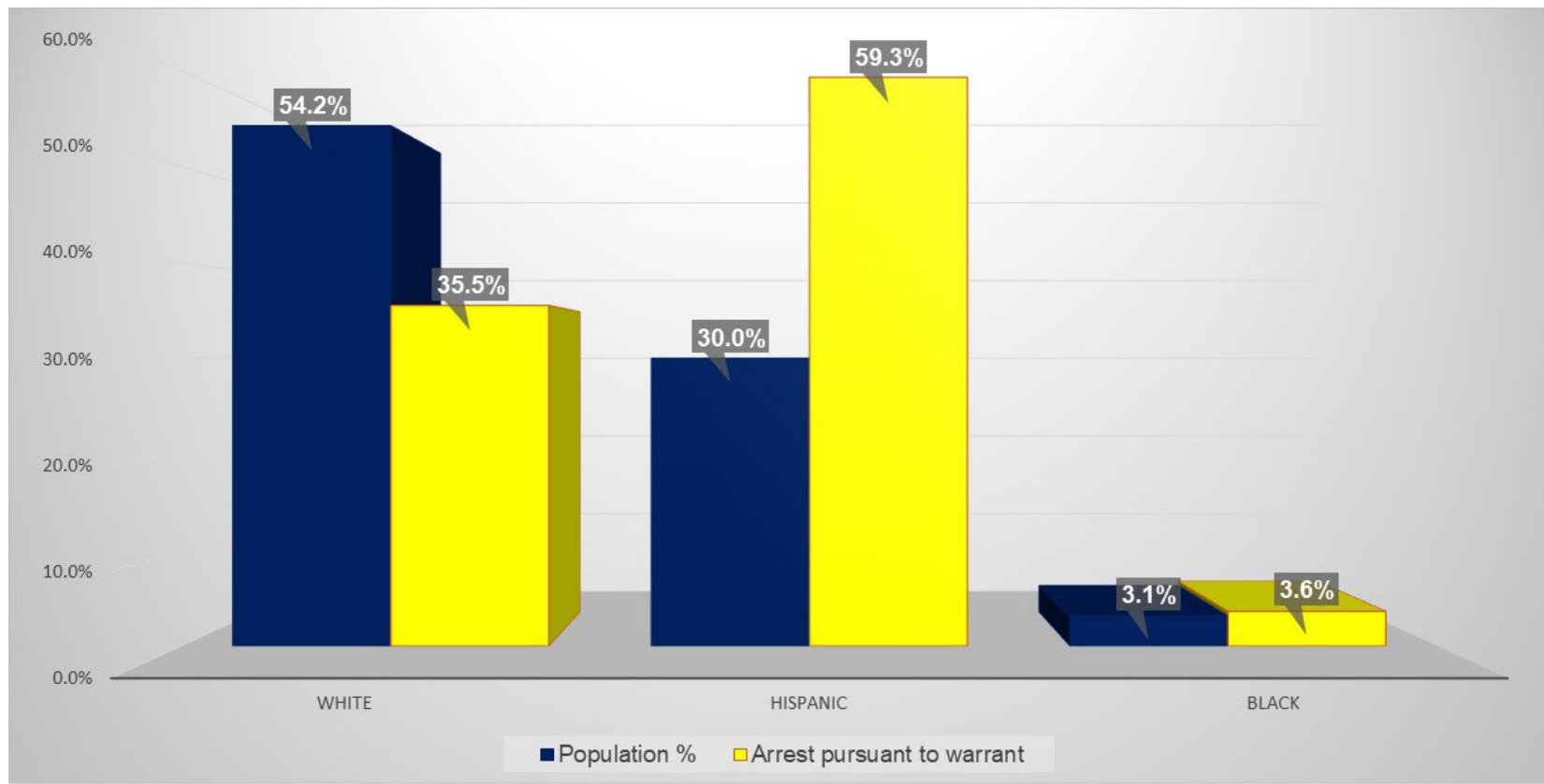
Source: RIPA Dashboard





**Figure 28 Percent of Stops That Result in Arrest with No Warrant**

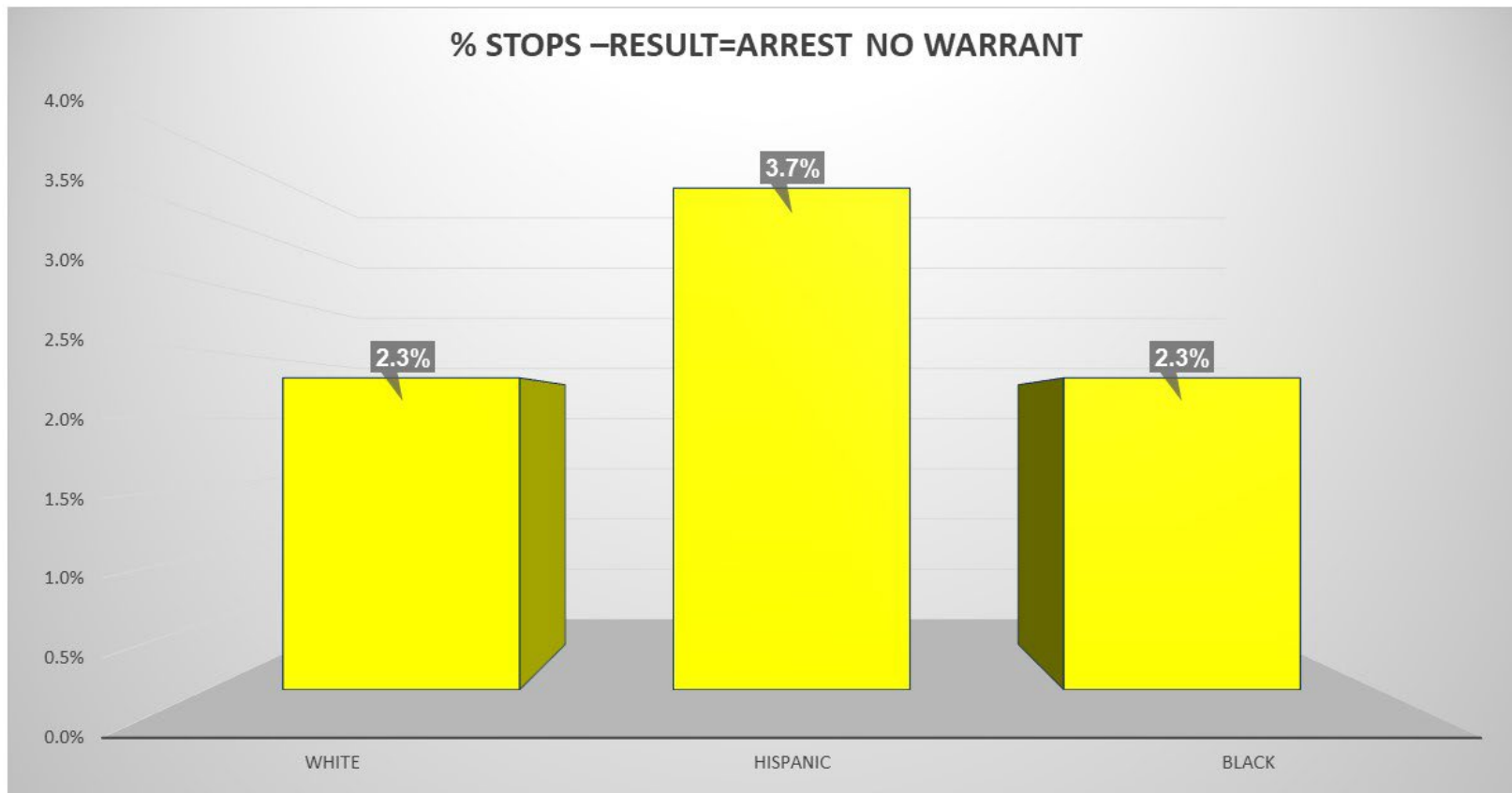
Source: RIPA Dashboard



**Figure 29 Stops Resulting in Arrest with a Warrant Compared to Population**

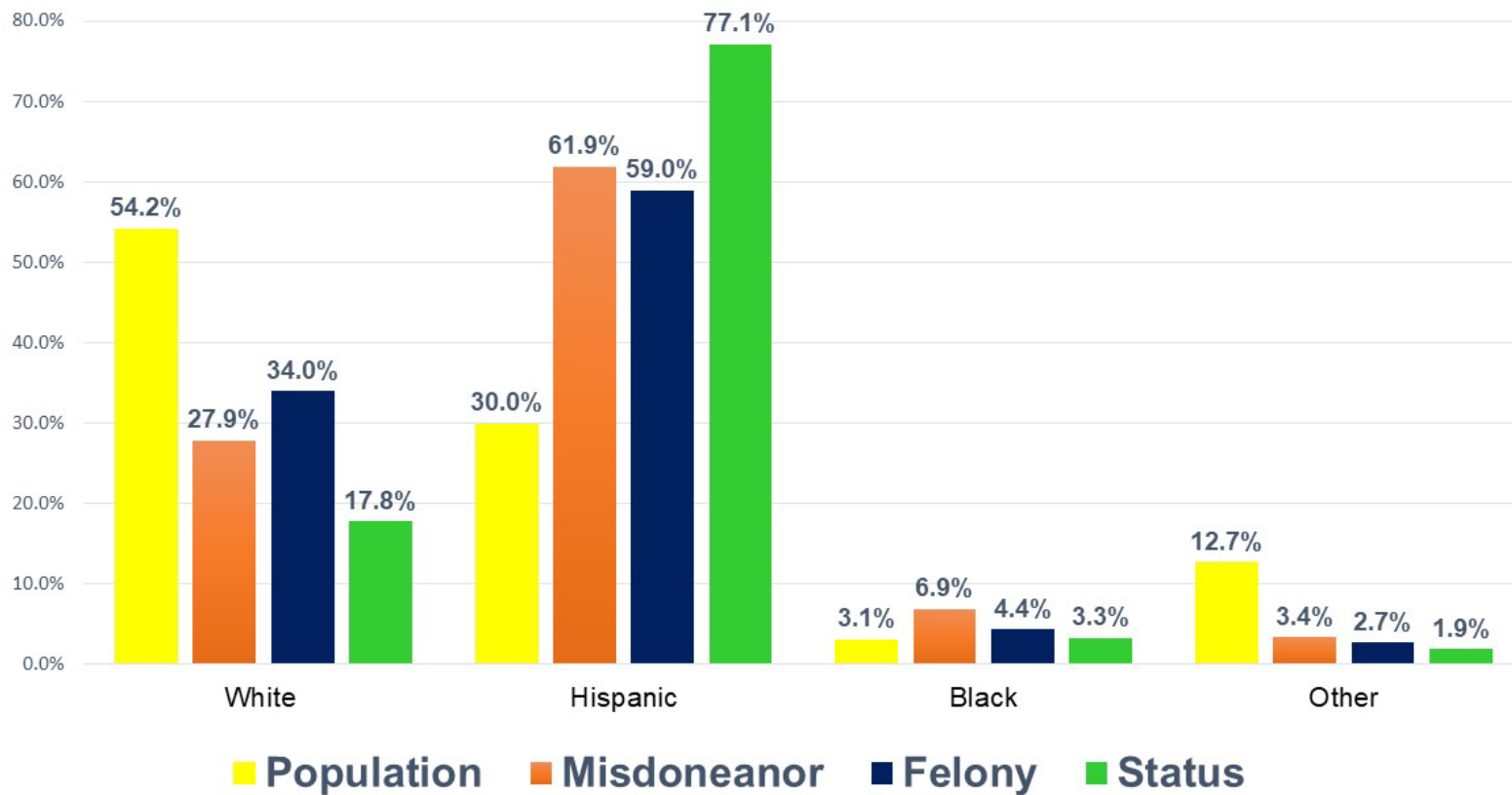
Source: RIPA Dashboard





**Figure 30 Percent Stops That Result in Arrest with a Warrant**

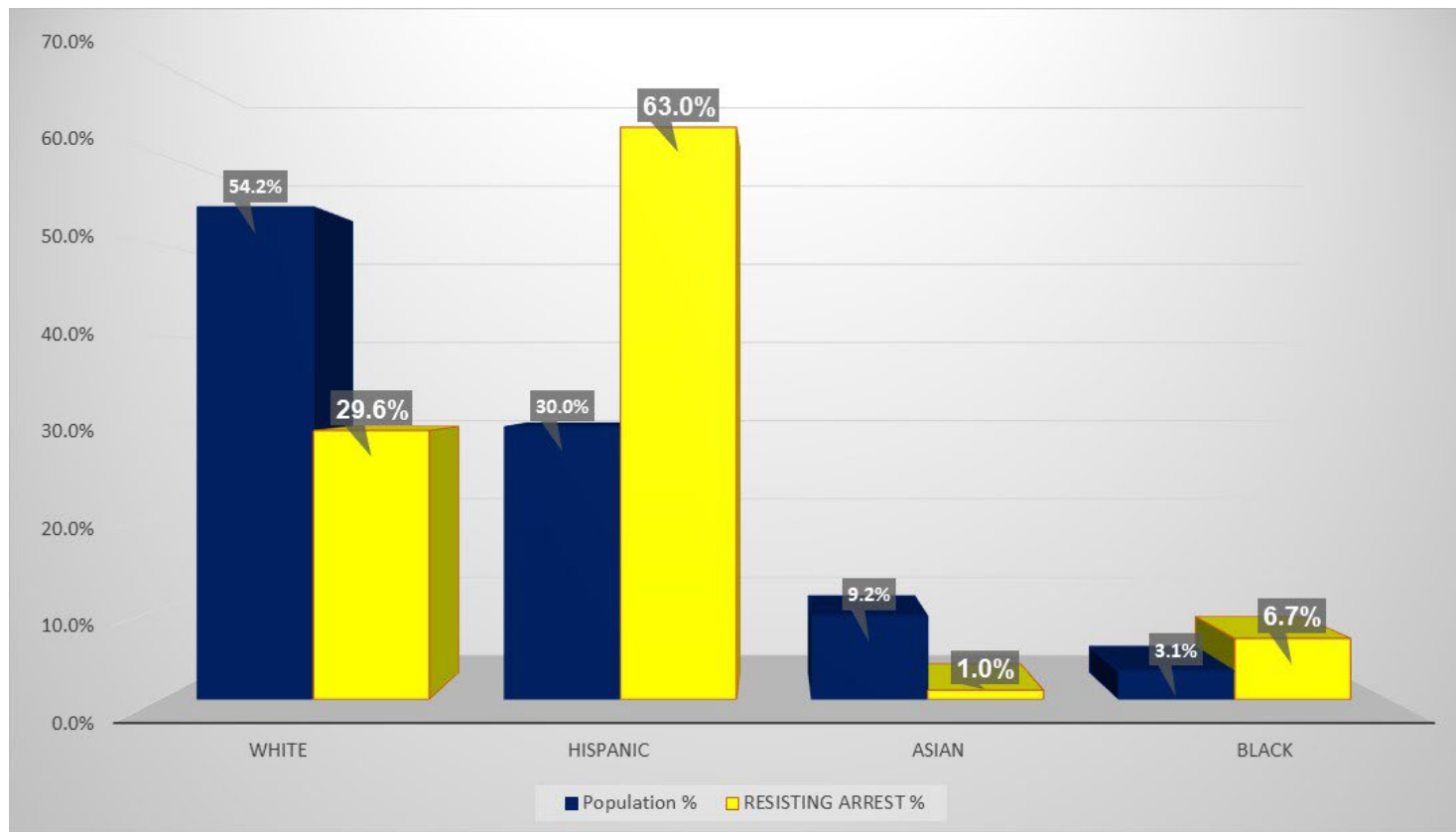
Source: RIPA Dashboard



**Figure 31 Percent of Total Arrests by Race for CY 2022**

Source: California DOJ Open Justice Data Portal

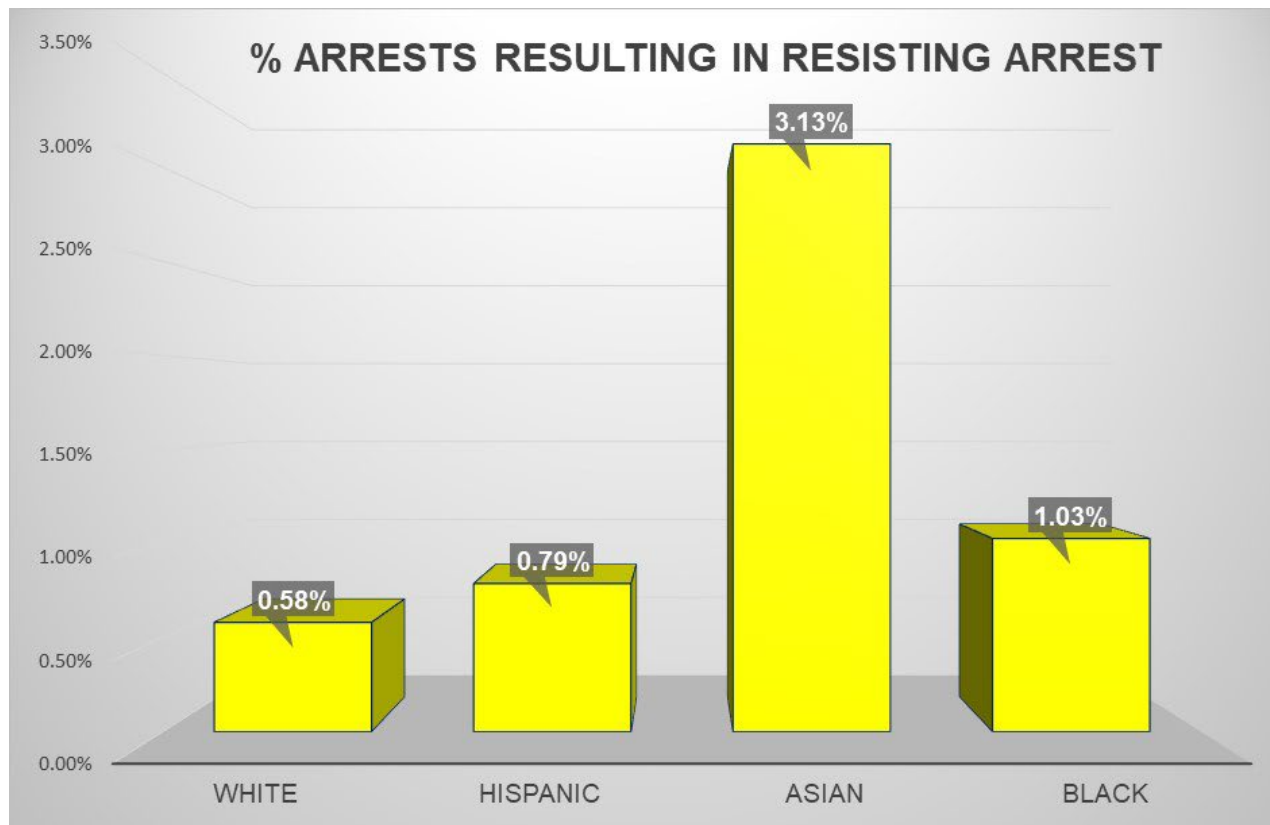
# **RESISTING ARREST**



**Figure 32 Percent Resisting Arrest Charges Compared to Population**

Source: RIPA Dashboard





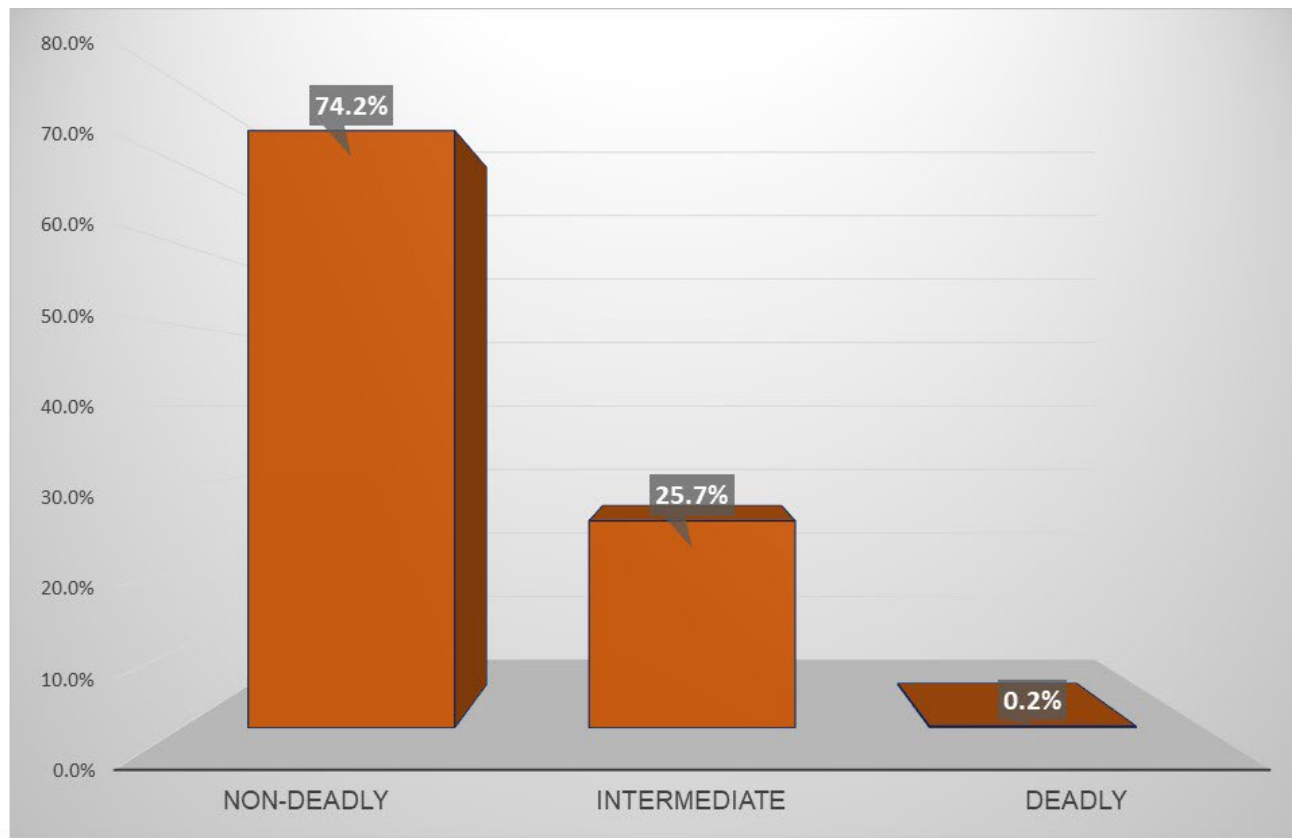
**Figure 33 Resisting Arrest Charges as a Percent of all Arrests**

Source: RIPA Dashboard





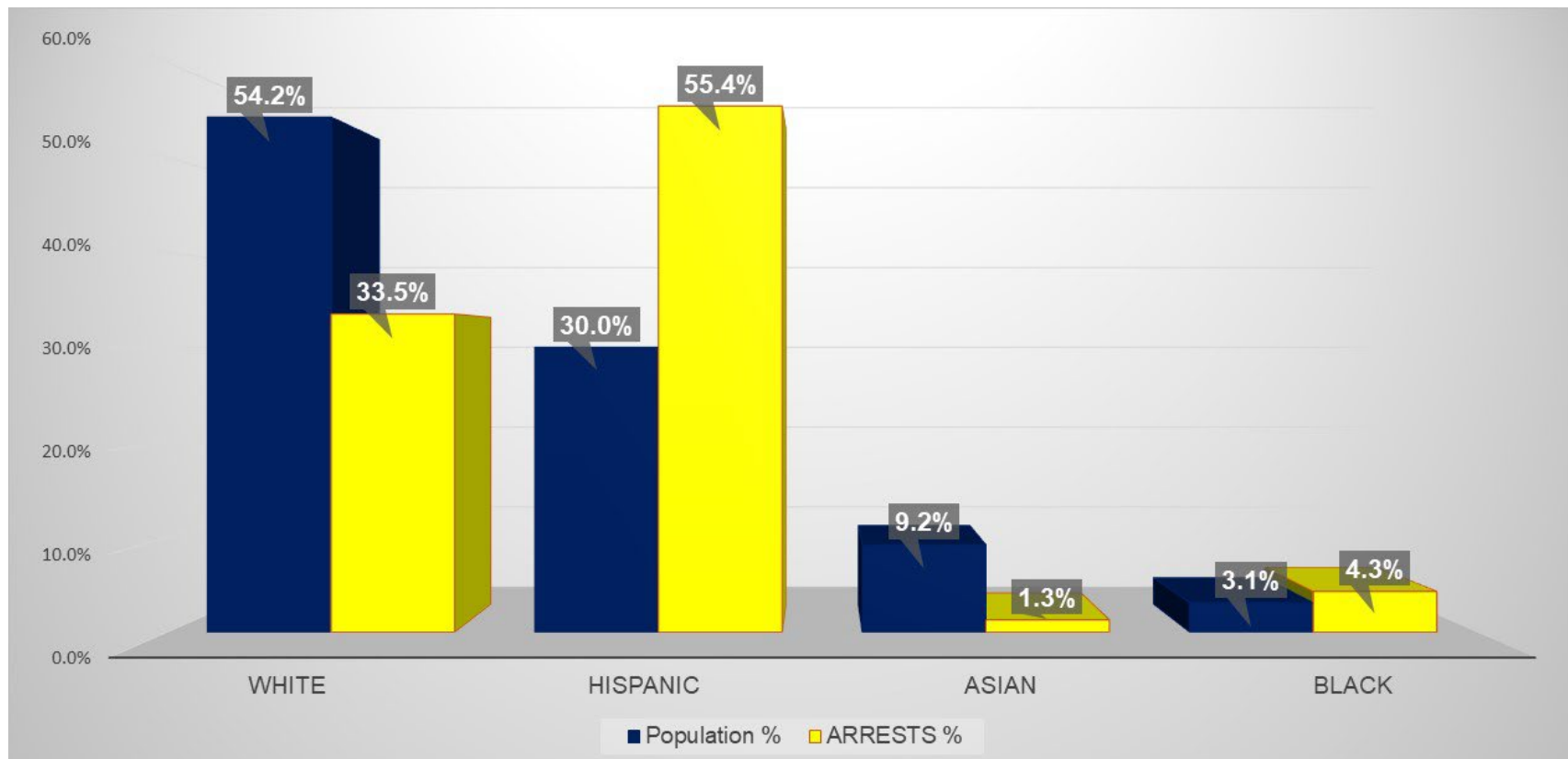
# **USE OF FORCE**



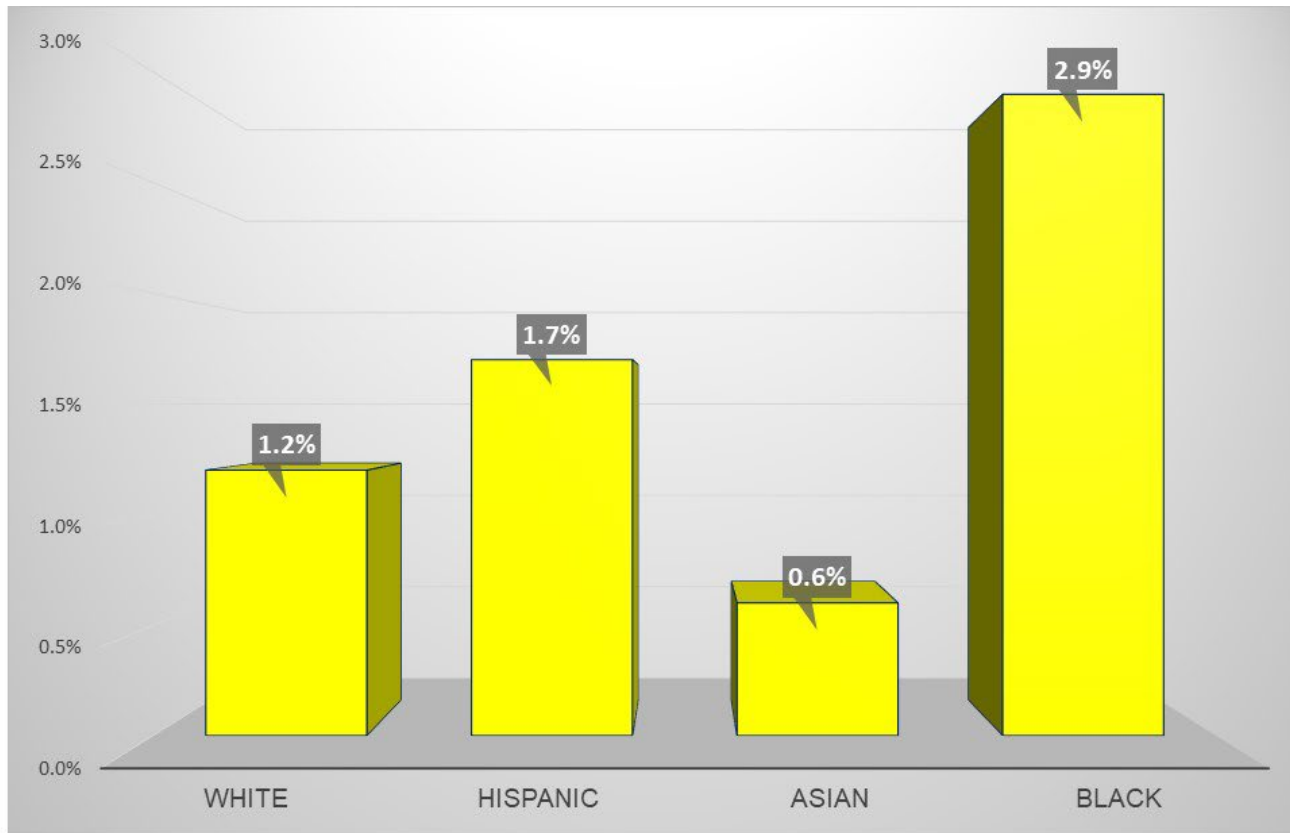
**Figure 34 Use of force by Type in CY 2022**

VCSO Presentation to PSREAG July 2023





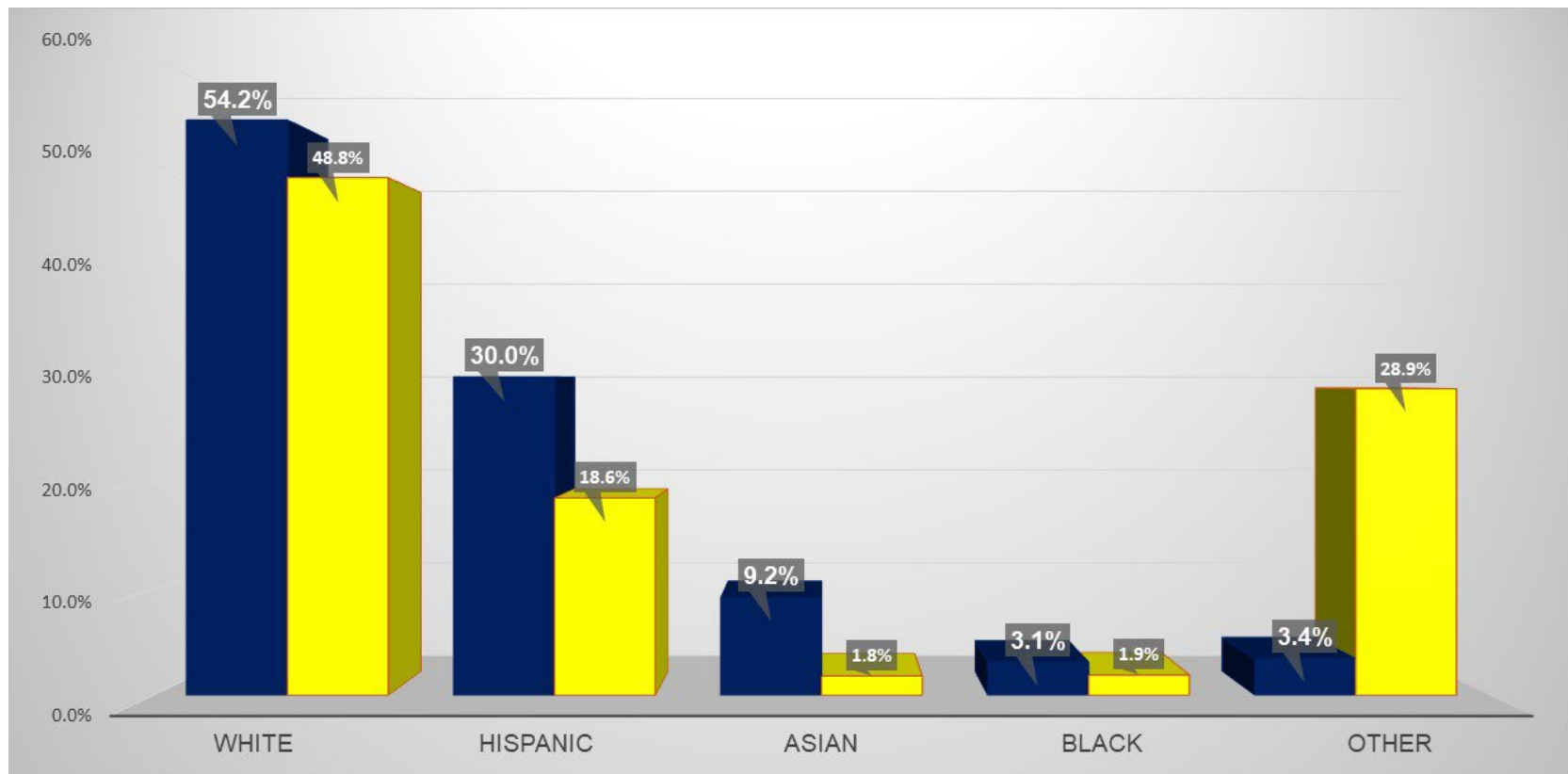
**Figure 35 All Instances of Use of Force in CY 2022 Compared to Population**  
VCSO Presentation to PSREAG July 2023



**Figure 36 Use of force as a Percent of All Stops in CY 2022**

VCISO Presentation to PSREAG July 2023

**VICTIMS**

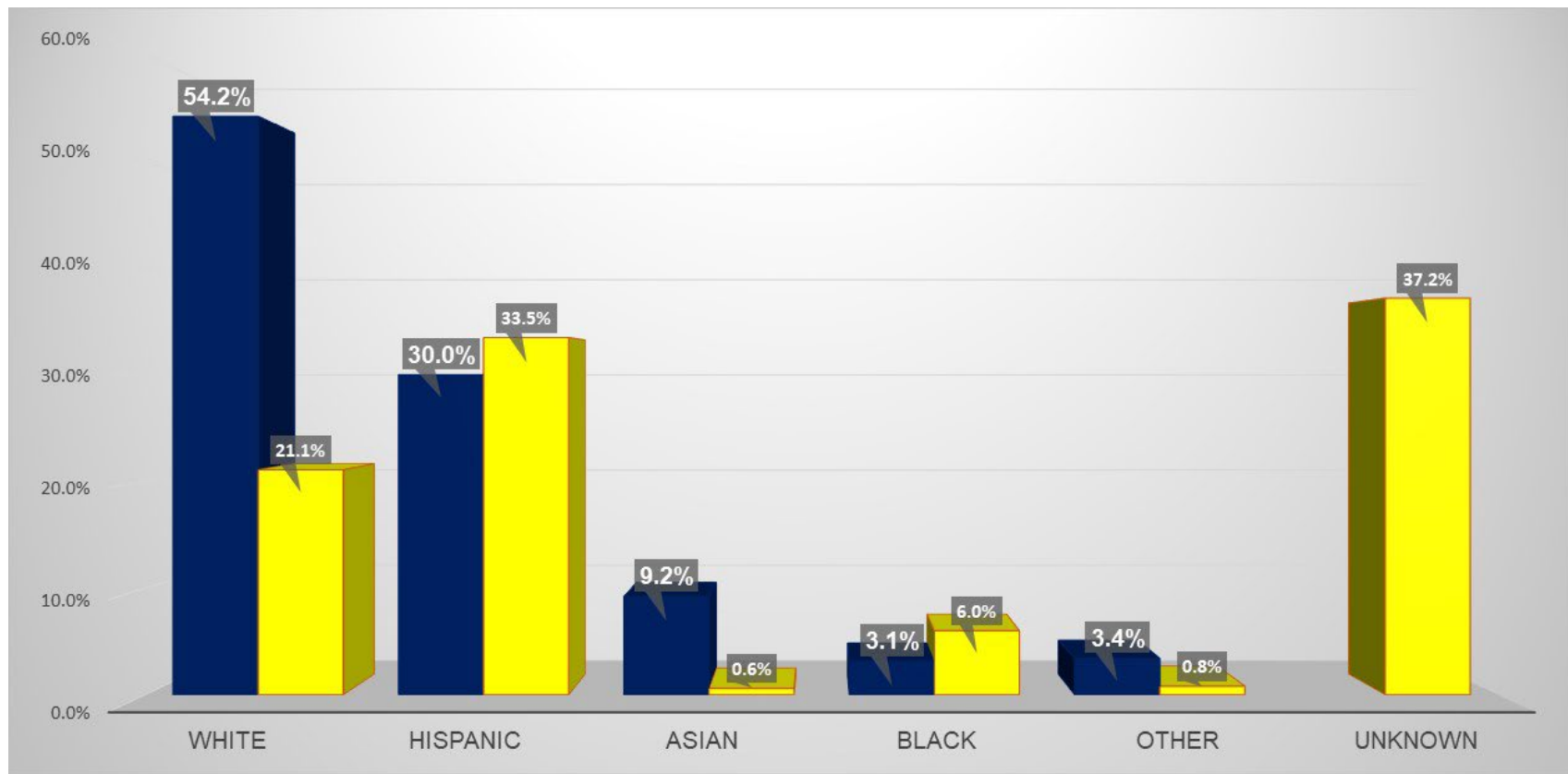


**Figure 37 Victims Compared to Population**

Source: RIPA Dashboard



# **SUSPECTS**



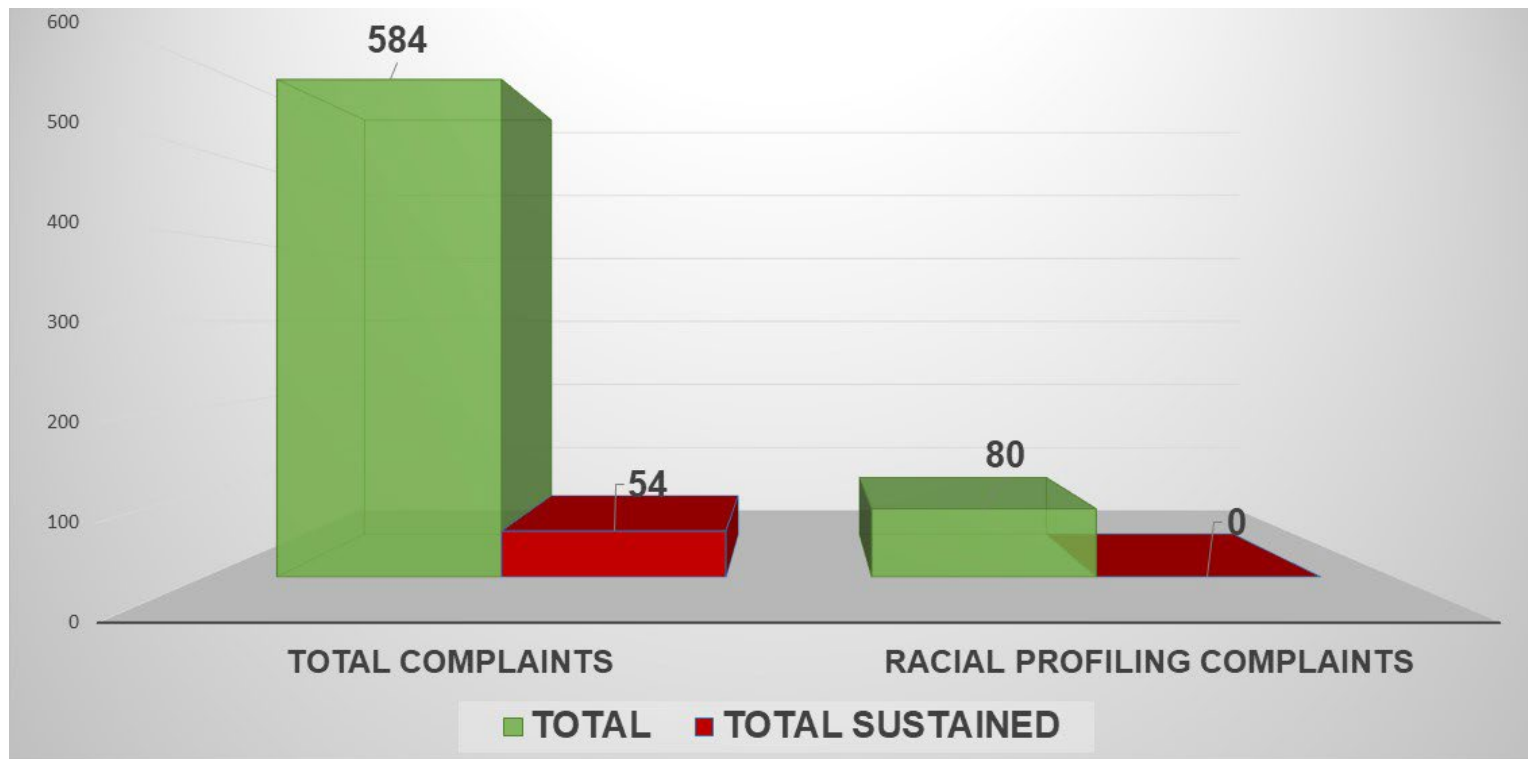
**Figure 38 Suspects Compared to Population**

Source: RIPA Dashboard





# COMPLAINTS

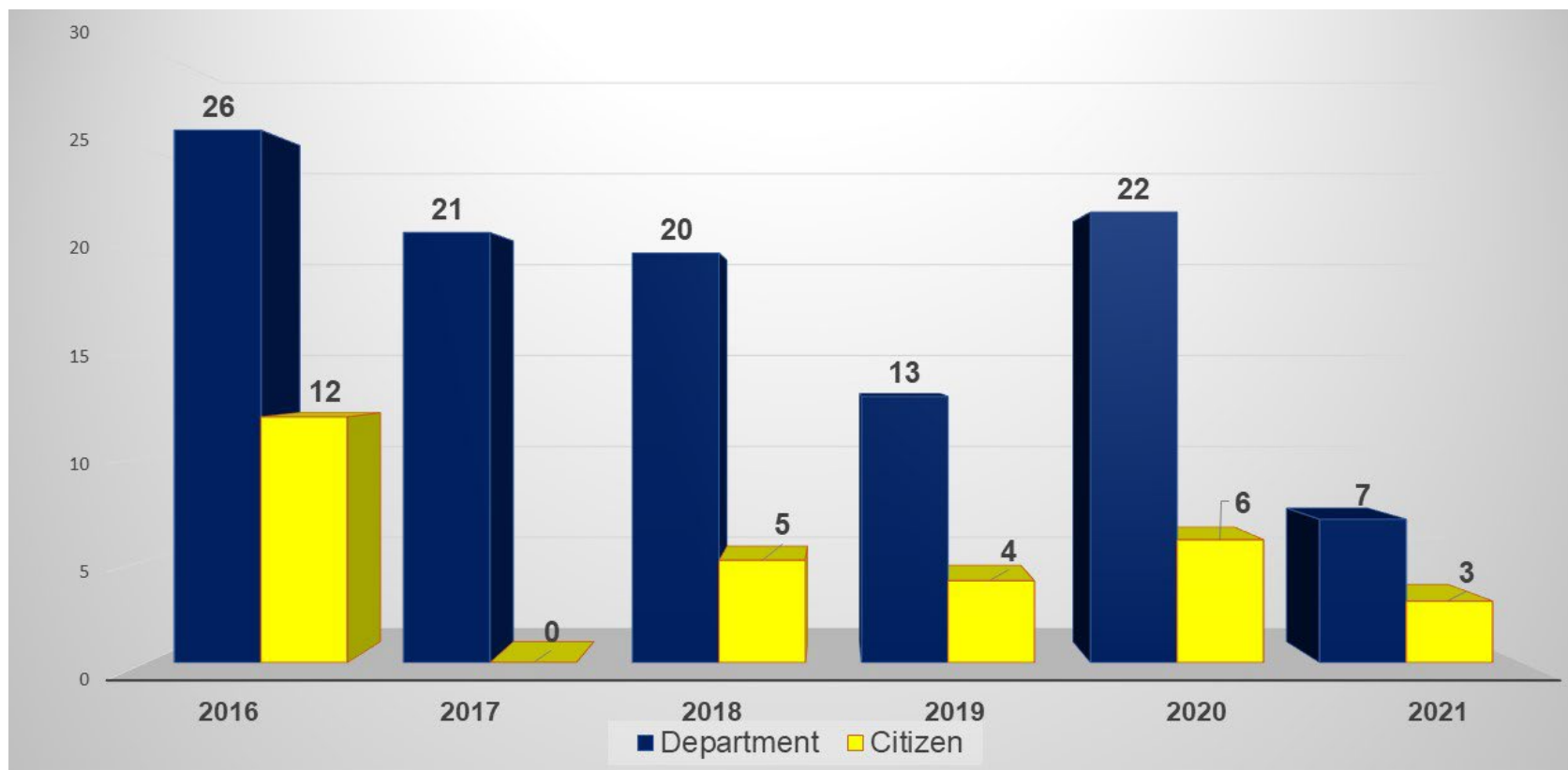


**Figure 39 Sustained Complaints Compared to Total Complaints 2016 to 2022**

Source Data Provided by VCSO in September 2021

56





**Figure 40 Sustained Complaints by Origin - CY2021**

Source: Data Provided by VCSO in September 2021

57



## **APPENDIX B**

### **SHERIFF'S OFFICE RESPONSE TO POLICY & PRACTICE SUBCOMMITTEE REPORT**

DRAFT

### **Summary**

While the Ventura County Sheriff's Department respects and appreciates the time and effort spent interpreting the most recent RIPA(Racial Identity & Profiling Act) data by the PSREAG (Public Safety Racial Equity Advisory Group) Subcommittee, we offer a different viewpoint and interpretation of the numbers presented. While the Subcommittee's report ("Report") seeks to draw connections between these RIPA numbers and discriminatory behavior within this agency, we would like to draw attention to some of its shortcomings and unrealistic conclusions.

While we agree that racial bias exists in many forms in nearly every industry, including healthcare, housing, consumer finance, higher education and even law enforcement, we cannot concur with the methodology and thus conclusions being made in this Report. At best, the data being garnered by law enforcement on a daily basis can be construed as incomplete which severely limits the conclusions that we can draw from this data.

The Ventura County Sheriff's Department remains one of the most transparent agencies in the State of California, if not the United States. Just recently, the Department was recognized nationally for being one of the most innovative and transparent public safety agencies in the country due to our public-facing dashboards which can easily be found on our website. <https://www.venturasheriff.org/transparency-dashboards/>

As is clearly shown in the Report, the methodology being used has the author trying to compare RIPA data with the demographic percentages of our total countywide population. The basis of our counter argument is that the limited RIPA data should be compared not to the total countywide population but rather to the suspect/criminal information being reported by our community. It is often said that 99% of our crime is being committed by 5% of our population. With that in mind, why is the report comparing the RIPA data numbers with our total population and not strictly the criminal element that are responsible for these crimes as reported by our own community?

### **Background**

Here is a brief history on RIPA in Ventura County. RIPA was enacted in 2015 by the California State Assembly. It requires that law enforcement agencies in the State of California collect **perceived** demographic data from specified police contacts. The collection requirement of this statute was implemented in waves, with each wave having a staggered commencement date based on the agency size. Agencies with 667-999 peace officers fell into "Wave 2" which gave us a starting date for collecting this required demographic data of January 1, 2019.

The RIPA data being referenced in the Report was compiled by the Ventura County Sheriff's Department from the period of January 1, 2022 to December 31, 2022.

To provide more context about the Ventura County Sheriff's Department, we currently have nearly 1300 employees with 771 of them being sworn deputy positions. We have nearly 850,000 county residents over 2,208 square miles. The Sheriff's Department is responsible for 95% of the geographic area in the county and provides public services to 55% of the total county population. Our RIPA data is collected from the five (5) contract cities and numerous unincorporated regions ranging from Point Mugu to Lockwood Valley.

### **Data Collection**

As mandated by the State of California, RIPA stop data must be collected during any detention initiated by a peace officer, and any peace officer interaction with a person in which the officer conducts a search, as defined in the Code.

It should be noted that, although we call it "stop data," the requirement does not only apply to deputy-initiated activity, e.g., traffic stops, but can be triggered at any point during any police contact. These contacts can include, but are not limited to, calls for service, consensual contacts, and non-enforcement related community events.

Specified data fields for each RIPA stop must be completed at the end of every qualifying contact. It is important to note that certain data collected is based on the deputy's perception, therefore, the way a deputy perceives any given individual might differ from the way that individual identifies him/herself.

It should also be noted that, although RIPA makes the collection and reporting of this data a state requirement, the Ventura County Sheriff's Department welcomes the opportunity to use this data to continuously maintain and improve upon our longstanding positive relationship with our community.

Again, RIPA stop data is based on the perceptions of the deputy most involved in the RIPA stop.

Some of these perceived data elements include:

- Perceived Race or Ethnicity of Person Stopped
- Perceived Gender of Person Stopped
- Person Stopped Perceived to be LGBT
- Perceived Age of Person Stopped
- Person Stopped Has Limited or No English Fluency
- Perceived or Known Disability of Person Stopped

Once the conditions of RIPA are triggered, specific officer actions are required data elements and must be submitted by the deputy most involved at the conclusion of each RIPA stop.

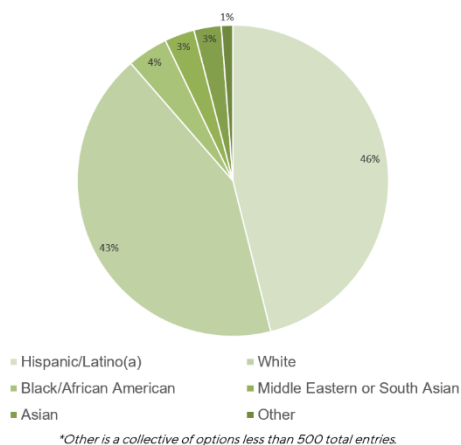
Some of these actions include:

- Reason for stop
- Result of the stop
- Actions taken during the stop

In 2022, our RIPA contacts by perceived race: (see attached chart)

46% Hispanic, 43% White, 4% Black, 3% Middle Eastern, and 3% Asian

### RIPA Contacts by Perceived Race



Race	Grand Total	Percentage
Hispanic/Latino(a)	15885	46%
White	14655	43%
Black/African American	1464	4%
Middle Eastern or South Asian	1075	3%
Asian	976	3%
Other	411	1%
Grand Total	34,466	100%

Countywide Racial and Ethnic Makeup (See Figure 1 of the Report)

54.2% White, 30.0% Hispanic, 9.2% Asian, 3.1% Black, 3.1% Native American, 0.3% Pacific Islander

Simply based on these numbers alone, the Report wants you to draw the conclusion that our RIPA stop numbers should be in sync with our countywide population numbers. As an example, if our countywide White population is 54.2%, law enforcement RIPA Stop data should be in the area of 54%. While you will see this statement repeatedly in the Report, the Ventura County Sheriff's Department believes our RIPA Stop data should instead be compared against those actually being reported as offenders/suspects by the public. For example, if the public is reporting that Whites are committing 40% of the crime, then our RIPA Stop numbers should be in the vicinity of this number representing that the police are stopping Whites 40% of the time.

As cited directly from the PSREAG Report, it was found that a person who is Hispanic or Black is significantly more apt to be stopped by the police for a traffic violation or reasonable suspicion than any other racial/ethnic demographic. This is correct and falls in line with the same data that shows which demographic is being reported by our community as the known offenders. Furthermore, this data does not take into account the race/ethnicity of the officer making the contact or detention.

**Crime Report Suspect Descriptions.** These numbers account for police reports reported by the public where suspect description is known, and description is given. The following charts are broken down by male and female.



## Crime Report Suspect Descriptions

### Racial/Gender based on Suspect Descriptions

Male		
Race	Grand Total (2,122)	Percent
Hispanic/Latino(a)	1128	53%
White	689	32%
Black/African American	270	13%
Asian	21	1%
Other	14	1%

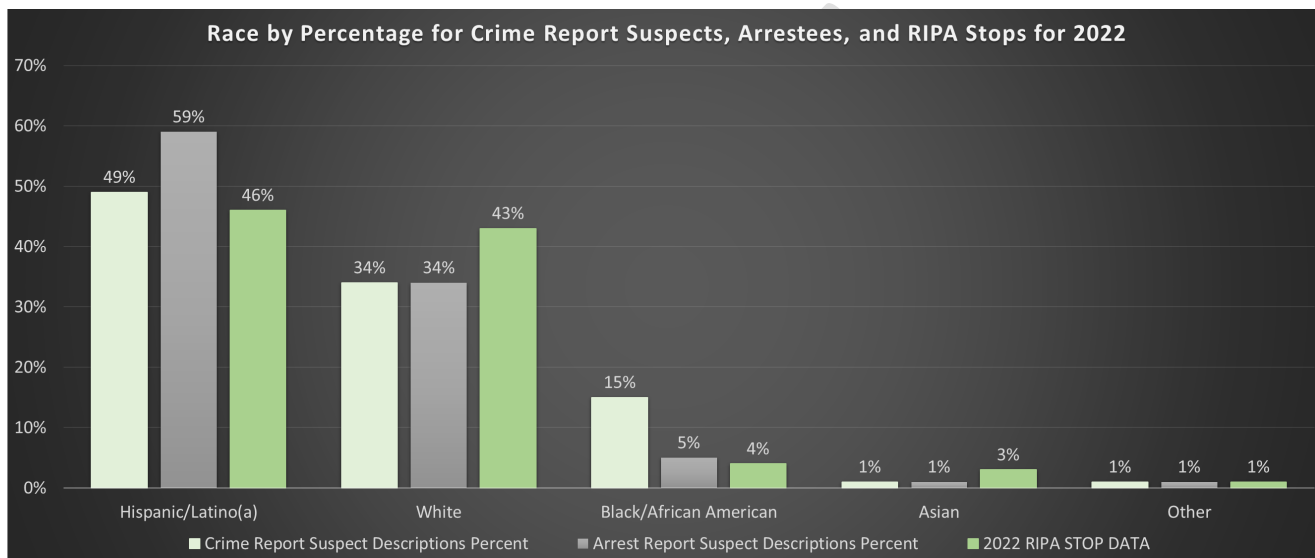
Female		
Race	Grand Total (716)	Percent
White	272	38%
Hispanic/Latino(a)	269	37%
Black/African American	163	23%
Asian	9	1%
Other	3	1%

\*Only counts reports where suspect description is known, and description is given. If a race or gender was missing, it was excluded.

When you overlap the RIPA Stop data with known crime report suspect information, the numbers paint a different picture. The below chart shows that Hispanics are being reported as suspects in



49% of our crime. Based on RIPA Stop data, deputies are stopping Hispanics 46% of the time. Whites are being reported as crime suspects 34% of the time and are being stopped 43% of the time. Of note, Whites are being arrested at the same percentage as they are being reported as crime suspects. Blacks are reported as suspects in 15% of reported crime, yet are only getting stopped by the police 4% of the time and are being arrested at a rate of 5%. Again, the Report concludes that law enforcement officers should only be stopping Blacks 3.1% of the time, commensurate with their countywide population percentage. By looking at the chart below, you will see that the numbers are better correlated to this theory.



In simple terms, the Report suggests that if the population is 33% White, 33% Black, and 33% Hispanic, law enforcement should be stopping these groups in similar proportion. We counter that argument by indicating that law enforcement's primary stop factor is taking into account the actual data that is being reported by our community. If the community is reporting that Whites are committing 50% of the crime, Hispanics 25%, and Blacks 25%, then these are the relative percentages that we should be stopping these groups during the course of our duties.

Our guiding principle is simply this, that our deputies' practices must reflect the real-world conditions of criminal activity, not a Census report on population. If in the everyday environment of Ventura County, criminal activity is being observed and reported which involves the different ethnic groups at different percentage frequencies, those are the percentages against which the deputies' behaviors should be compared, because they correspond to actual behaviors in society. Otherwise, the officers would have to adopt a sort of quota system, to ensure that they stop enough people from each demographic group to match what the U.S. Census Bureau says is our County's population breakdown, regardless of whether those individuals were exhibiting any sort of criminal or even suspicious behavior. We believe that would be the truly discriminatory practice.

### Other factors

With the decriminalization of theft, it has markedly increased crime in the category of shoplifts. This has also spurred the creation of Organized Retail Theft crews throughout the state. As such, this has impacted our RIPA numbers in our community as we have very little control on who crosses our jurisdictional borders. Our RIPA Stop numbers also include those suspects that do not live in Ventura County that cross county lines to commit crime. Over 80% of our Organized Retail Theft Crews come from outside of Ventura County accounting for 181 arrests and thus contacts. 49% of all shoplift suspects have a reported residence outside of Ventura County. This translates into over 280 suspects from outside of Ventura County, primarily of Hispanic and Black descent, being arrested in Ventura County. The numbers noticeably impact our RIPA Stop data as addresses or jurisdictional boundaries are not accounted for.

Furthermore, using the previous Uniform Crime Statistic model, when a shoplift crew is arrested for a shoplift crime, the crime count is noted as 1 but the suspect/contact/RIPA contact is counted based on the numbers of suspects contacted or arrested. Invariably these crews, on average, consist of 4-10 people. This type of reporting also skews the true numbers.

## Shoplifting Arrestee Information



In 2022, there were 575 Arrestees for Shoplifting offenses within the VCSO Jurisdiction

Station	Grand Total (575)	Percent
Thousand Oaks	276	48%
Camarillo	260	45%
Moorpark	21	4%
Ojai	9	2%
Fillmore	8	1%
Headquarters	1	0%

Shoplift Arrestees who reported a residence city within VC: 51%

Shoplift Arrestees who reported a residence city outside of VC: 49%

Organized Retail Theft (ORT) Related Arrests:  
225

Arrestee Residence	Grand Total (225)	Percent
Residence is city within VC	44	20%
Residence is city outside VC	181	80%

Furthermore, the decriminalization of theft has also impacted our RIPA Stop as the same criminals are being arrested, released, and re-arrested again as the penalties for such crimes are non-existent. Previously, offenders of such crimes would be held in custody for 30, 60, or 90 days. These recent law changes allow the same individuals committing these types of crimes to be released relatively quickly and thus giving them the opportunity to re-offend in just hours.

This naturally increases the RIPA Stop data when the same individuals involved in criminal activity are being contacted by police on a regular basis. This also holds true for individuals who suffer from mental illness. It is an absolute rarity for an unhoused individual suffering from mental illness to be contacted by the police on limited occasions. These types of calls account for a large percentage of our calls for service. It is not uncommon for police to be dealing with the same

individual 2 to 3 times a day based on calls for service being received and then having to document each one of these contacts on a RIPA Stop data card.

### **Training**

The Ventura County Sheriff's Department knows that implicit bias can be present in any occupation, and we take extraordinary steps to minimize, if not eradicate, such behavior in our profession. Law enforcement has some of the most rigorous screening standards for any occupation in the United States especially in the State of California. This starts from the moment a potential law enforcement candidate is screened by entering into an exhaustive background check which includes a written examination, mandated reference checks, a polygraph examination, and a psychological examination – all with the definitive effort to identify candidates who are most worthy of this profession.

Following this intense screening process, selected candidates are then subjected to a high stress 24-week police academy with a structured curriculum that mandates key topics such as Biased Based Policing, Crisis Intervention Training, Cultural Diversity/Discrimination, De-escalation of force, Procedural Justice, Principled Policing, Professionalism and Ethics. The over 100 hours of training in this specific area is also highlighted by a day-long tour of the Museum of Tolerance. Many of these hours are above and beyond what is required by the California Law Enforcement Regulatory body known as POST (Peace Officers Standards and Training). Many of these courses are mandated by POST to recertify every 2-5 years. This is also coupled with the mandated courses put forth by the County of Ventura for all employees.

One of the core objectives of the Ventura County Criminal Justice Training Center is to instill the concept of community trust, respect, voice, and neutrality with our recruits that is consistent with the tenets of procedural justice. Following graduation, deputies are then placed in a 6-month field training program that allows them to apply these principles in the community while being overseen by highly qualified field training officers.

All of this training is then reinforced by a Sheriff's Department culture which promotes and instills an environment of continuous improvement and learning, and which rewards its officers who emulate the Department's Seven Pillars: Leading the law enforcement organization, Combining traditional and modern policing models, Using evidence to guide policing, Community partnered policing, Engaging Stakeholders, Improving outcomes for all, and Providing secure and humane detention for incarcerated individuals.

### **Conclusion**

If the PSREAG Subcommittee truly has an interest in eliminating racial bias, its analysis must itself be viewed as unbiased, not as information selected to conform to a pre-existing opinion or narrative. As does PORAC (Peace Officers Research Association of California), we believe it is simply not possible, legally or scientifically, to show racial profiling as currently defined in

California by AB 953, using the data the RIPA Board has chosen to collect. We feel the Subcommittee's Report falls short in making a credible case of discrimination within this agency.

The Ventura County Sheriff remains open and transparent about our practices. We highly recommend that the Subcommittee see first-hand what the men and women of this agency deal with on a daily basis, to help them make more informed decisions about the culture and mission of this agency. We encourage all participants to come on a ride along and have a front row seat to one of the most exciting and fulfilling, albeit dangerous, occupations. Our common goal should be to improve the profession of law enforcement to best protect and serve all those who live, work, and play in Ventura County. In order to do so, it is vitally important that the Department receive an unbiased, statistically accurate and transparent view into how officers interact with residents and communities of color so that we, as an agency, can draw meaningful conclusions to shape our future activities.

**APPENDIX C**  
**CIVILIAN OVERSIGHT MODELS**

DRAFT

## **Oversight Models: A Comparison**

Oversight systems can take a wide variety of forms and operate under a wide range of authorities. The key question is whether the oversight system is sufficiently independent—in terms of political, professional and financial independence and authority—to do what is needed and what is asked of it. The oversight agency’s mission should bear some relationship to the size of the police department, the department’s funding levels, and the level of trust or mistrust within the community—particularly among those segments of the community that historically have been the subjects of over-policing or bias-based policing.

### **1. Ongoing Monitoring/Auditing Authorities:**

Typically these systems allow for the oversight agency to be actively engaged in each, if not all, of the steps related to the complaint process.

How it Works: The work of monitors, auditors or ombudspersons in the context of locally adopted civilian oversight typically results in a process that is *ongoing* and engaged with each, if not all, of the steps involved in when a person in the community complains about the conduct of a police employee or employees in a particular situation.

Strengths: These types of agencies can be effective in identifying strengths and weaknesses in how complaints are handled, identifying areas of weakness—particularly bias—in investigations, spotting gaps in training, policy and supervision within the police department, providing opportunities for dialogue and understanding between the police and individuals and groups within the community, assessing the effectiveness of early warning systems and determining whether discipline is consistent and fair.

Weaknesses: These systems are often charged with collecting data and reporting trends. Because they are almost always complaint driven, it often takes many months to collect data that is reflective of a “trend.” Problems that exist within the police department may be systemic but are underreported because the police conduct affects people unlikely to complain—including disabled, people whose socio-economic status leaves them vulnerable and isolated. Other groups such as individuals working in sex trades or involved in gangs are not likely to report even the most egregious police misconduct. When members of marginalized groups do complain, the problem may appear to be an aberration when it is actually commonplace. Unless there is the staff and time to track the outcomes of criminal prosecutions, the oversight agency may not be aware of cases that are not filed, are dismissed or where evidence is suppressed due to police misconduct. Such data can be of use in effecting better training, clearer policy and reducing risk and liability related to the police department.

## **2. Review Systems:**

These systems typically allow the oversight body to review only cases that are closed.

How it Works: An individual or a Board / Commission is authorized to review Internal Affairs (IA) investigations of complaints, find them adequate or not, and state whether it agrees or disagrees with the IA findings. Often such boards may recommend further investigation and/or make policy and training recommendations.

Strengths: These systems can provide greater transparency and an additional layer of civilian and greater involvement by the community. When they make recommendations, the department may be more inclined to take action.

Weaknesses: These systems sometimes lack the independence they need to be effective. If the review board is all-volunteer, they can review only a limited number of cases. The time commitment can be overwhelming as all members not only need to review cases, they need to go through systematic training. Attendance at NACOLE conferences and workshops can be helpful. Local attorneys and civil rights or advocacy groups may provide training opportunities. But each and every review board member needs to be trained and this is expensive in terms of both time and money. It is often tempting to rely primarily on the police department to provide the training. The review board may become too dependent on the police department and recognized as such by the larger community.

## **3. Investigative Authority:**

This allows for investigations to be conducted by the oversight agency and does not rely on investigators from within the police department. This can be particularly effective when the local police department has lost the confidence of the community to investigate itself.

How it Works: An Oversight Agency or a Board/Commission is authorized to investigate the class of complaints and allegations identified in its establishing authority. Once the complaint is lodged and identified as being under the jurisdiction of the oversight agency, the oversight agency may:

Strengths: This system can help rebuild the trust of the community-particularly in communities in which confidence in the police department's ability to investigate itself has been compromised by a history of lackluster or inadequate investigations.

This system avoids conflicts inherent in many internal affairs departments in which investigators are rotated from, then back into, other units such as patrol, SWAT, or investigations.

Weaknesses: It adds to the size of the staff and thus costs to run the program; however, the city/county has to pay for investigators regardless of whether they are within the oversight agency or within the police department's internal affairs program.

Police departments are often resistant to having non-police investigators conducting investigations.

Working through the necessary administrative changes and possible challenges by local police unions may take additional time and political will.

As with all oversight programs this authority will only address issues related to specific, individual complaints and may not help identify systemic issues.

#### **4. Hearings Boards**

Some oversight systems conduct hearings, hearing testimony or argument and rendering decisions.

- Evidentiary Hearings: Some larger review boards have the authority to hold evidentiary hearings on complaints. This requires support staff to organize materials, forums and assist with findings and report writing.
- Appeals: Some larger review boards have the authority to hear appeals filed by either the named officer or the complainant and overturn any decision made by the Chief of Police or other command staff responsible for making decisions based on the IA reports and recommendations.

Strengths: These boards and functions can be effective in keeping the complaint system from being, or appearing to be, a closed system in which only police command staff and officers have any direct responsibility or control over the outcome of complaints from community members.

Weaknesses: They require additional professional and support staff. Review board members will require specific training on conducting hearings that guarantee the procedural and substantive rights of all sides.

#### **5. Administrative Prosecutorial Units**

This is a fairly new development that has found success in the city of New York. It involves a special unit of attorneys and investigators responsible for investigating and prosecuting administrative complaints against police department employees.

How it Works: Allegations are investigated and based on the outcome of the investigation, the case is dismissed or moves forward to an evidentiary hearing before an administrative law judge. The judge's findings and conclusions are forwarded to a police executive for a final determination.

Strengths: Unlike most oversight systems addressing the complaint process, this system is highly independent from the police department and the standards for objectivity and thoroughness are high. The percentage of sustained allegations is over 85%, far above the norm for other oversight systems.



Weaknesses: This system is being employed by one of the largest cities in the nation. The resources are beyond the reach of most communities. Counties or regions might find pooling resources a worthwhile investment.

## **6. Systemic Audits of High Risk Police Programs**

A few metropolitan areas have adopted a program of conducting systemic audits of high-risk police activities such as stops, arrests, and searches and high risk programs including property units, SWAT, vice and gang units. These audits are conducted according to Generally Accepted Government Accountability Standards (GAGAS).

Oversight agencies or Inspectors General establish a schedule for auditing the performance specific divisions and programs much the same a financial auditor audits the procedures and policies of a business, non-profit or government agency. Within the police context these audits can uncover unconstitutional policing, problems with supervision and weaknesses in police training and existing policies.

Strengths: Auditing programs are efficient in detecting trends and common practices and are statistically reliable. They can be done using in-house resources or by contract with outside agencies. Audits are useful in confirming strengths within a program or department and can accurately measure progress over time. Unlike oversight agencies that concentrate on how complaints are handled, audits can be used to establish the level of professional, constitutionally based policing throughout the department.

Weaknesses: Auditing programs require special training and significant independence.

## **7. Hybrid Systems**

Most communities now realize that oversight is not a one-size-fits-all proposition. Many oversight practitioners are finding that it is less useful to talk about models and more useful to talk about options of authority.

The powers and authorities granted to an oversight agency can be combined in any manner that works best for each individual community. While a volunteer review board may not have the resources to insure each complaint and investigation is handled in a manner that guarantees transparency and accountability, it does add an important layer of involvement, communication and trust building. Review of closed cases might be frustrating for some, while other communities may choose to commit resources that are adequate to insure each review is thorough and the opportunity for feedback and change is genuine.