



COUNTY of VENTURA

PUBLIC SAFETY RACIAL EQUITY ADVISORY GROUP MEETING AGENDA

1911 WILLIAMS DRIVE, OXNARD, CA

THURSDAY, DECEMBER 5, 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. 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

OPENING

1. **CALL TO ORDER (5 MIN)**
 - a. Welcome
 - b. Spotlight a Group Norm
 - c. Roll Call & Confirm Quorum
 - d. Review Agenda

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).**
 - a. *All public comments regarding public safety and racial equity are welcome and encouraged. However, please note that the PSREAG does not investigate complaints regarding individual incidents involving law enforcement. Such complaints should be submitted to the involved law enforcement agency.*

REGULAR AGENDA

4. **CO-CHAIR ELECTIONS NOMINATION FORM RESULTS AND ACTION TO VOTE FOR OFFICERS FOR 2025 CALENDAR YEAR (15 MIN)**
 - a. Presentation by DEI Staff
 - b. Member Discussion
 - c. Consider Possible Action

5. **POLICY AND PRACTICE REPORT: REVIEW UPDATED REPORT AND POSSIBLE ACTION TO APPROVE (70 MIN)**
 - a. Public Comment
 - b. Presentation by Ad Hoc Lead
 - c. Member Discussion
 - d. Consider Possible Action

6. **MEMBER AND STAFF COMMENTS (10 MIN)**
 - a. Opportunity for announcements from members and staff.

7. 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. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested.



COUNTY of VENTURA

PLEASE NOTE THAT THE
PUBLIC SAFETY RACIAL EQUITY ADVISORY GROUP
SPECIAL MEETING IS SCHEDULED TO MEET AT
1911 WILLIAMS DRIVE, OXNARD, CA
ON THURSDAY, NOVEMBER 21, 2024
5:30 PM -7:30 PM

PUBLIC SAFETY RACIAL EQUITY ADVISORY GROUP
MEETING MINUTES DRAFT
1911 WILLIAMS DRIVE, OXNARD, CA
THURSDAY, NOVEMBER 21, 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:

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OPENING

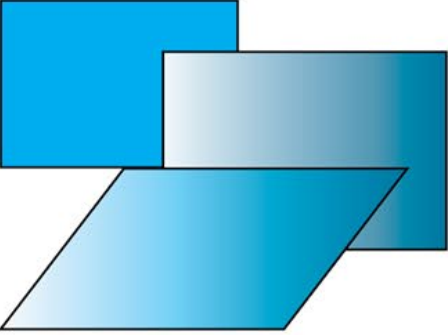
1. **CALL TO ORDER @ 5:39pm, Quorum established**
2. **APPROVAL OF PAST MEETING MINUTES**
 - a. **Approved without objection**
3. **PUBLIC COMMENT OPPORTUNITY FOR ITEMS ON THE AGENDA AND/OR FOR OTHER ITEMS WITHIN PSREAG SUBJECT MATTER JURISDICTION**
 - a. **No Public Comments**

REGULAR AGENDA

4. **POLICY AND PRACTICE REPORT: INCORPORATING LIVE COMMENTS AND POSSIBLE ACTION TO APPROVE (90 MIN)**
 - a. **Members discussed comments submitted and made edits during the meeting. Members agreed to bring final version of report to next meeting.**
5. **MEMBER AND STAFF COMMENTS (10 MIN)**
 - a. **No announcements**
6. **ADJOURNED @ 7:30pm**

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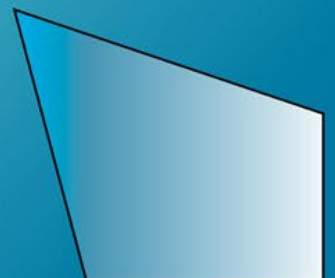
PSREAG MEETING
AGENDA ITEM #5.
POLICY AND PRACTICE REPORT: REVIEW
UPDATED REPORT AND POSSIBLE ACTION
TO APPROVE

**RACIAL EQUITY IN THE POLICIES AND PRACTICES
OF THE VENTURA COUNTY SHERIFF'S OFFICE**

**An Examination of Racial And Identify Profiling Data
For the Ventura County Sheriff's Office**

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

November 2024



EXECUTIVE SUMMARY

Citizens 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 office 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 gender identity. In the past, there have been 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)¹, 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 Ventura County Sheriff's Office (VCSO) began collecting this data in 2021. This data can serve as a 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 Group² has performed the first comprehensive analysis of the VCSO 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 Ventura County Sheriff's Deputies 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.

¹ Racial and Identity Profiling Act, Cal. Assembly Bill 953, Cal. (2015-2016), Chapter 466 (Cal. Stat. 2015).

² Ventura County Board of Supervisors (BOS) resolution adopted on November 10, 2020

Evidence supports that implicit bias and structural racism can and do result in disparate outcomes of People of Color. In acknowledging that implicit bias and structural racism impact all systems, and in recognition of anecdotal reports from community members and acts reported in the press, this report acknowledges that in an organization of 700-plus deputies, implicit bias and structural racism are playing a role in outcomes.

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 California³. 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,⁴ additional data provided by the sheriff, and Ventura County data found on the California Department of Justice Open Justice Data Portal.⁵ This study examined the racial and ethnic distribution of 25 different Ventura County law enforcement interactions with the public. In 24 of these 25 types of law enforcement interactions with the public, the results favored White persons and were disproportionately negative for Hispanic and African American individuals.

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

1. Stopped for:
 - a traffic violation

³ Withrow, B. (2023). *Racial & Identity Profiling Advisory Board 2022 Annual Report: A Critical Analysis*. Peace Officers Research Association of California. https://porac.org/wp-content/uploads/PORAC-2022-RIPA-Report-Analysis_FINAL.pdf

⁴ Ventura County Sheriff's Office. (2024). *RIPA Dashboard*. <https://www.venturasheriff.org/RIPA.html>

⁵ Cal. Dept. of Justice. (2024). *Data Portal*. <https://openjustice.doj.ca.gov/data>

- Reasonable suspicion
2. Subjected to
 - Curbside Detention
 - Patrol Car Detention
 - Physical or Vehicle Contact
 - Removal from Car
 - Being Handcuffed
 - Completion of a Field Interview Card
 - Searched
 3. To be
 - Considered a Suspect
 - Subjected to the use of force
 - Charged with Resisting Arrest
 - Arrested
 4. To have their complaints dismissed
 5. To be less likely to report a crime

The data that supports these conclusions is presented in the Results Section of this report.

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,
- Cover Charges And Blaming The Victim
- Complaint Resolution,
- Pretextual Stops, 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 the accused. 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. In the Discussion section of this paper, the disproportionate representation of Hispanic and African Americans in Ventura

County statistics for these 5 areas are discussed in the broader context of these asymmetrical power relationships.

The paper concludes with a discussion of Next Steps. This section discusses the next steps to be taken by the PSREAG in the continuing examination of racial equity in Ventura County Public Safety Agencies and the development of actionable recommendations to create a climate of racial and ethnic justice and fairness. Collaboration with key stakeholders, including the VCSO and representatives from other county public safety agencies, will be pivotal in these ongoing discussions. Their involvement ensures not only a deeper understanding of the rationale behind current policies but also draws upon the invaluable real-life experiences of the individuals entrusted with the responsibility of public safety within our county. Through this concerted effort, we strive towards meaningful progress and lasting change in our pursuit of equity and justice for all.

DRAFT

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DRAFT

INTRODUCTION

The Ventura County Board of Supervisors (BOS) resolution adopted on November 10, 2020⁶, 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 BOS established the Public Safety Racial Equity Advisory Group (PSREAG)⁷ 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 VCSO'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 is 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 VCSO 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, whose biases, conscious or unconscious, may influence their decisions and actions. A recently reported incident where a **non-sworn sheriff's technician** 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.

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 and the reports of law enforcement officers

⁶ Ventura County Board of Supervisors. (2020). *Resolution Declaring Racism a Public Health Crisis and Pledging to Promote Equity, Inclusion, and Diversity in Housing, Employment, Economic Development, Health Care, and Public Safety in the County of Ventura and Endorsing the Work and Direction of the Diversity, Equity & Inclusion Task Force*. Retrieved from: https://www.vchca.org/images/HEAC/Adopted_Resolution_Declaring_Racism_a_Public_Health_Crisis_-_English_Spanish.pdf

⁷ Public Safety and Racial Equity Advisory Group. (2024, August 7). County of Ventura. <https://www.ventura.org/county-executive-office/dei/psreag/>

themselves. However, the RIPA 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 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.

Population Profile

2020 Census data was used to characterize the population served by the VCSO⁸. 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. In order to accurately profile the areas served by the VCSO the census data for the county was adjusted by subtracting the population numbers for the five cities in the county with municipal police departments. The derived population profile for the VCSO is shown in Figure 1.

⁸ U.S. Census Bureau. (n.d.). *Quick Facts: Ventura County, California*. U.S. Dept. of Commerce. Retrieved August 8, 2024, from <https://www.census.gov/quickfacts/fact/table/venturacountycalifornia,US/RHI125222#RHI125221>

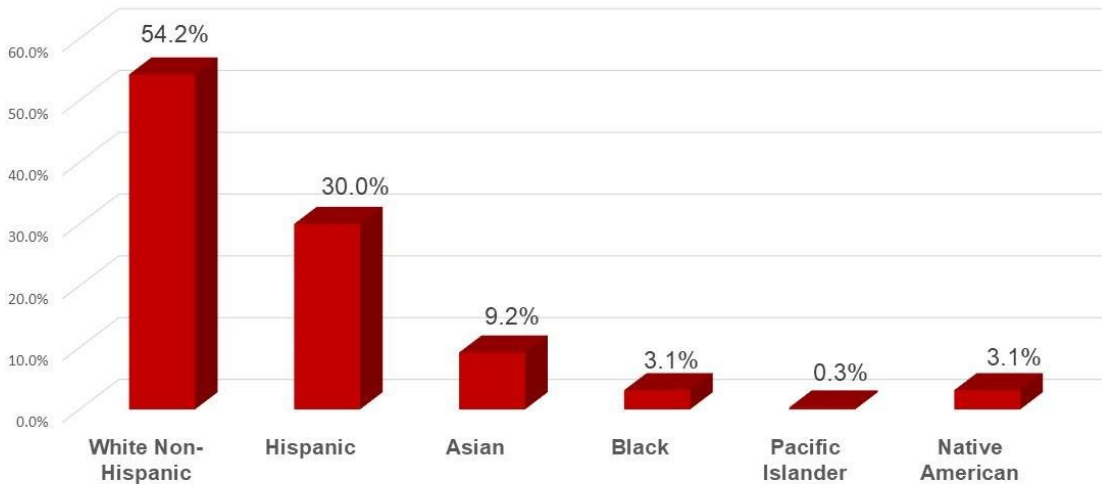


Figure 1 Racial and Ethnic Makeup of VCSO Jurisdiction

SCOPE & LIMITATIONS

The RIPA Dashboard published by the VCSO did not include data relative to perceived sexuality, disability, or English fluency of the person stopped and, therefore, not included in this study. The PSREAG recognizes these gaps in the data and encourages future studies to examine the data relevant to these identifying categories.

All of the five 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 analysis 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 PSREAG 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 included with other racial groups in the "Other" category.

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.

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 or bias. The VCSO 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 data contradict this conclusion.

The trends shown in the Ventura County data are not unique but rather are consistent with a nationwide pattern of disproportionate stops of Hispanic and African Americans. In a paper titled "Race and Reasonable Suspicion"⁹, Ric Simmons states:

Whether because of implicit bias, explicit racial prejudice, or a belief that certain races are more likely than others to engage in certain kinds of criminal activity, there is a vast amount of empirical evidence that police pull over African American and Hispanic individuals far more often than White individuals.

"Veil of Darkness" studies¹⁰ have found that after dark when officers are less able to determine the race or ethnicity of the driver, there is a decrease

⁹ Simmons, Ric. (2020). Race and Reasonable Suspicion, *Florida Law Review*, 73(413), Ohio State Legal Studies Research Paper No. 572, SSRN: <https://ssrn.com/abstract=3696453> or <http://dx.doi.org/10.2139/ssrn.3696453>

¹⁰ Pierson, E., Simoiu, C., Overgoor, J., Corbett-Davies, S., Jenson, D., Shoemaker, A.,

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.

Second, we must consider the possibility that this is a distinction without a difference. Data from the VCSO dashboard revealed that for 14% of the stops (15,000), the deputy was able to perceive the race or ethnicity of the person stopped prior to the stop. Given these results, it is difficult to make the case that the differences in stop data between White 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 personal contact with the individual and thus may have a very good idea of the ethnicity of the person stopped.¹¹ 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 Figure 2). By contrast, White individuals are stopped at a rate that is 79.7% of their population percentage.

Ramachandran, V., Barghouty, P., Phillips, C., Shroff, R., and Goel, S.. (2020). A large-scale analysis of racial disparities in police stops across the United States. *Nature Human Behaviour*, Vol. 4. Also available at: <https://openpolicing.stanford.edu/>

¹¹ Lofstrom, M., Hayes, J., Martin, B., and Premkumar, D. (2022). Racial Disparities in Traffic Stops. *Public Policy Institute of California*. <https://www.ppic.org/publication/racial-disparities-in-traffic-stops/>

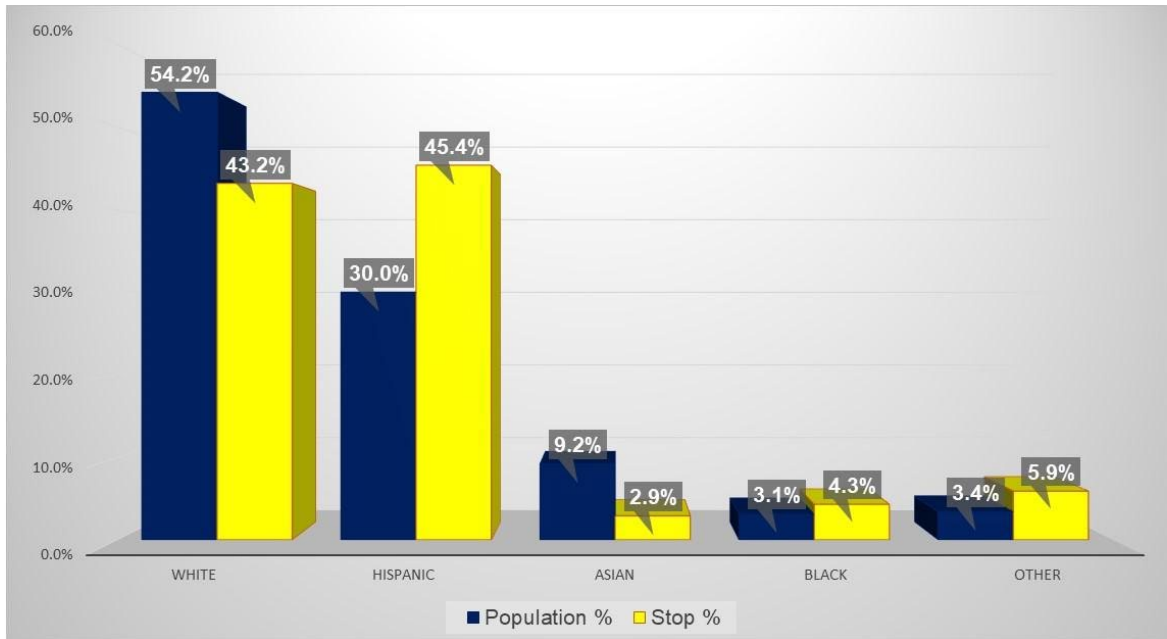


Figure 2 Stop Data vs Population

Source: RIPA Dashboard

Traffic Stops are by far the most frequent reason for a stop as opposed to "Reasonable Suspicion", "Outstanding Warrant", "Parole Violation" and other non-traffic related reasons. The subcommittee's review of the data revealed that the distribution for Traffic Stops closely mirrors the data for all stops (See Figure 3).

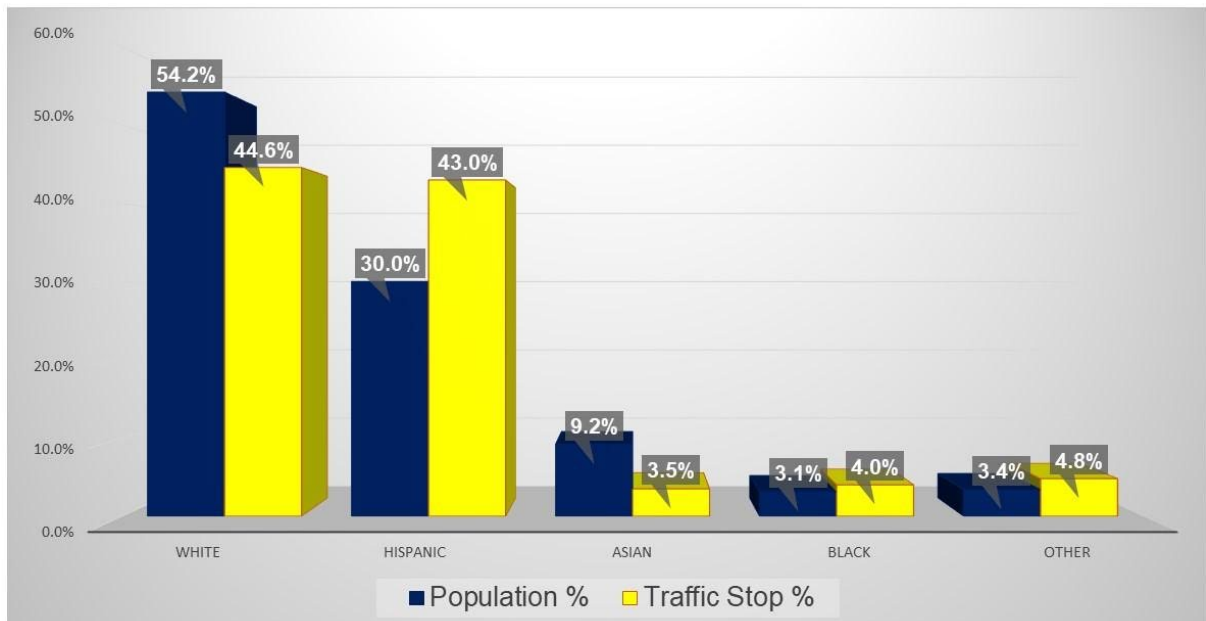


Figure 3 Traffic Stops vs Population

Source: RIPA Dashboard

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 White persons (See Figure 4).

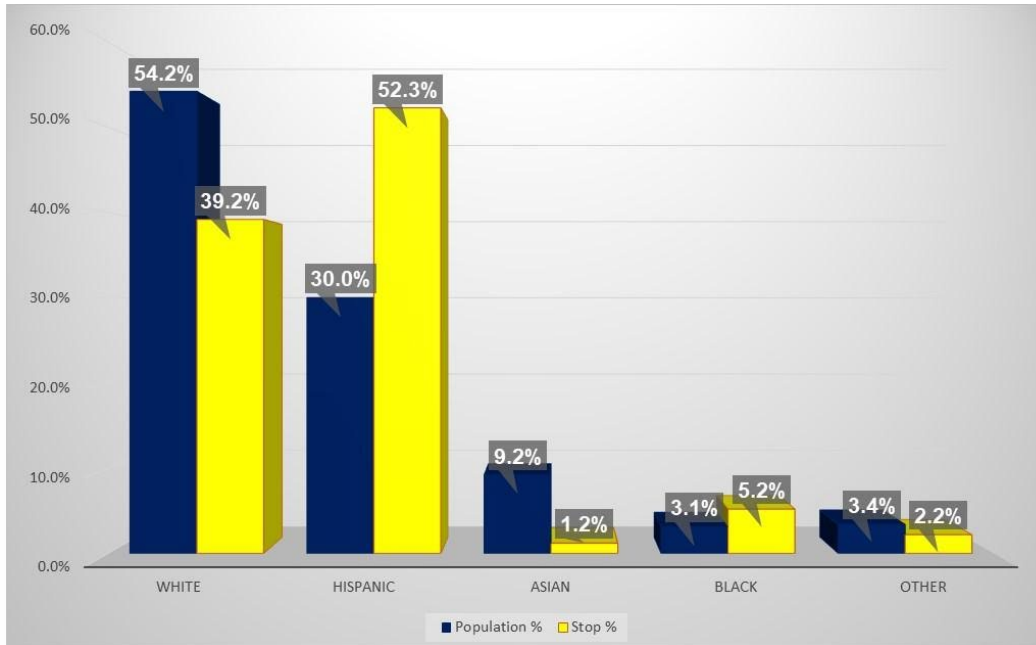


Figure 4 Other Than Traffic Stop vs Population

Source: RIPA Dashboard

The Ventura County Sheriff's Office has added a data point to their RIPA data collection that is not required by state law. Deputies are asked if they could perceive the race or ethnicity of the person prior to the stop. When the data is segregated into only those stops where the deputy indicated that they could perceive the race of the person prior to the stop, we find that even in these cases, the number of stops for Hispanics and African Americans is greater than their representation in the population. Stops of White persons are considerably less than their representation (See 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 African Americans, 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% versus 45.4% for all stops. On the other hand, the numbers for White stops are 41.2% as opposed to 43.2% for all stops.

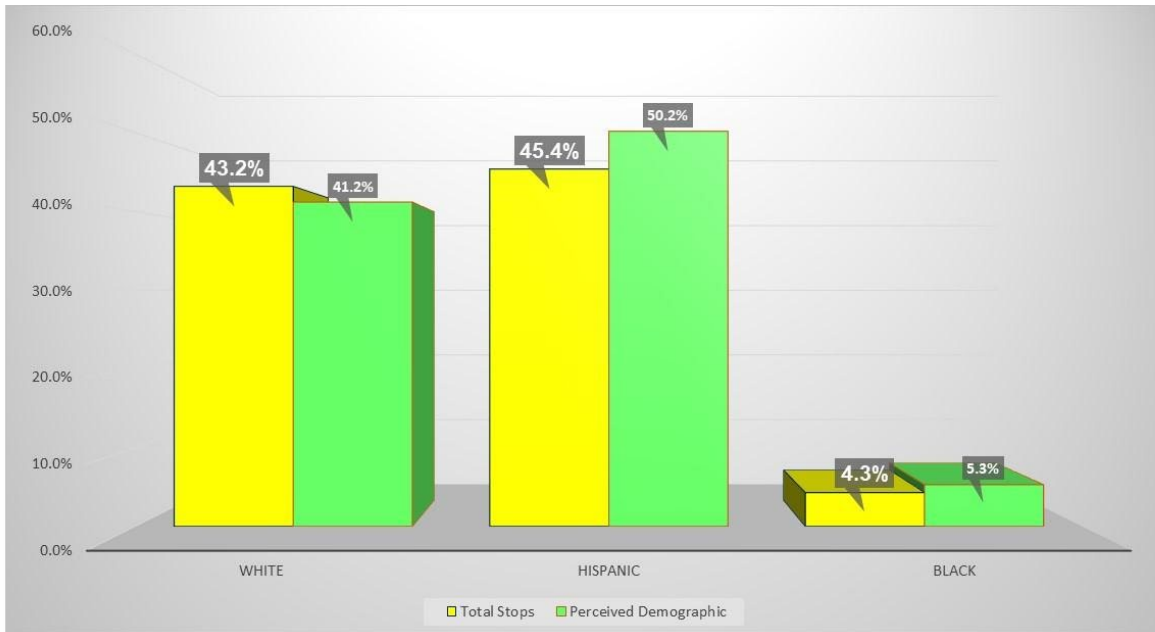


Figure 5 Total Stops vs Stops When Deputy Perceived Race Prior to Stop
 Source: RIPA Dashboard

REASON FOR STOP

As shown in Figures 6 and 7, when Traffic Stops were excluded from the data, Reasonable Suspicion was the leading reason for a stop, accounting for more than all other non-traffic stops 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 Figures 6 through 10). The implications of these findings are discussed in greater detail in the Discussion Section of this paper.

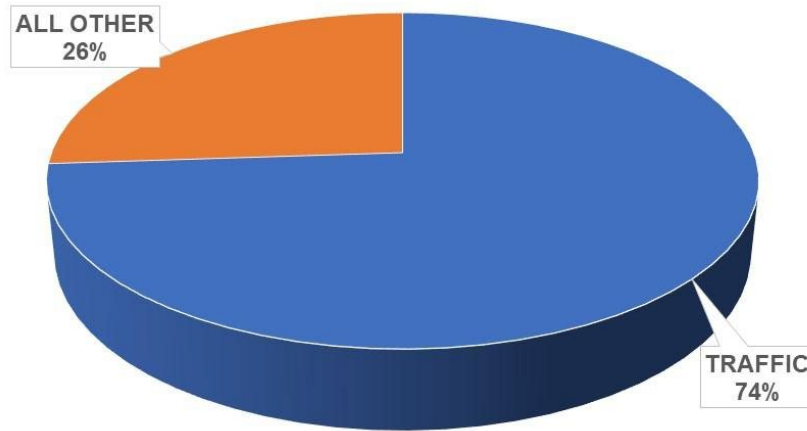


Figure 6 Reason For Stop

Source: RIPA Dashboard

Total Number of Stops 105,500

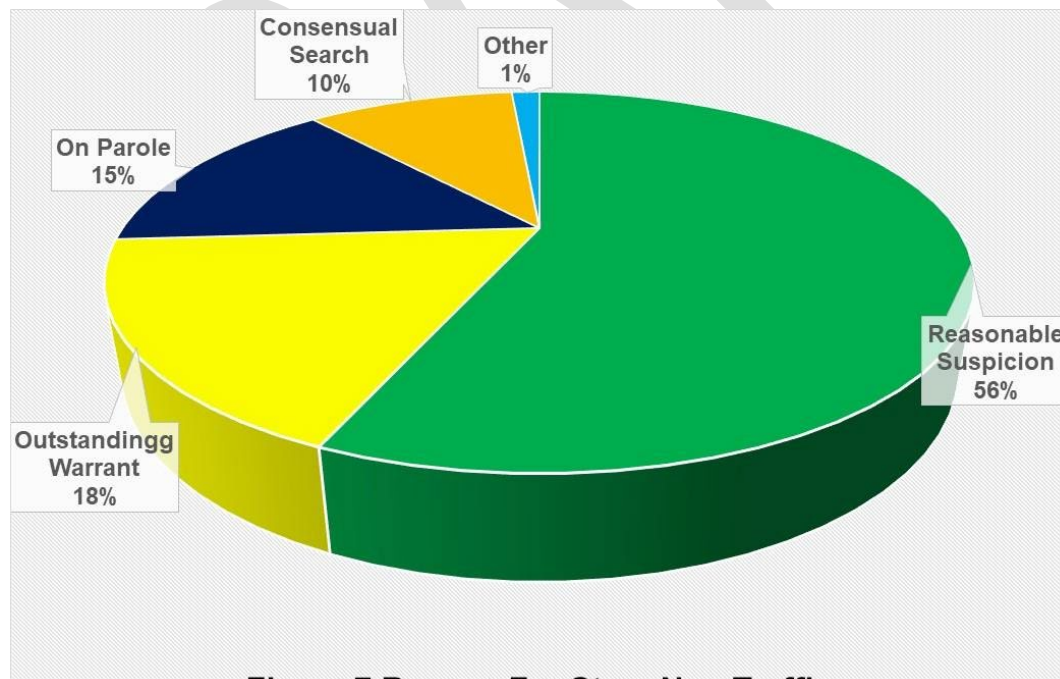


Figure 7 Reason For Stop Non-Traffic

Source: RIPA Dashboard

Total non-Traffic Stops 27,223

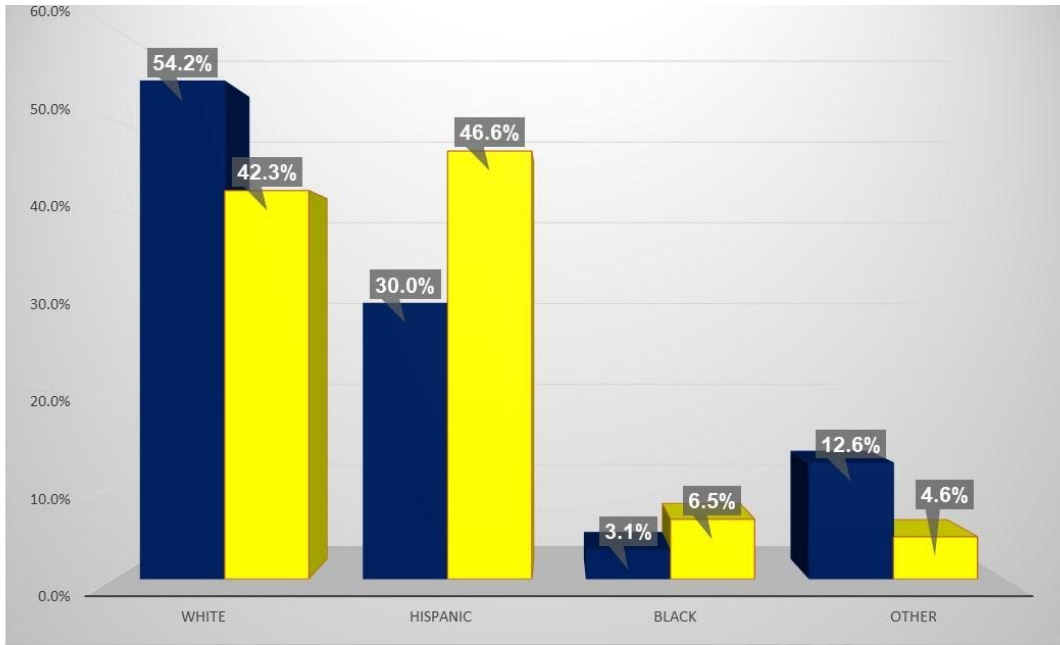


Figure 8 Stops for Reasonable Suspicion Compared to Population
Source: RIPA Dashboard

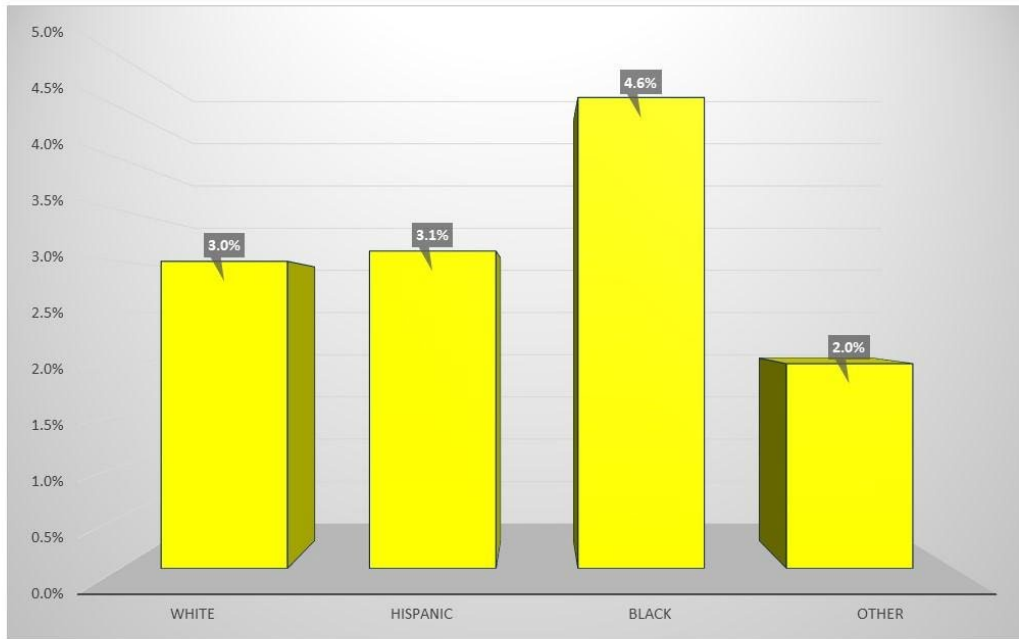


Figure 9 Stops for Reasonable Suspicion as a Percentage of All Stops
Source: RIPA Dashboard

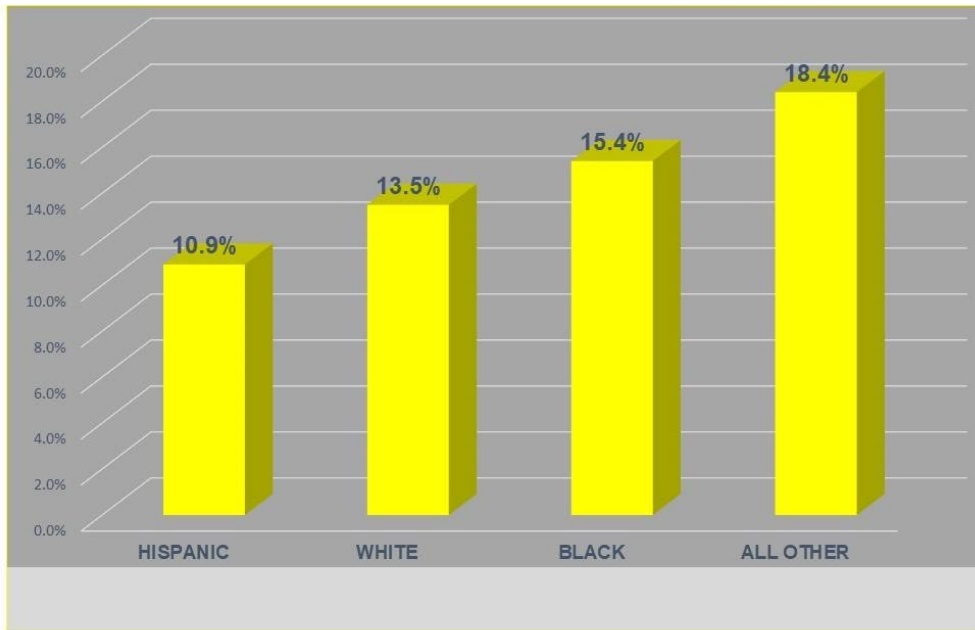


Figure 10 Reasonable Suspicion As A Percent Of Non-traffic Stops

Source: RIPA Dashboard

Data concerning Consensual Encounters Resulting in Search reveals that Hispanics are searched at a rate that is 190% of their representation in the population, while White 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 Figures 11 & 12)

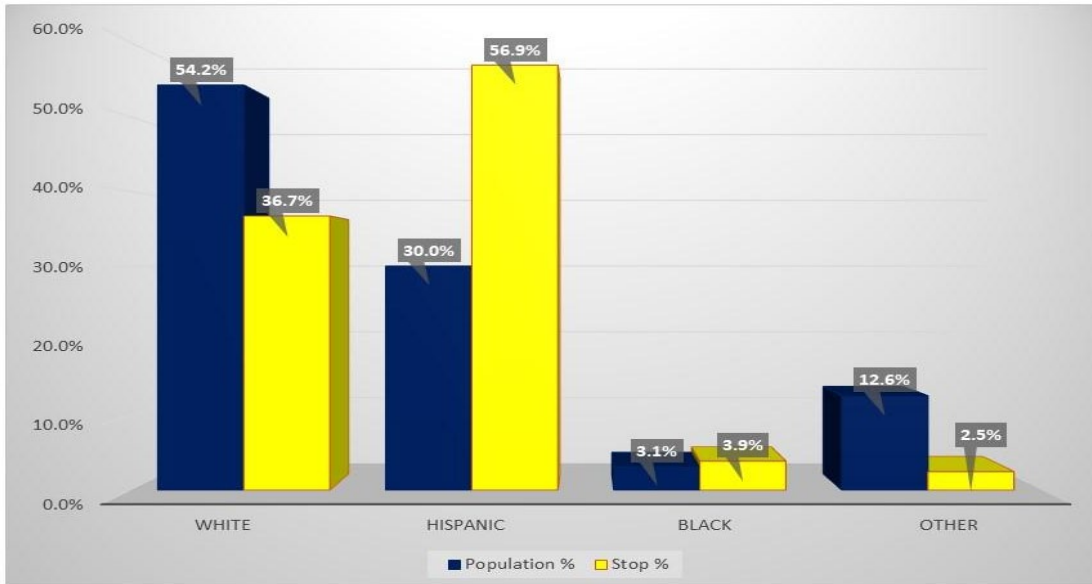


Figure11 Consensual Search vs Population

Source: RIPA Dashboard

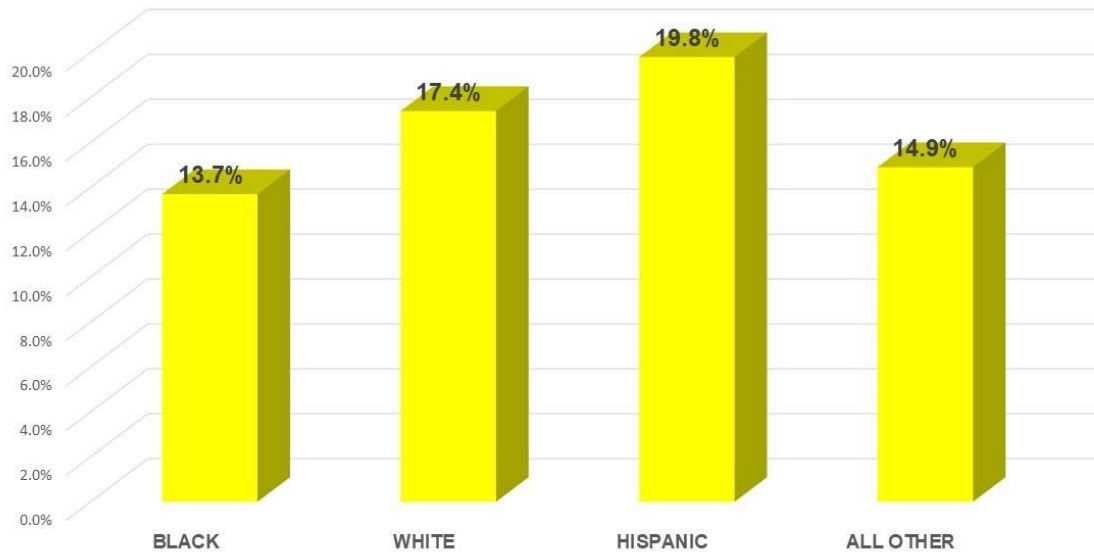


Figure 12 Consensual Search as a Percentage of non Traffic Stops

Source: RIPA Dashboard

ACTION TAKEN DURING STOP

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, Asians

were most frequently stopped with no action taken, followed by White persons.

Hispanics and African Americans were least likely to have no action taken during a stop (See Figures 13 & 14).

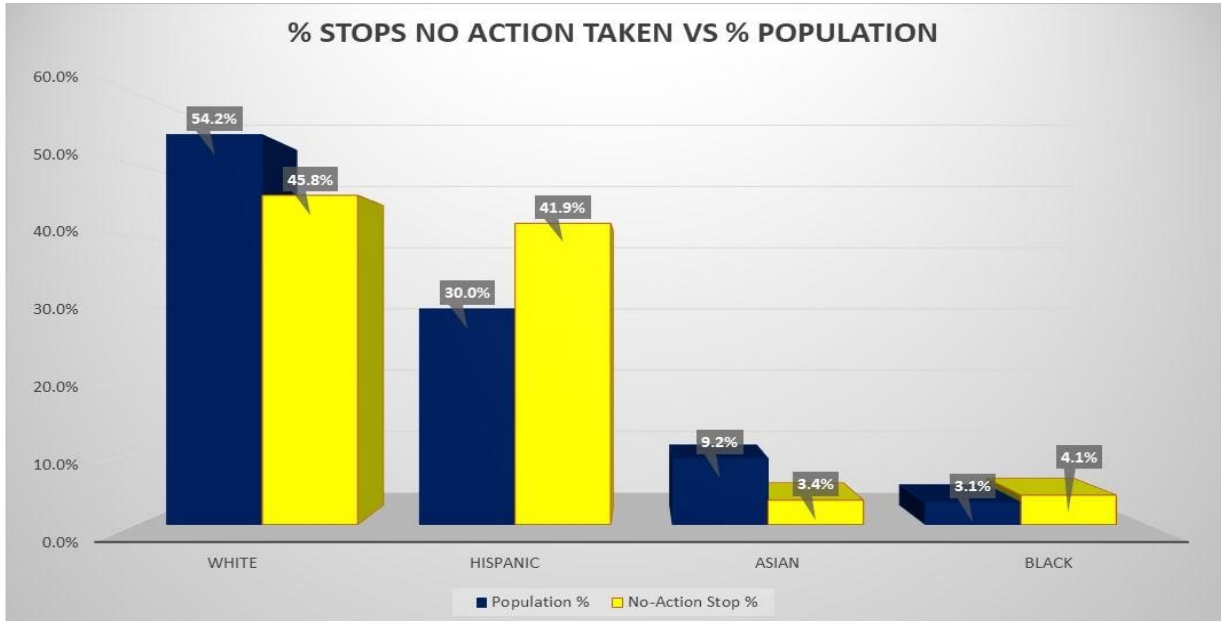


Figure 13 Percent Stops No Action Taken Vs Percent Population
Source: RIPA Dashboard

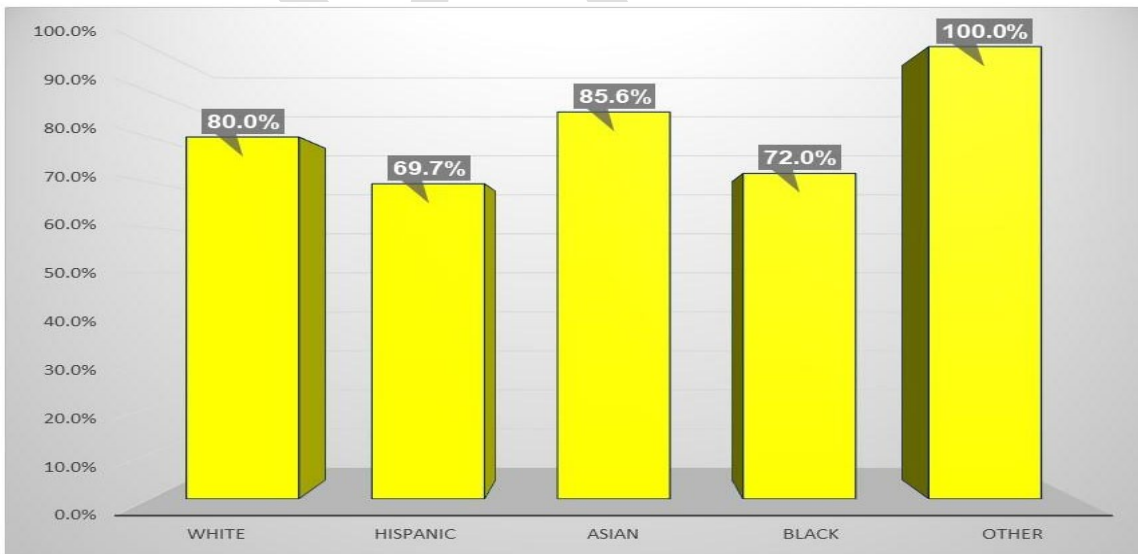


Figure 14 Percentage of Stops with No Action Taken
Source: RIPA Dashboard

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, the data demonstrates a pattern that is the same as other variables. In Ventura county, an African American or Hispanic individual has a greater chance of being detained curbside or detained in a patrol car than a White individual. In the case of patrol car detention, Asians were also more frequently detained than their White counterparts (See Figures 15 & 16).

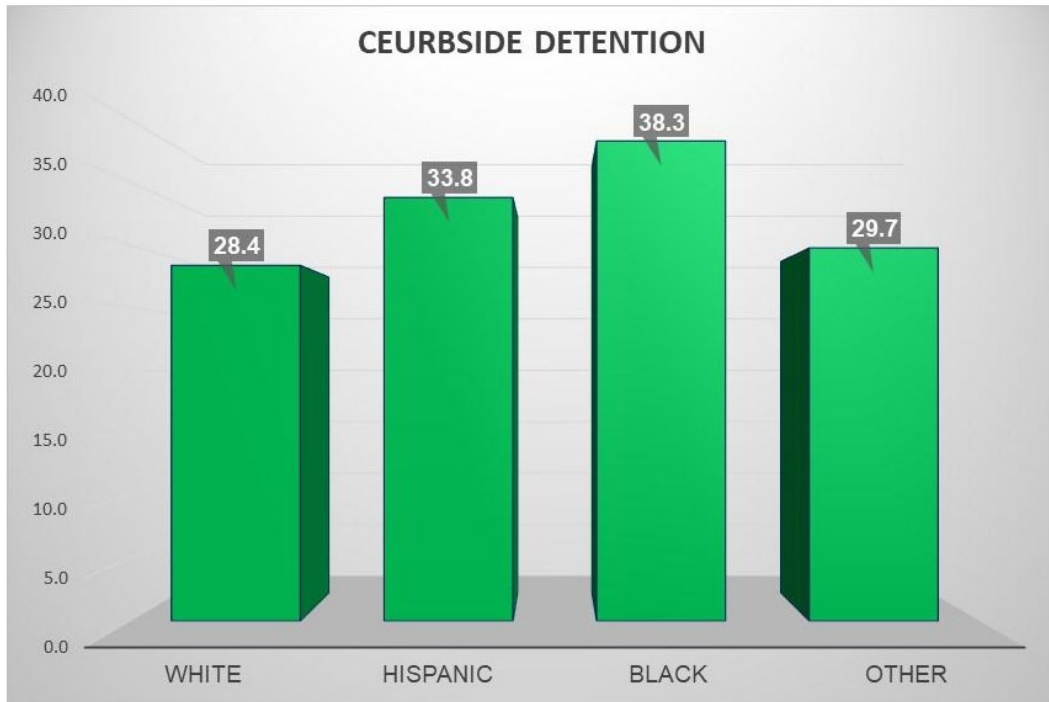


Figure 15 Curbside Detention (Number per 1,000 Stops)

Source: RIPA Dashboard

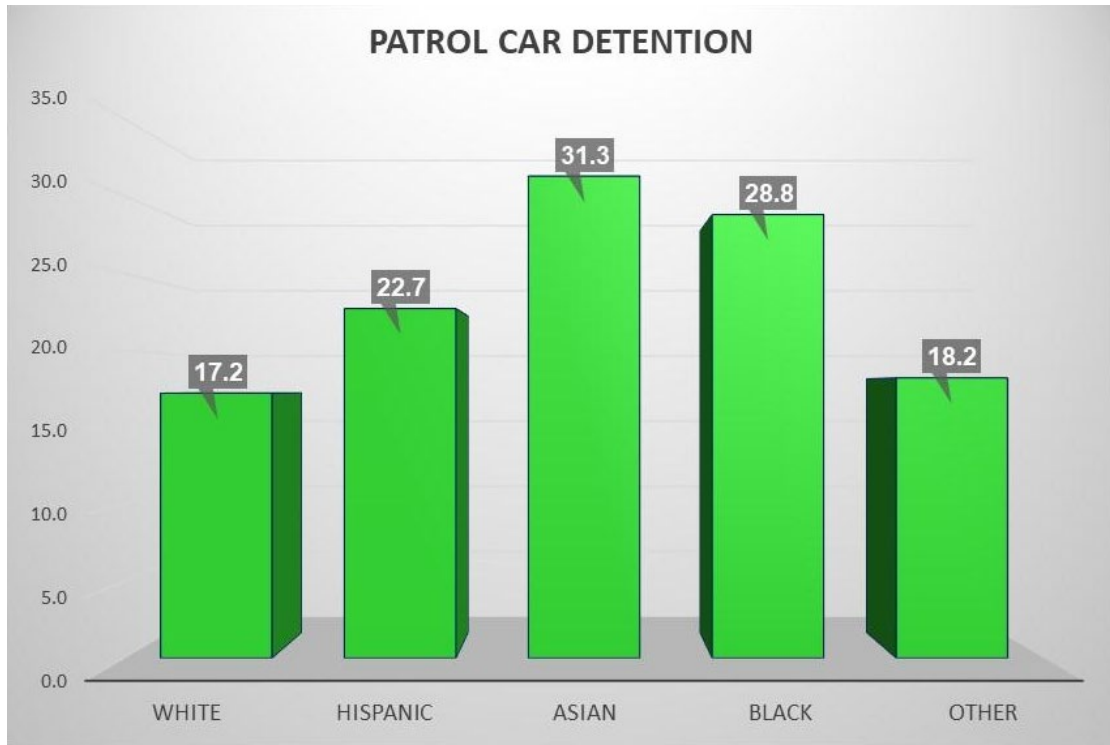


Figure 16 Patrol Car Detention (Number per 1,000 Stops)

Source: RIPA Dashboard

Physical or vehicle contact between a sheriff's deputy and an individual occurred during a stop 252 times. 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 Figure 17).

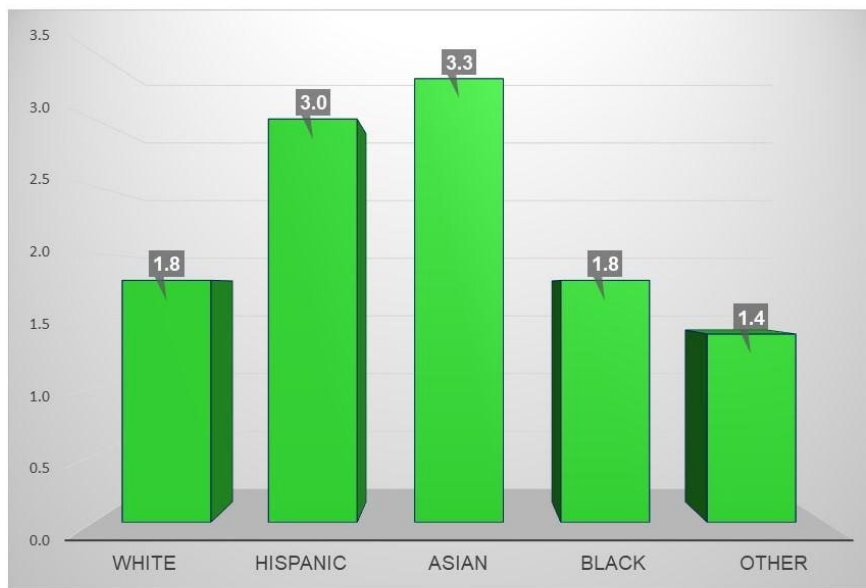


Figure 17 Physical or Vehicle Contact (Number per 1,000 Stops)

Source: RIPA Dashboard

In total, 345 people were removed from their cars by order of the sheriff's deputy, and the subjects were overwhelmingly Hispanic. 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 the White 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 the number of stops per 1000, the pattern is the same: Hispanics were removed 4.3 times per 1000 and 3.5 for African Americans compared to 2.3 times for Whites. (See Figures 18 and 18A).

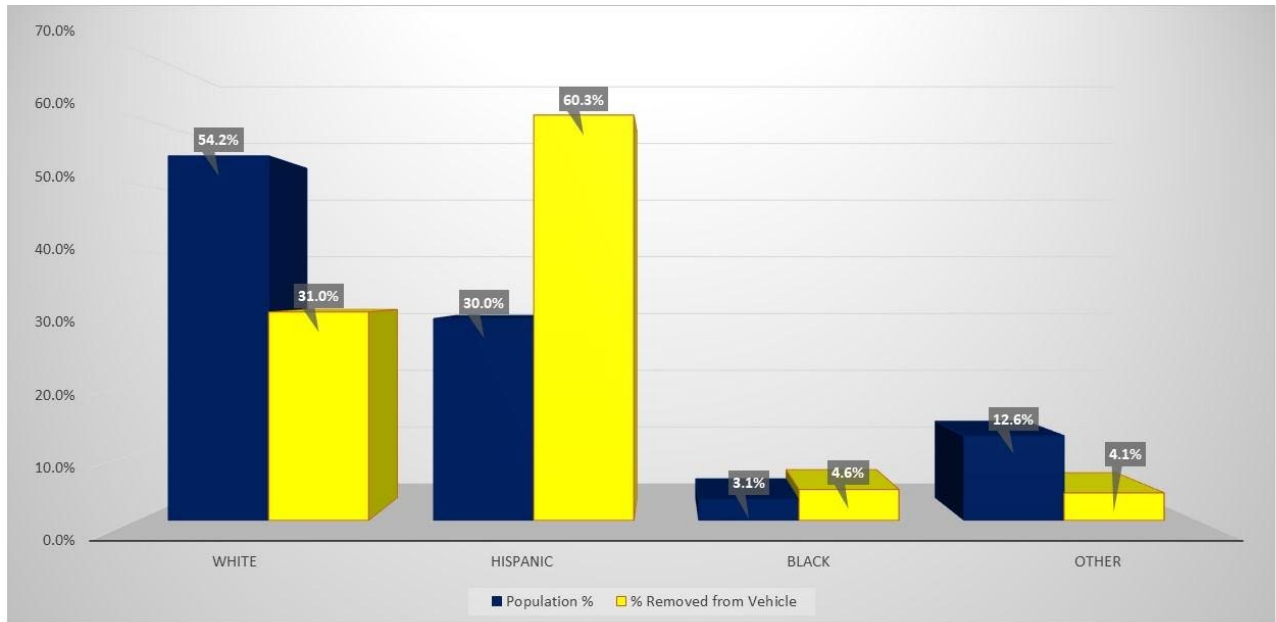


Figure 18 Percent Removed from Vehicle compared to % Population
 Source: RIPA Dashboard

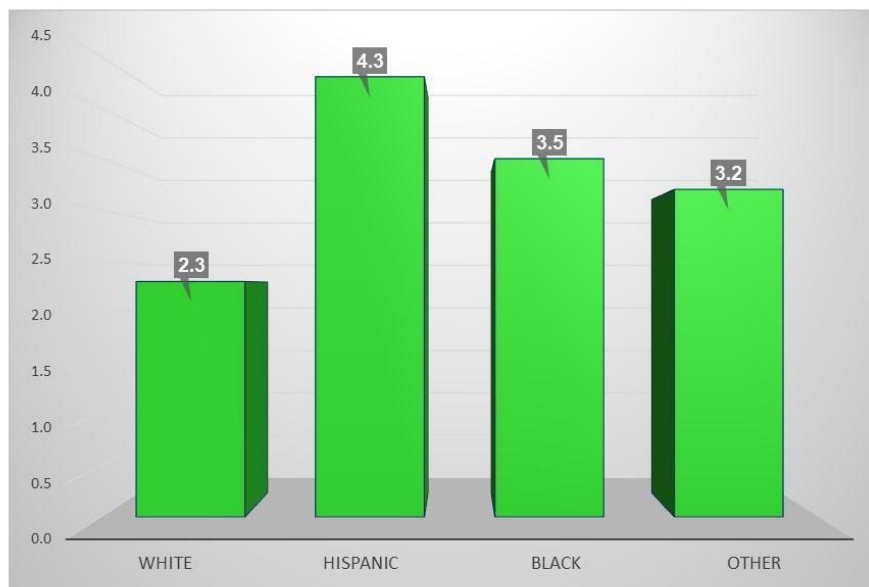


Figure 18A Removed from Vehicle (Number per 1,000 Stops)
 Source: RIPA Dashboard

A pattern of disparity among racial groups is evident again in the number of times a person was handcuffed. For Hispanics, the rate was again

significantly greater than any other group, followed by African Americans and then by Whites. (See Figure 19)

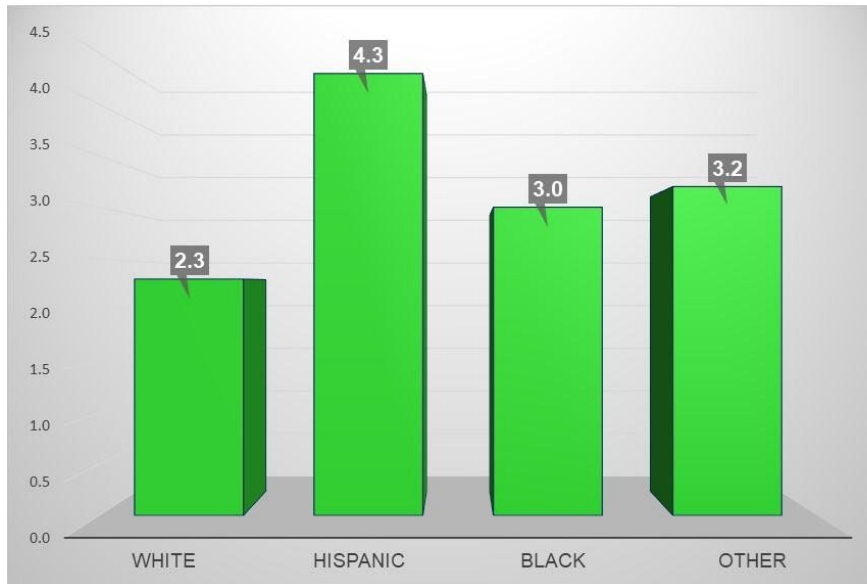


Figure 19 Handcuffed (Number per 1,000 Stops)

Source: RIPA Dashboard

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 Figure 20).

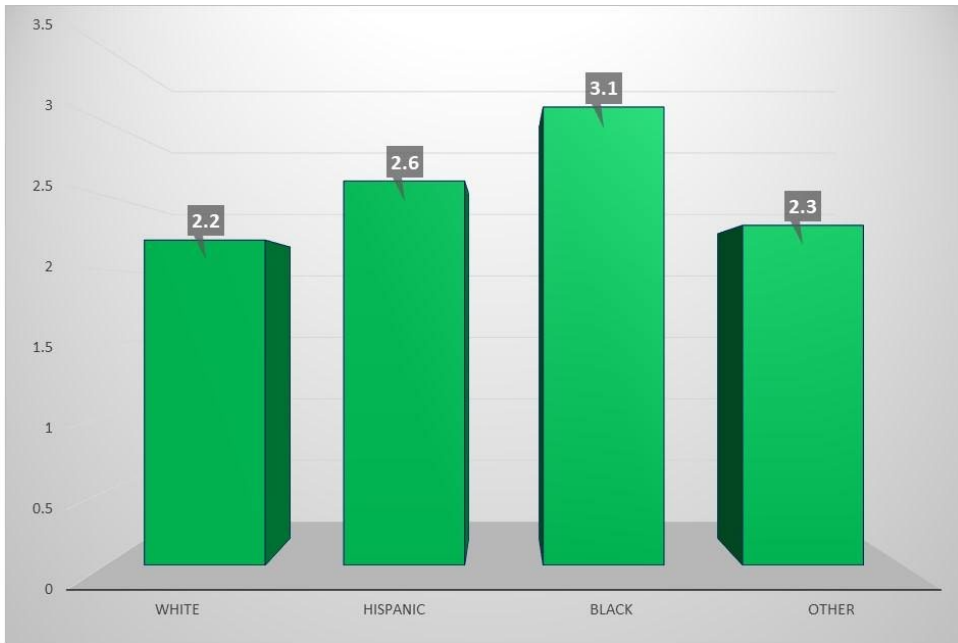


Figure 20 Field Interview Card Completed (Number per 1,000 Stops)

Source: RIPA Dashboard

RESULT OF STOP

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

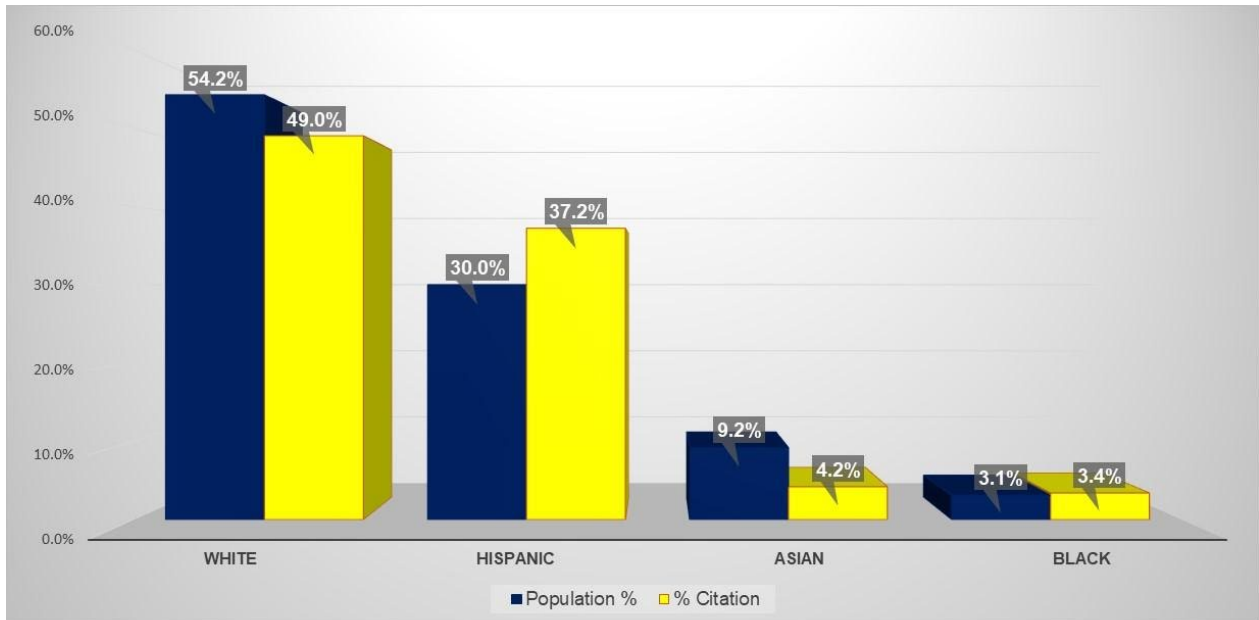


Figure 21 Percentage of Citations vs Percentage of Population

Source: RIPA Dashboard

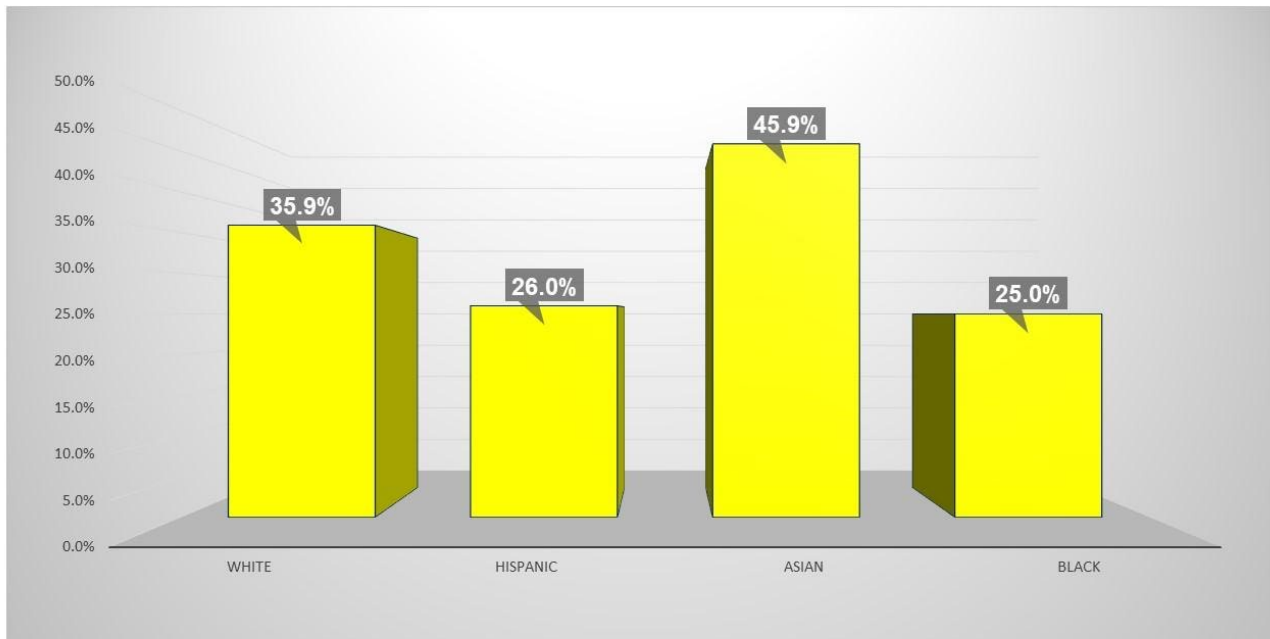


Figure 21A Percent Stops Resulting in Citation

Source: RIPA Dashboard

The second most frequent result is “no action.” “No action” occurs more frequently for Hispanics and African Americans relative to their percentage in the population than for Whites and Asians. Hispanics were released with no action taken in cases 159 % of the time respective to their representation in the population. For African Americans, the percentage was 145% of their

representation. For Whites and Asians, the corresponding numbers are 76% and 29%. (See Figure 22 & 22A)

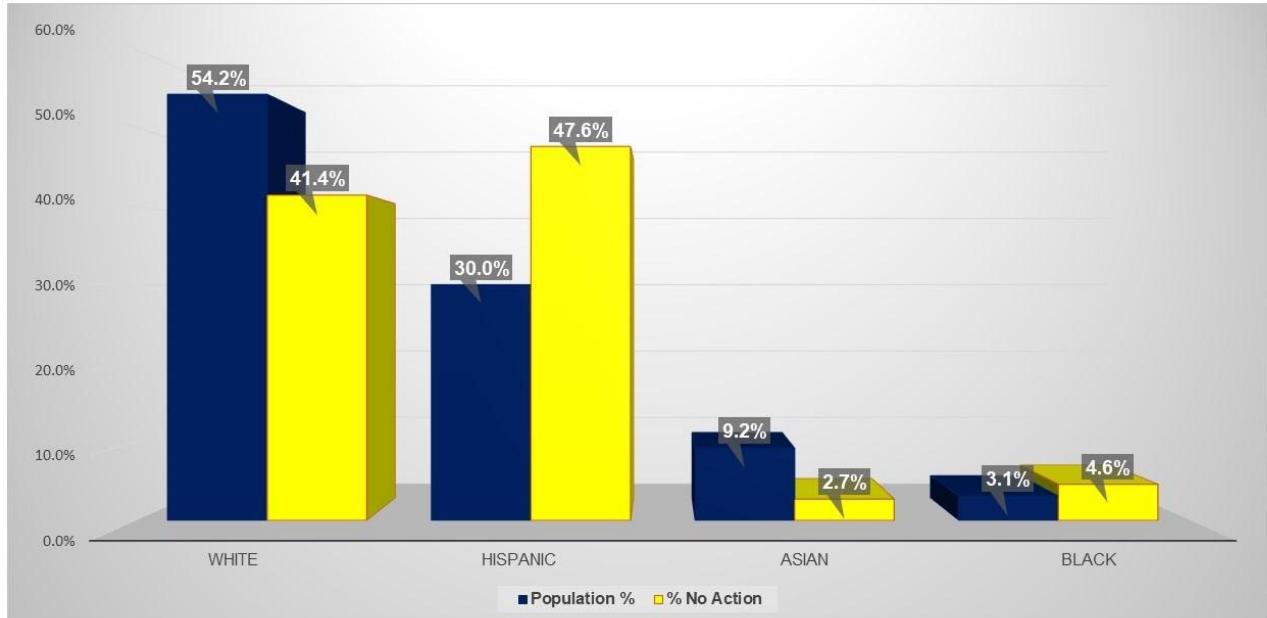


Figure 22 Percentage No Action vs Percentage of Population
Source: RIPA Dashboard

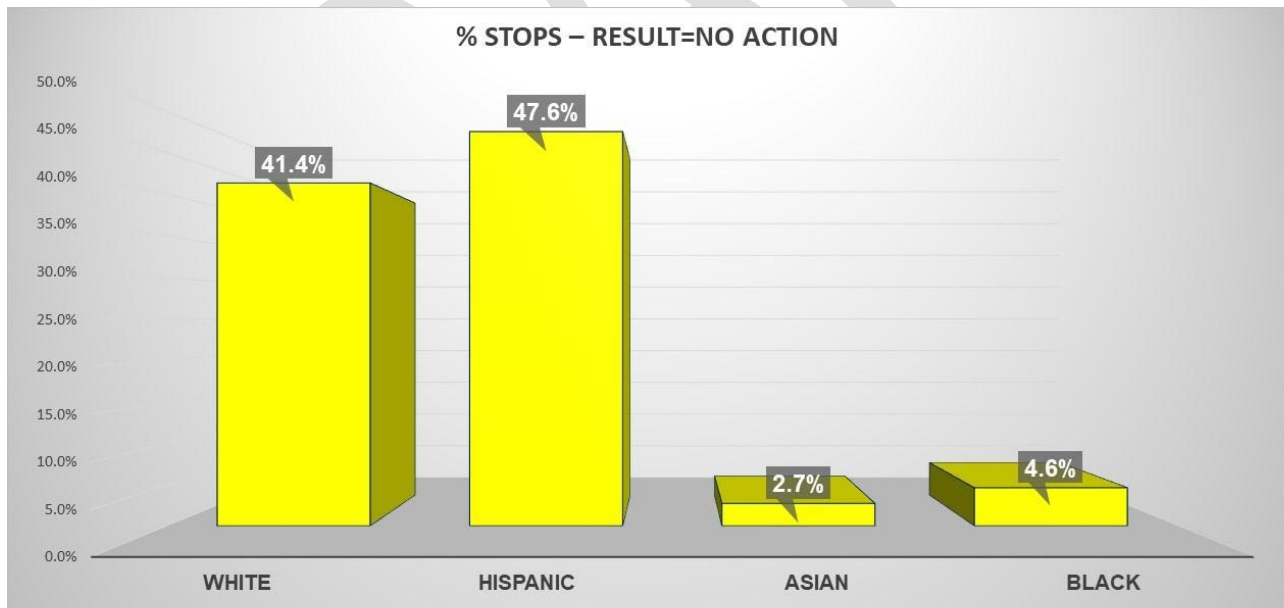


Figure 22A Percent Stops Resulting in No Action
Source: RIPA Dashboard

The same pattern exists for warnings: Hispanics and African Americans received warnings much more frequently than Whites and Asians relative to

their population. Hispanics received warnings 156% of their representation in the population and African Americans 145%. In contrast, the frequency of warnings for Whites was 77% of their representation in the population and 33% for Asians. (see Figures 23 & 23A)

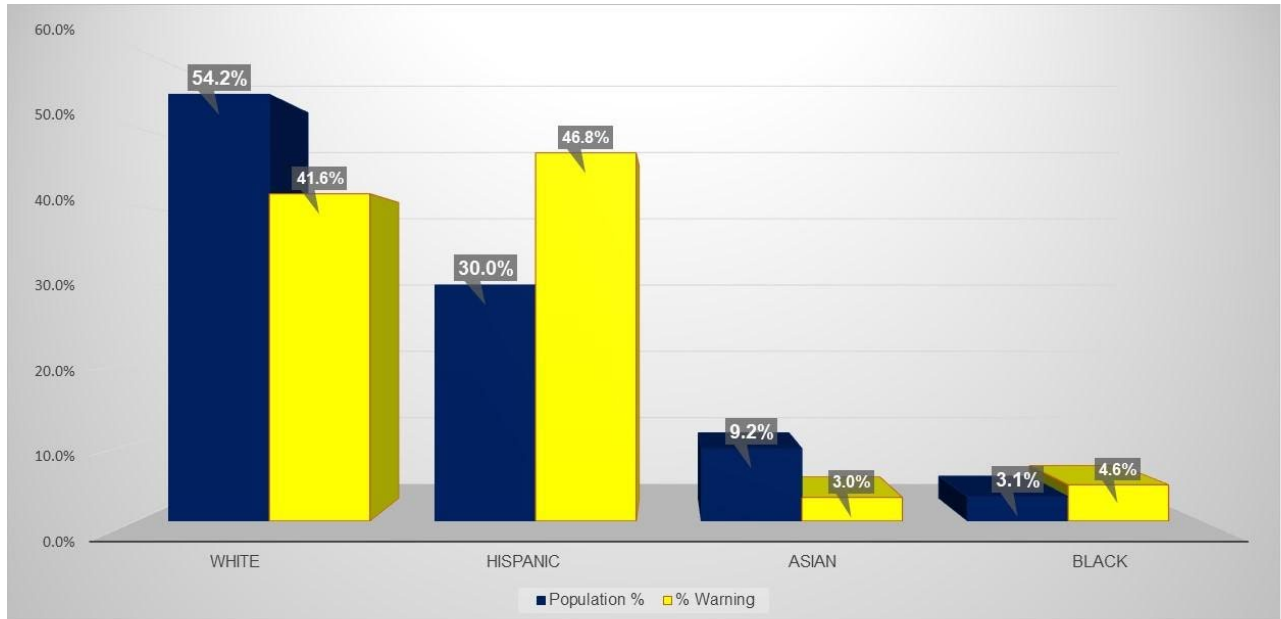


Figure 23 Percentage Warning vs Percentage of Population
Source: RIPA Dashboard

DRAFT

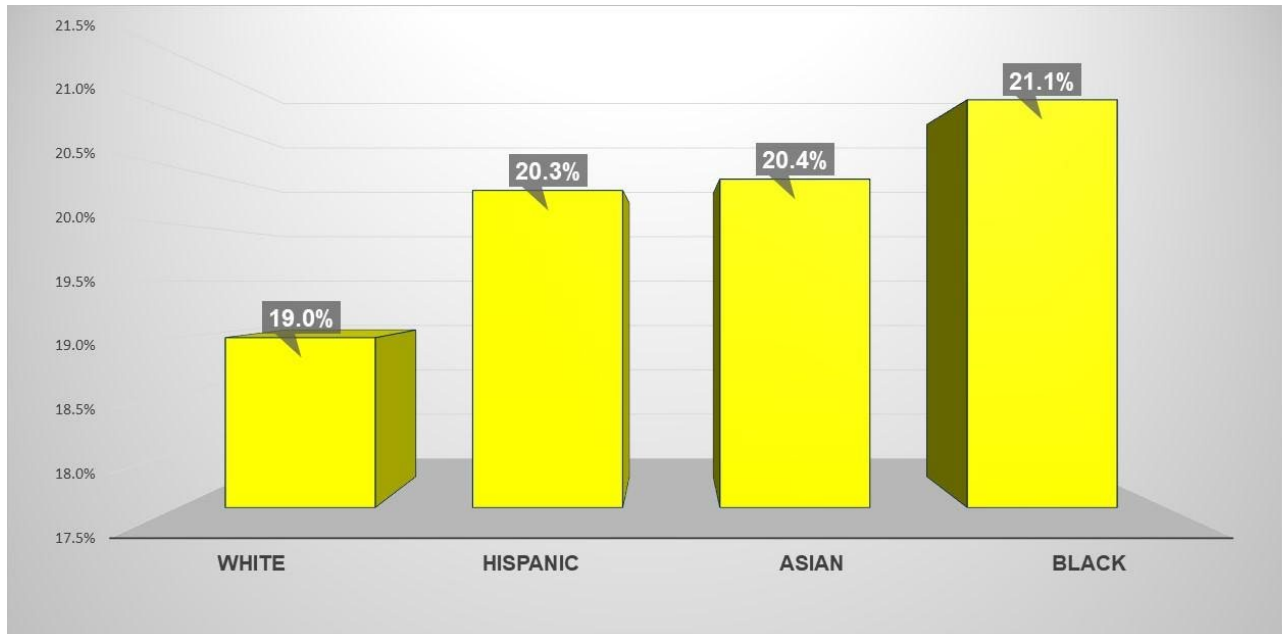


Figure 23A Percent Stops Resulting in a Warning

Source: RIPA Dashboard

The concern related to Hispanics and African Americans being given warnings, or no action taken more frequently than other groups is that these can be indicators of pretextual stops which research has shown more frequently target Hispanics and African Americans.¹²

Cite and Release data indicates that Hispanics are cited and released at a rate that is 176% of their representation in the population, and for African Americans, the rate is nearly identical at 177%. By contrast, the rate for Whites is 70%. (See Figures 24 & 24A)

¹² Murphy, R. (2021). Illinois Traffic Stops Still Disproportionately Targets Black Drivers. *ACLU Illinois*. <https://www.aclu-il.org/en/news/illinois-traffic-stops-still-disproportionately-targets-black-drivers>

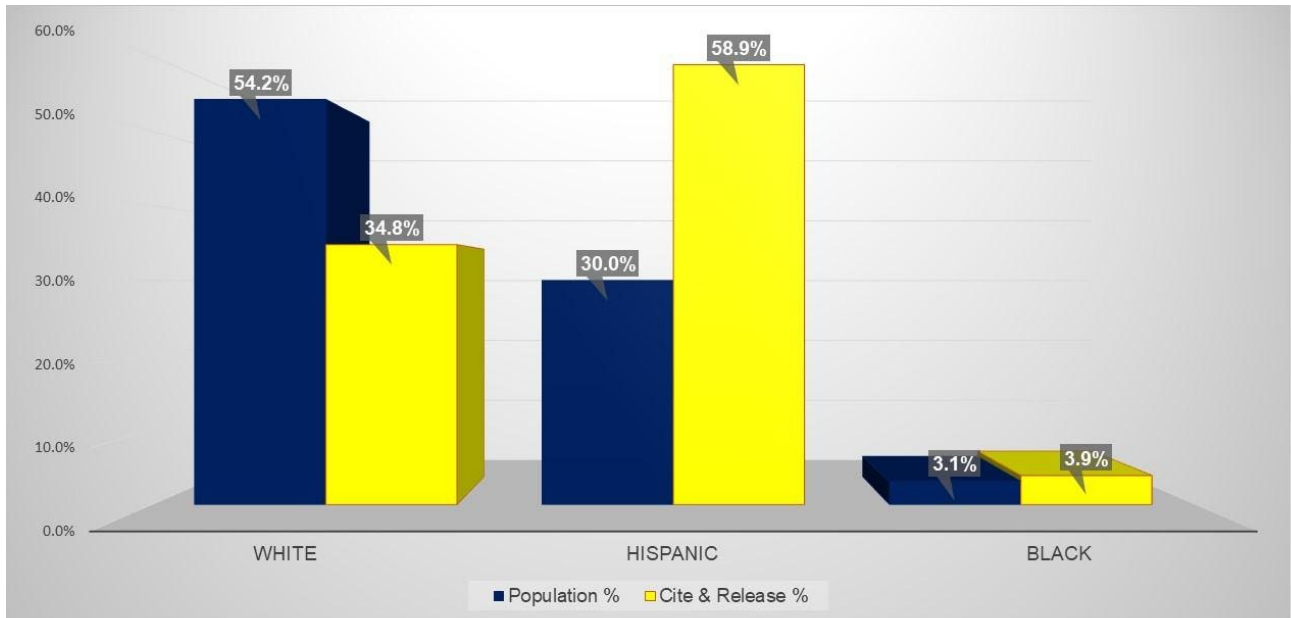


Figure 24 Percentage Cite & Release vs Percentage of Population

Source: RIPA Dashboard

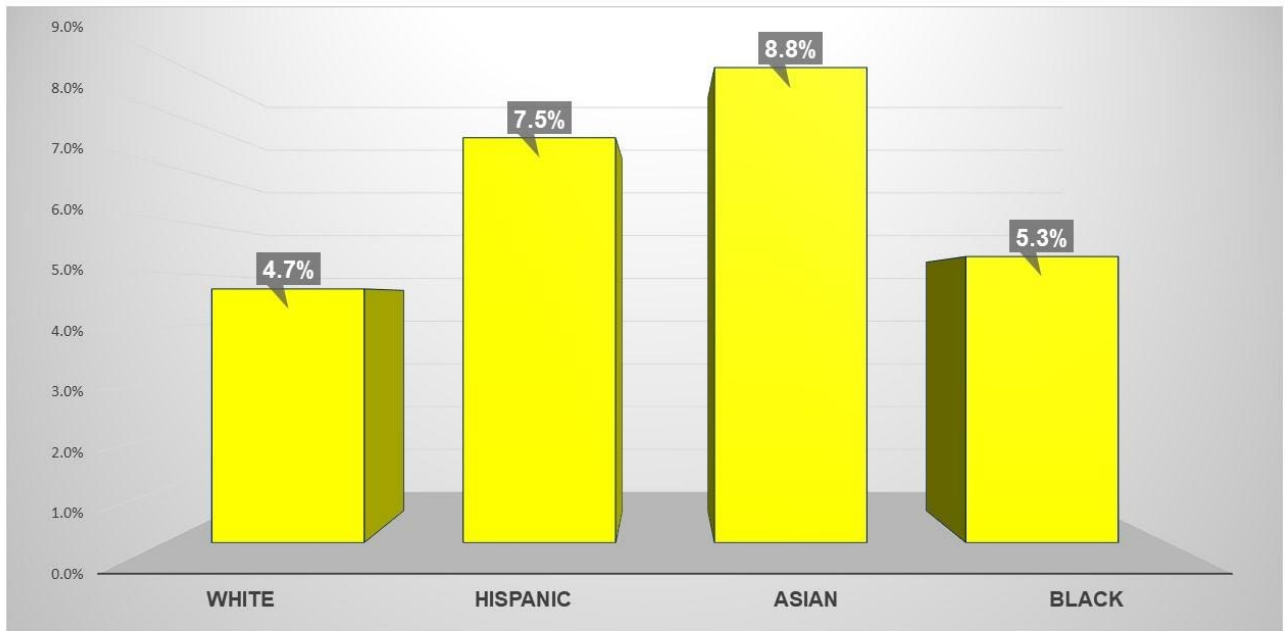


Figure 24A Percent Stops Where Result is In-Field Cite & Release

Source: RIPA Dashboard

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 Hispanic individuals and African Americans 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 Figures 25 & 25A)

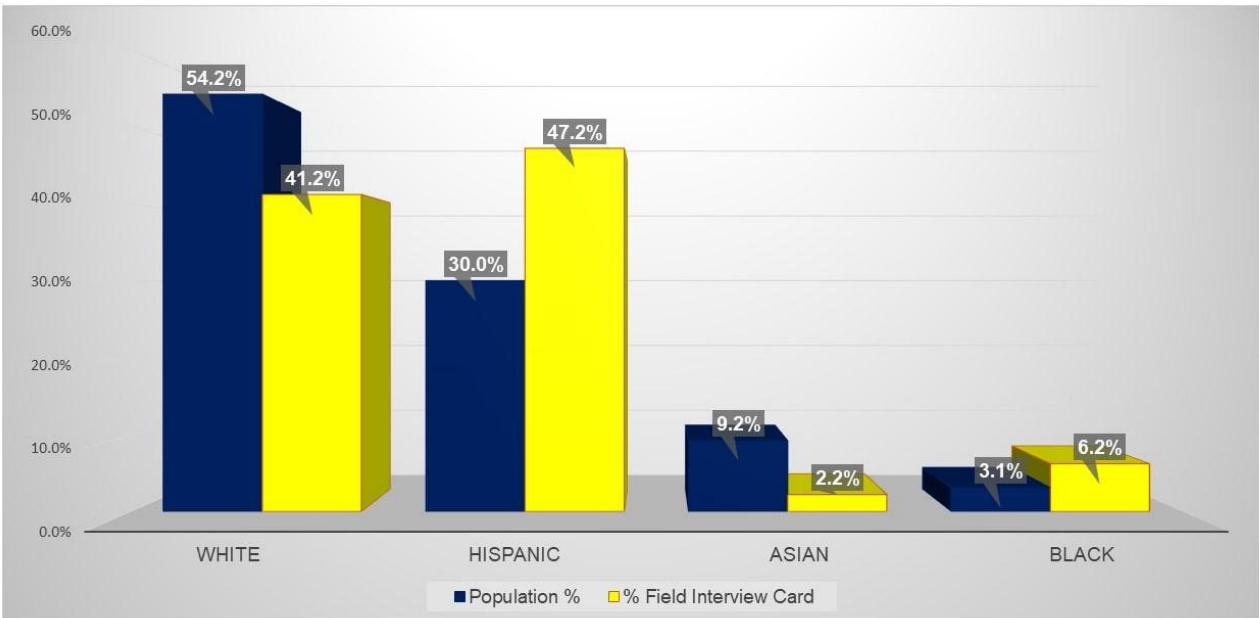


Figure 25 Field Interview Cards vs Percentage of Population

Source: RIPA Dashboard

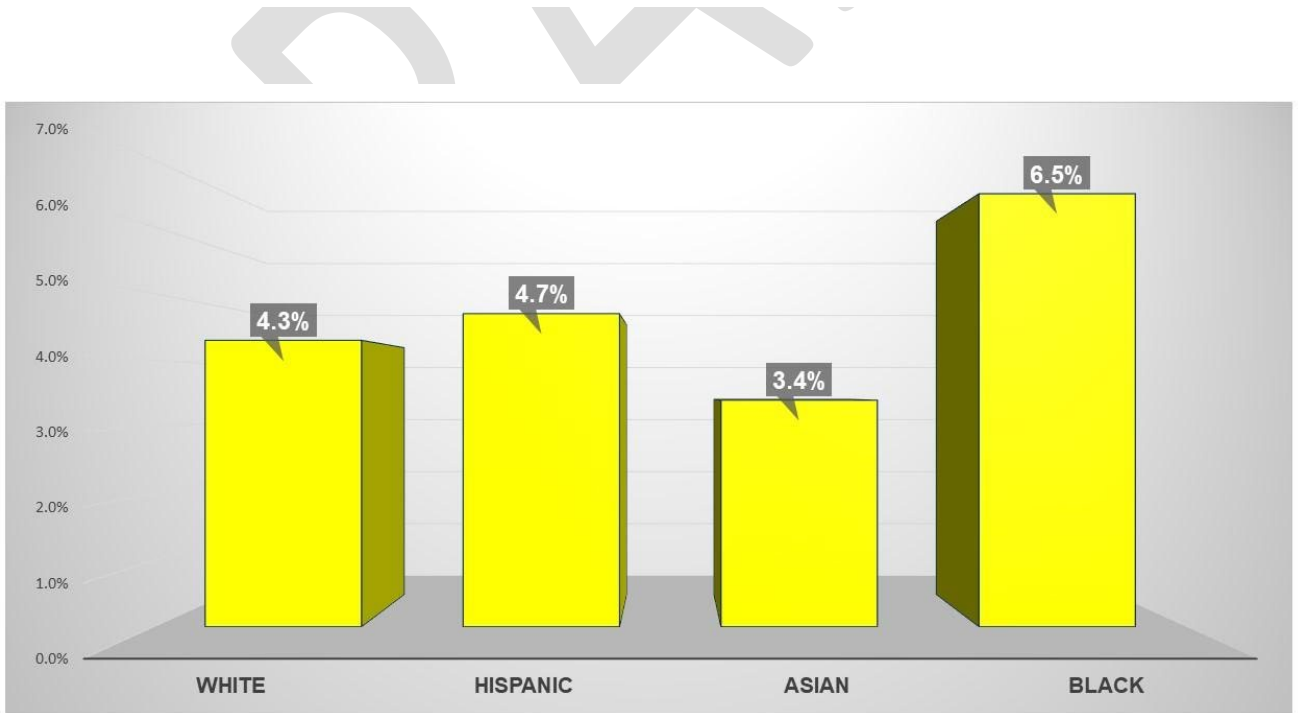


Figure 25A Percent Stops Resulting in Completion of Field Interview Card

Source: RIPA Dashboard

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 Figure 26)

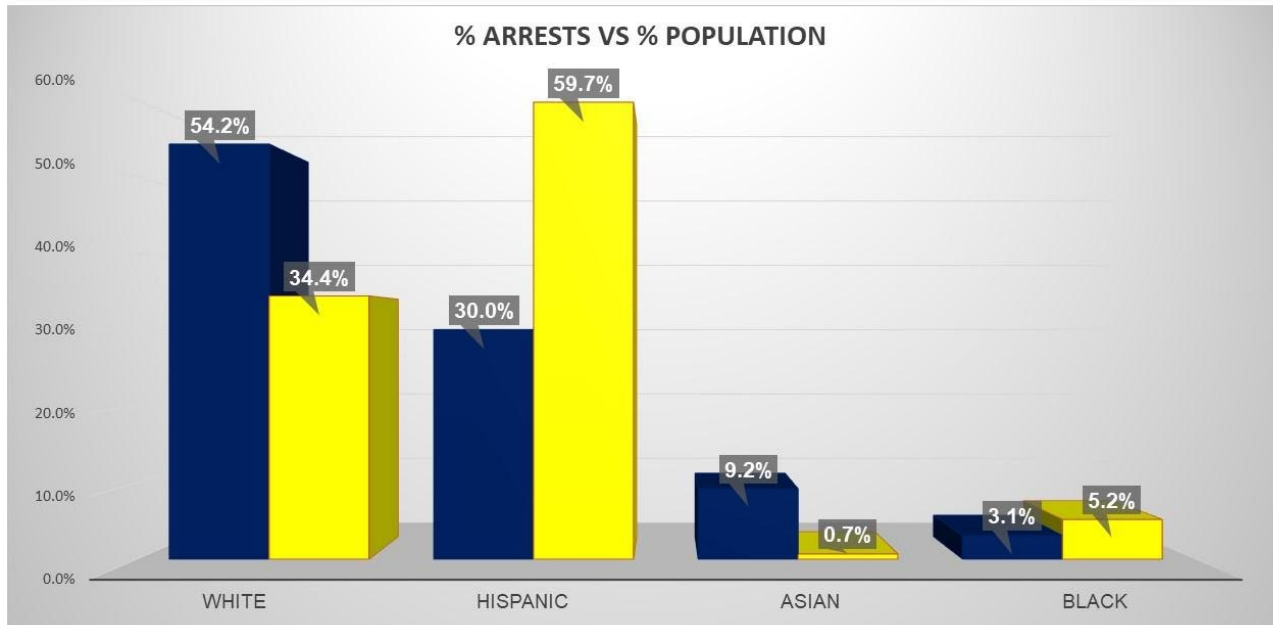


Figure 26 Stops Resulting in Arrest Compared to Population

Source: RIPA Dashboard

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, African Americans at 195%, and Whites at 95%. (See Figure 27) If the arrests are examined as a percentage of stops for the respective groups, Hispanics are arrested at a rate of 9.1%, African Americans at 10%, and Whites at 6.9% (See Figure 28).

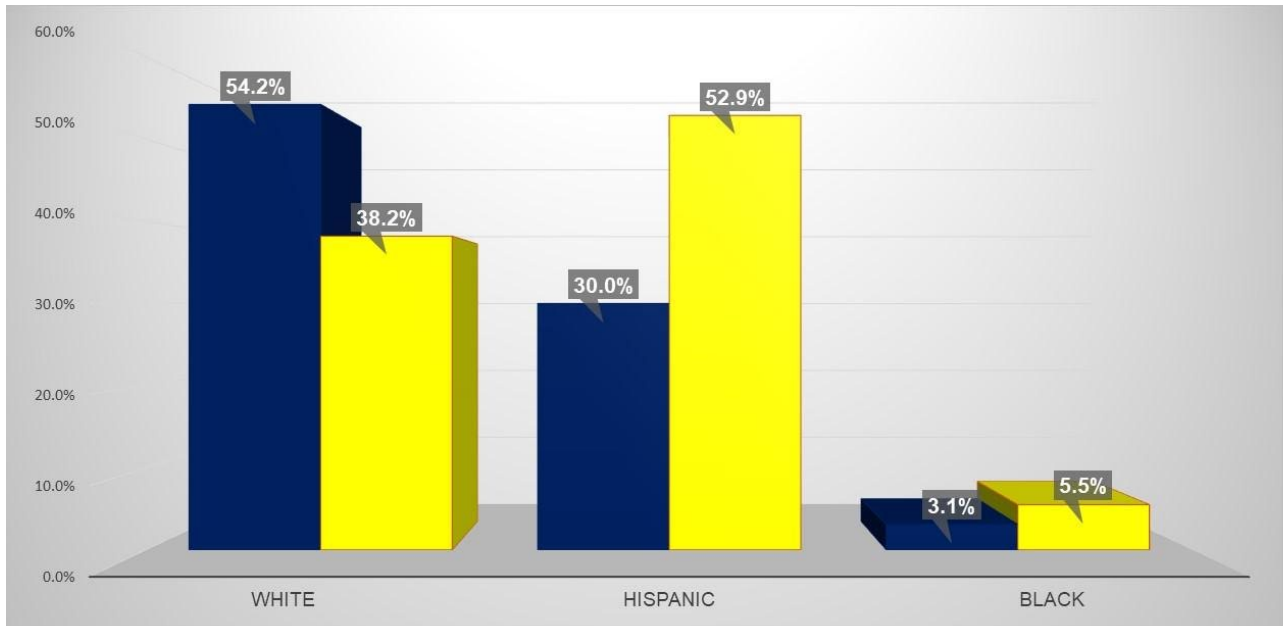


Figure 27 Stops Resulting in Arrest without Warrant Compared to Population

Source: RIPA Dashboard

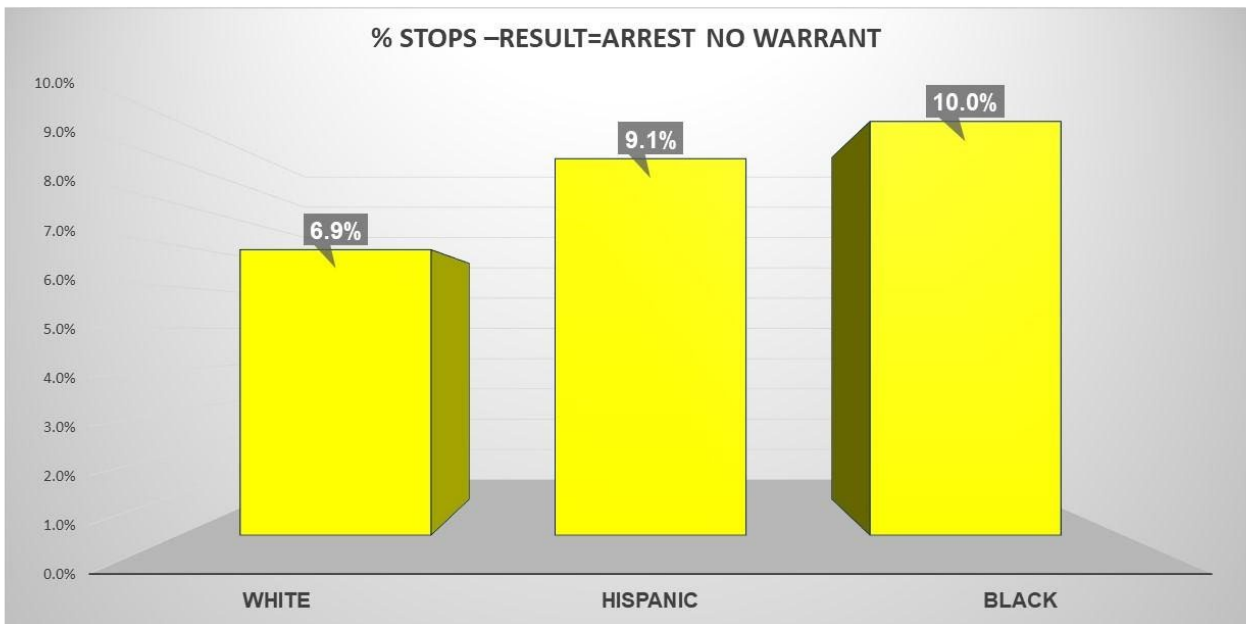


Figure 28 Percent of Stops That Result in Arrest with No Warrant

Source: RIPA Dashboard

For arrests pursuant to a warrant, Hispanics are arrested at a rate that is 198% of their representation in the population, African Americans at 116%, and Whites at 65% (See Figure 29). When the data is examined as a

percentage of stops, the numbers are 3.7% for Hispanics, 2.3% for African Americans, and 2.3% for Whites (See Figure 30)

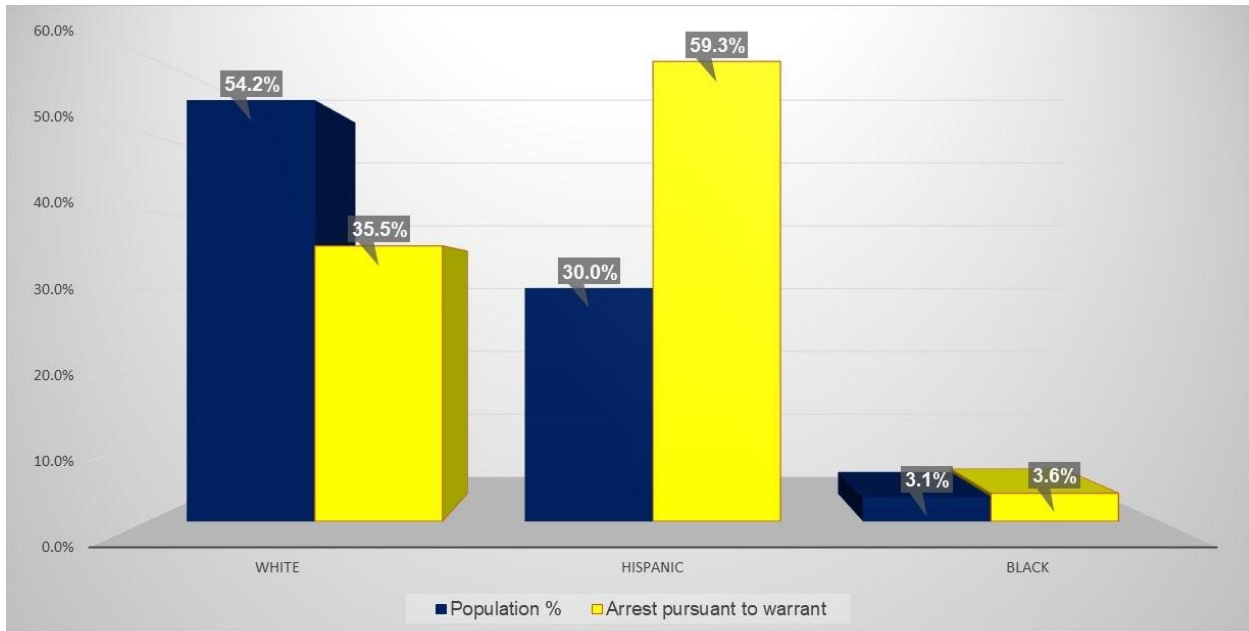


Figure 29 Stops Resulting in Arrest with a Warrant Compared to Population

Source: RIPA Dashboard

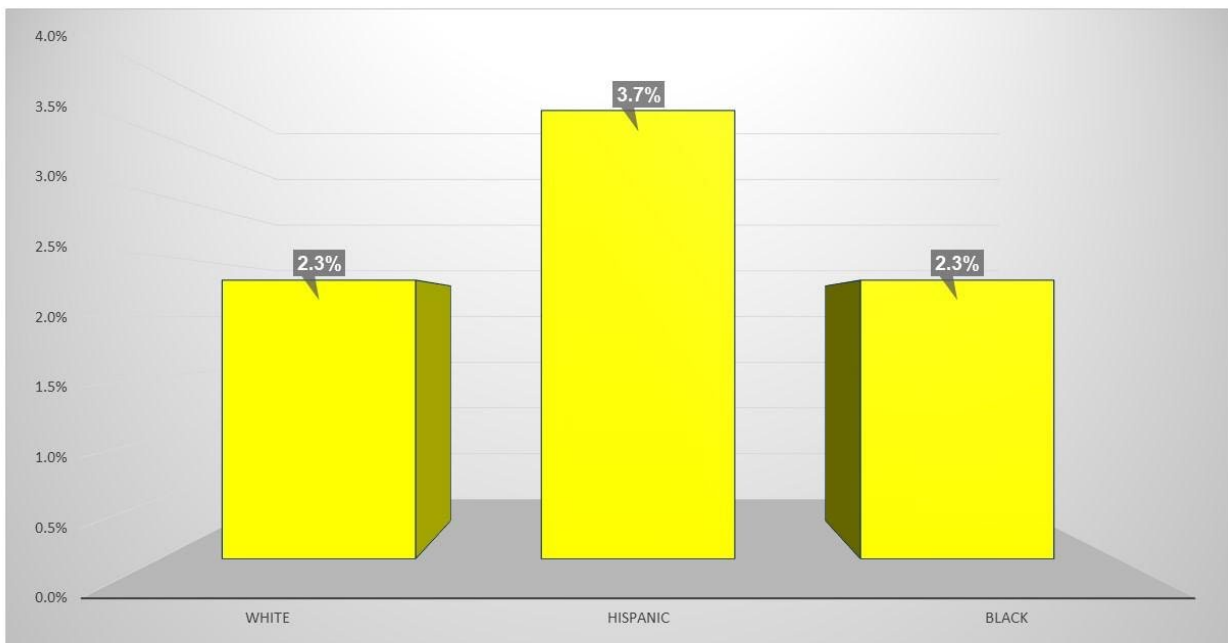


Figure 30 Percent Stops That Result in Arrest with a Warrant

Source: RIPA Dashboard

Arrest data, as reported to the California State Department of Justice, is broken down into three categories: Misdemeanor, Felony, and Status. The Status category typically refers to an individual's legal status. This could include being arrested for status as a minor, parole terms, or immigration-related detention due to visa violations or other legal issues regarding one's residency status. Essentially, it's an arrest made not necessarily for a new criminal offense but for a status-related reason.

The results show that for the White 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 African Americans, the numbers were 106%, 223%, and 142% (See Figure 31).

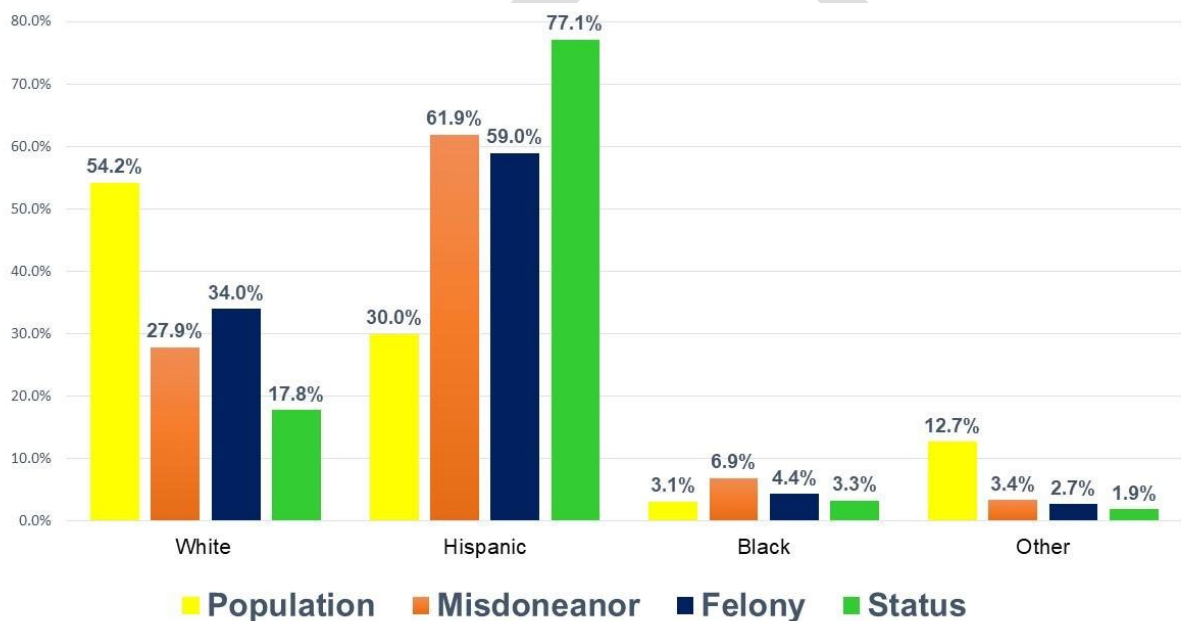


Figure 31 Percent of Total Arrests by Race for CY 2022

Source: California DOJ Open Justice Data Portal

RESISTING ARREST

The data on resisting arrests was first analyzed by comparing the percentage of people in a given racial or ethnic group cited for resisting arrest to the percentage of that group in the population. The results showed wide variation between the rates at which Hispanic and African American 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 African Americans 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 African Americans 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 sample in this instance is too small to draw specific conclusions related to this contrast.** 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 Figures 32 & 33)

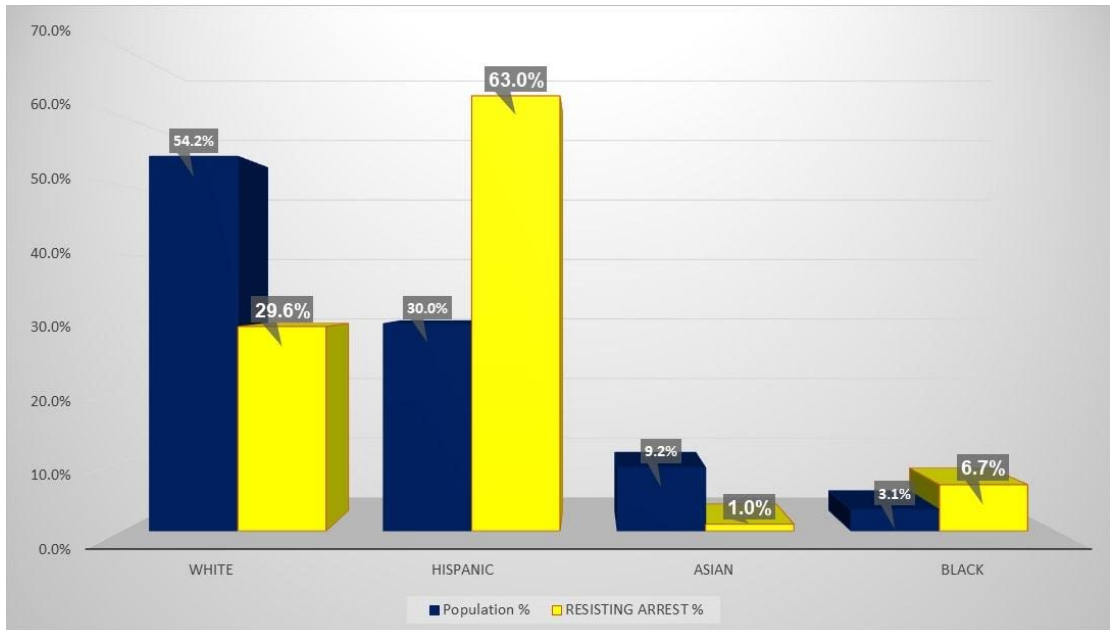


Figure 32 Percent Resisting Arrest Charges Compared to Population

Source: Data Provided by VCSO

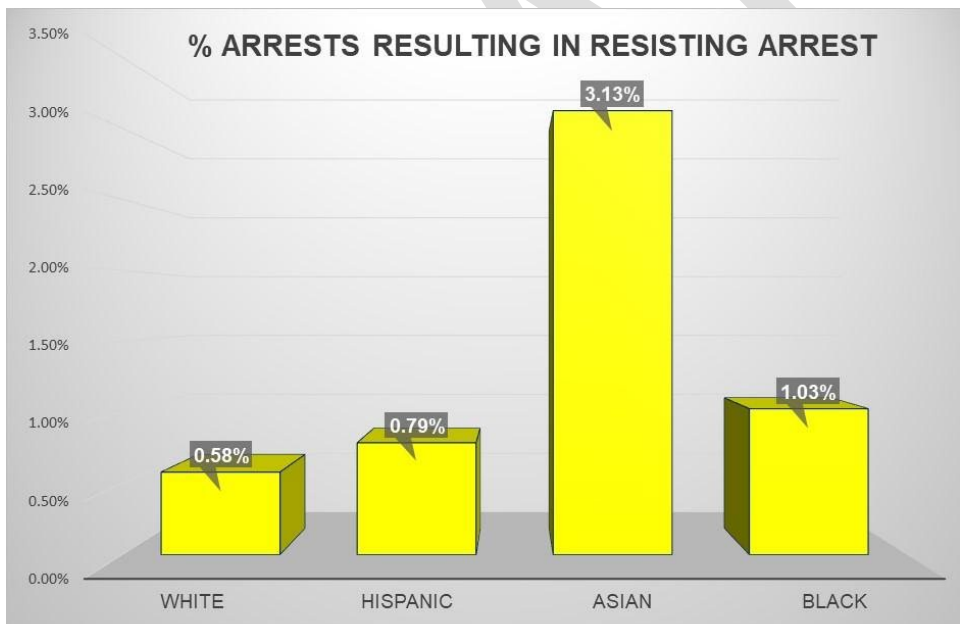


Figure 33 Resisting Arrest Charges as a Percent of all Arrests

Source: Data Provided by VCSO

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 (pointing weapon, takedown, control hold, hand strike, taser, etc.) was used 25.7% percent of the time, and deadly force was used only once, or 0.2% of the times (See Figure 34)

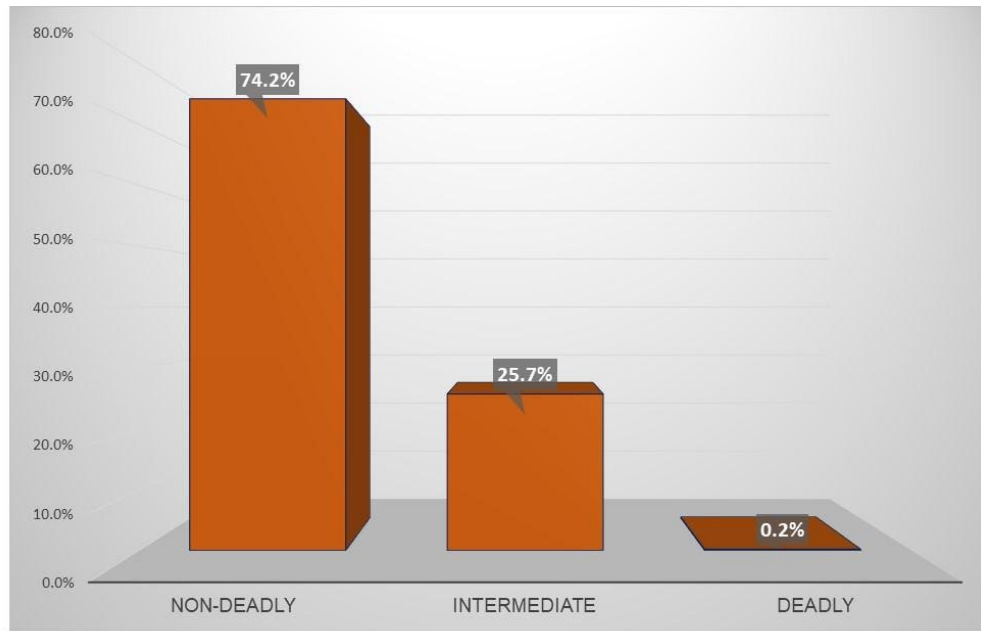


Figure 34 Use of force by Type in CY 2022

VCSO Presentation to PSREAG July 2023

Force was employed against Hispanics and African Americans 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, African Americans 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 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 Figures 35 & 36)

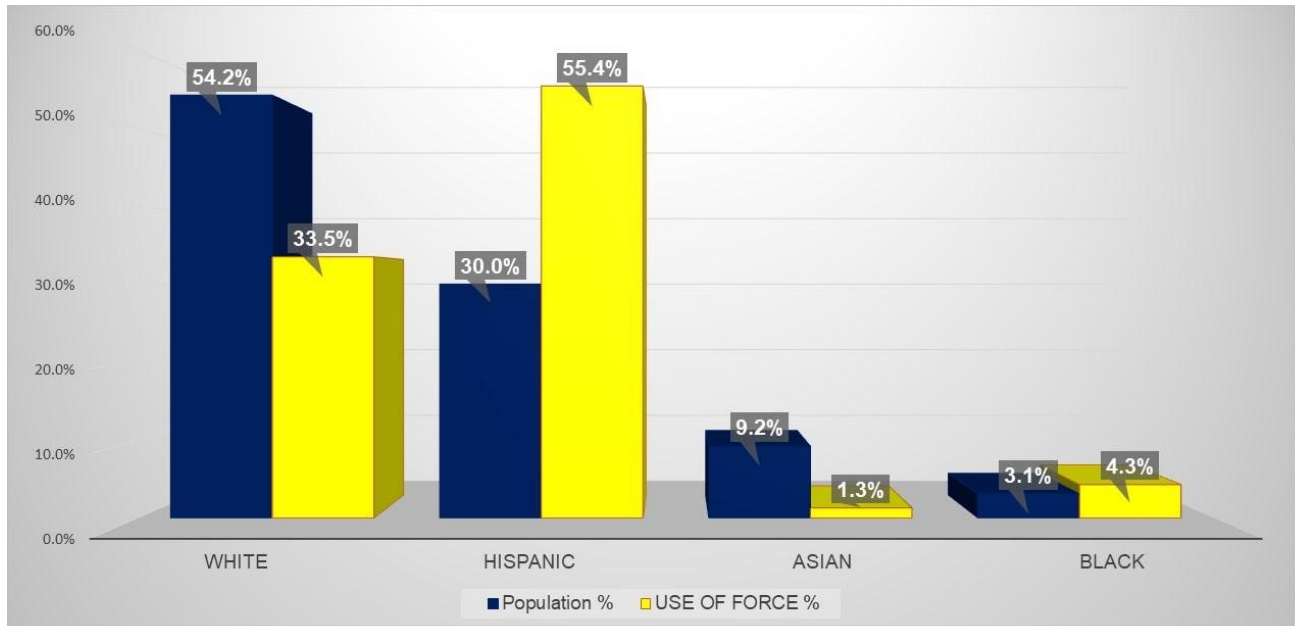


Figure 35 All Instances of Use of Force in CY 2022 Compared to Population
 VCSO Presentation to PSREAG July 2023

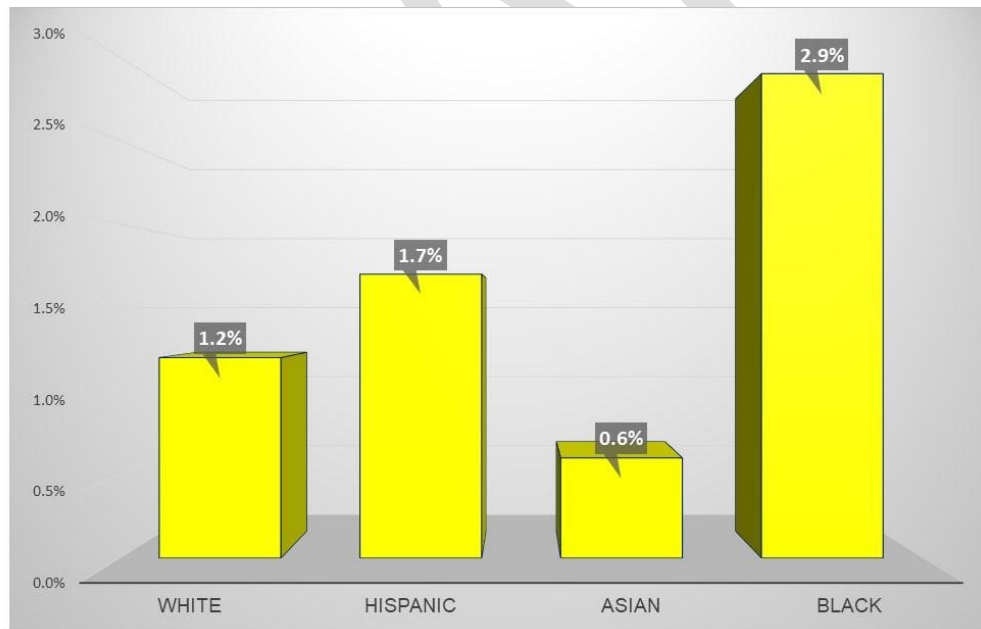


Figure 36 Use of force as a Percent of All Stops in CY 2022
 VCSO Presentation to PSREAG July 2023

VICTIMS

The Victim Data on the RIPA Dashboard indicates that People of Color, including Hispanics, Asians, and African Americans, 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 African Americans, the numbers are 1.9% compared with 3.1%. (See Figure 37)

This 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 Whites. 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, which is 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 Figure 37)

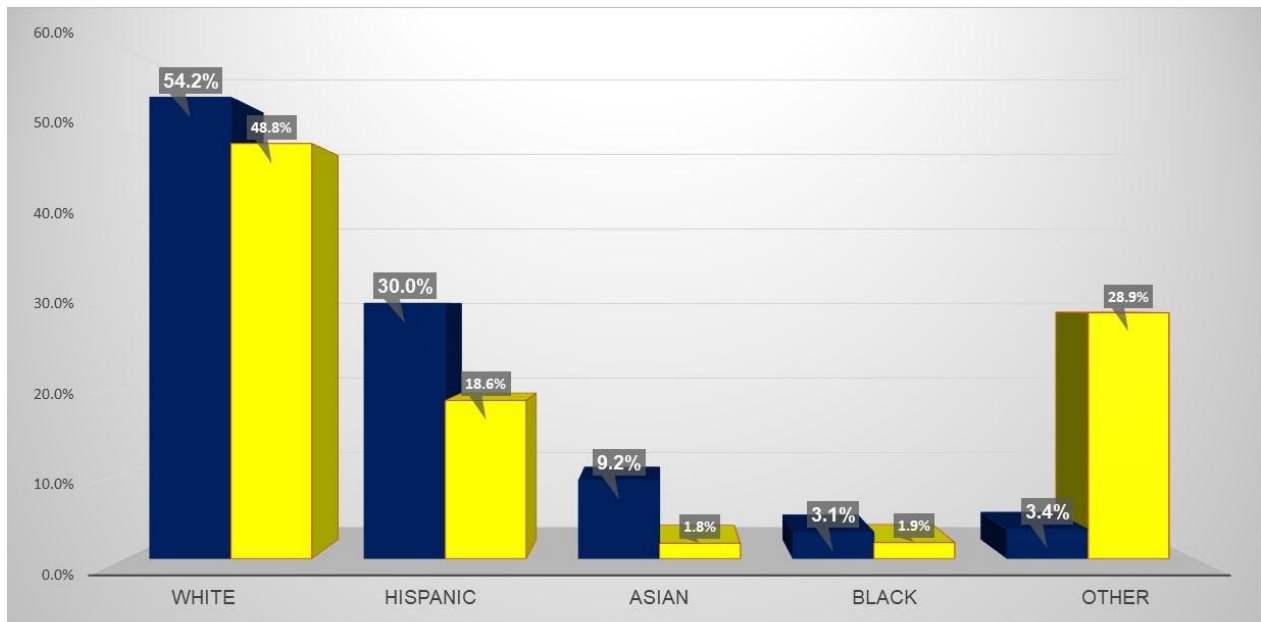


Figure 37 Victims Compared to Population

Source: RIPA Dashboard

SUSPECTS

The RIPA dashboard shows that Hispanics represent 33.6 % of suspects and 30.0 % of the population. African Americans represent 3.1% of the population and 6.0% of suspects. (See 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 African Americans 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.

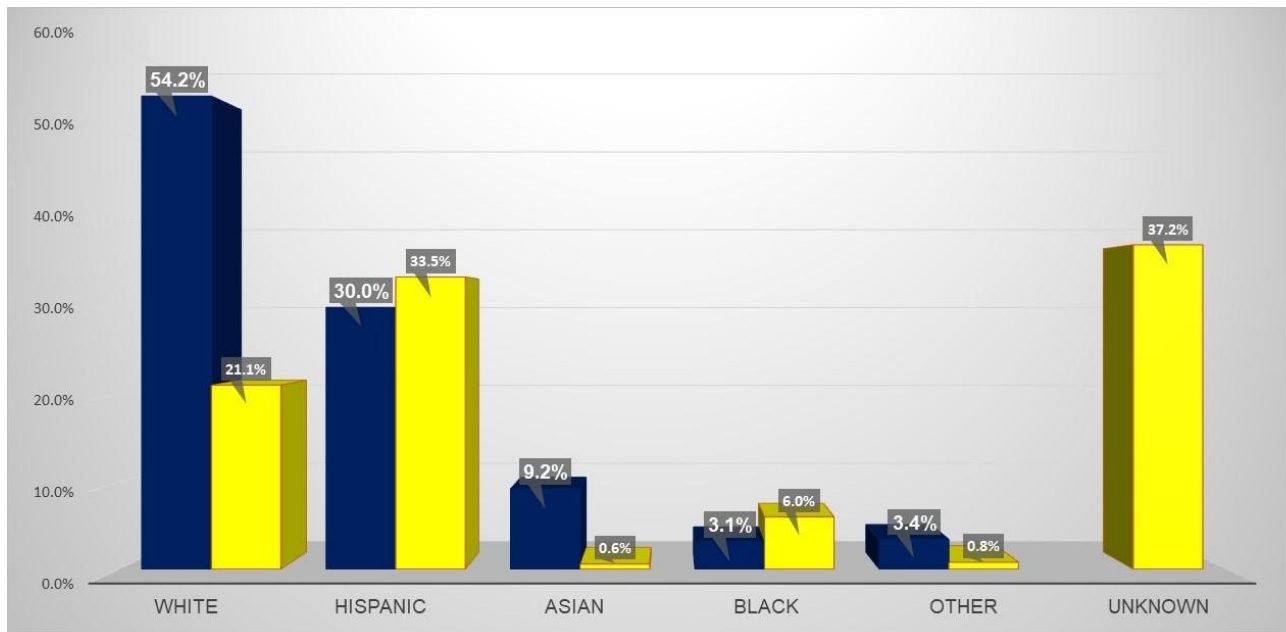


Figure 38 Suspects Compared to Population

Source: RIPA Dashboard

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 Figure 39)

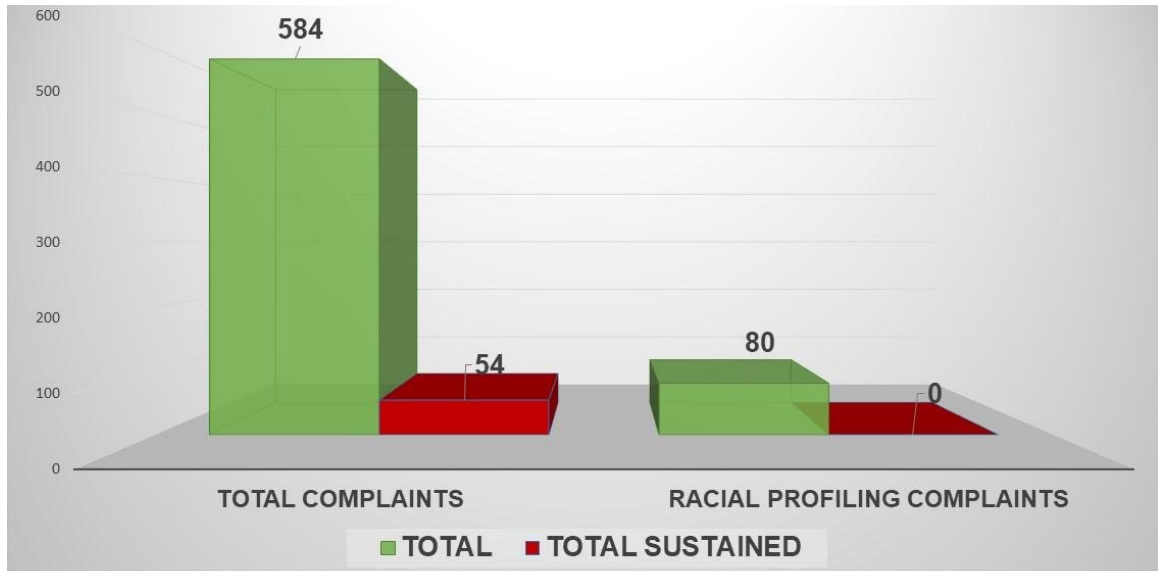


Figure 39 Sustained Complaints Compared to Total Complaints 2016 to 2022

Source Data Provided by VCSO in September 2021

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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 Figure 40)

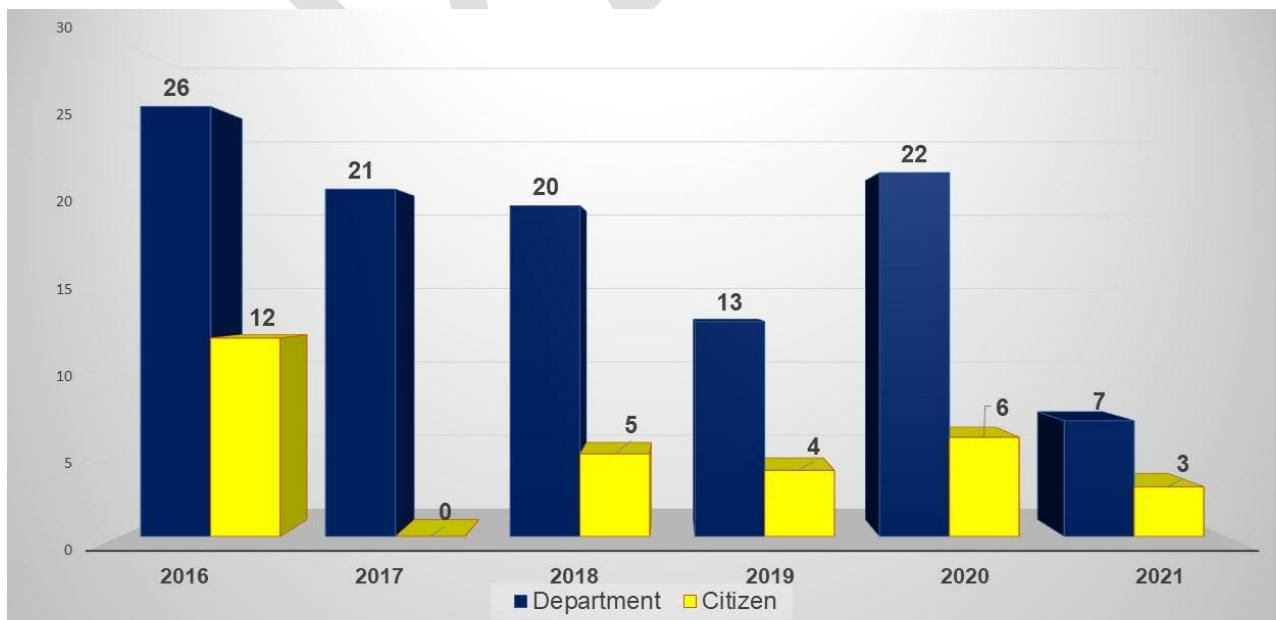


Figure 40 Sustained Complaints by Origin - CY2021

Source: Data Provided by VCSO in September 2021

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DISCUSSION

What the Data Shows

The analysis shows that the outcomes of encounters with Ventura County Sheriff's deputies are consistently more negative for Hispanic and African American 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 Hispanic and African American individuals is consistent across a wide range of encounters. Relative to their representation in the population, Hispanics and African Americans 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 disparate impact could result from many factors other than their race. It could be a random outcome, and it could be because African American 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 disparate impact for African American and Hispanics, one must consider the possibility that race and ethnicity are contributing factors to these outcomes. Additional data is required to further examine this premise.

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. There is ample evidence that many police officers, motivated by explicit or implicit bias, *believe* that race can be an indicator of criminality.¹³

As a 2018 federal commission on police practices noted:

Studies show that law enforcement officers hold many of the same biases as the general public, and in implicit bias tests, patterns are nearly universal. African American people (especially African American men) are more often associated with or quickly paired with being 'threatening' and this tends to hold true regardless of the race or ethnicity of the person taking the test.¹⁴

Former FBI Director James Comey put the issue more bluntly:

A mental shortcut becomes almost irresistible and maybe even rational by some lights. The two young African American men on one side of the street look like so many others the officer has locked up. Two White men on the other side of the same street – even in the same clothes – do not. The officer does not make the same association about the two White guys, whether that officer is African American or White. And that drives different behavior.¹⁵

This explicit or implicit bias explains some, if not most, of the higher rates of stops and arrests against African American and Hispanic individuals.¹⁶

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.

¹³ Simmons, *supra* note 9.

¹⁴ U.S. Commission on Civil Rights. (2018). *Police Use of Force: An Examination of Modern Policing Practices*. <https://www.usccr.gov/files/pubs/2018/11-15-Police-Force.pdf>

¹⁵ *Ibid.*

¹⁶ Simmons, *supra* note 9.

¹⁷ ¹⁸ ¹⁹ ²⁰Such abuses are not simply hypothetical but are the daily reality for millions of minorities.

These four case studies of cities 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 they live. The unfortunate fact is that reasonable suspicion has 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, 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.

USE OF FORCE

Studies have shown that law enforcement tends to use more force against African American 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 African American 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 African American suspects than they do on White suspects.

¹⁷ 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

¹⁸ 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

¹⁹ *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>

²⁰ Jonas, D. (1989). Pretext Searches and the Fourth Amendment: Unconstitutional Abuses of Power. *University of Pennsylvania Law Review*, 137(5), 1791-826.

A study by the Center for Policing Equity reported by CNN²¹ in which thousands of incidents where law enforcement interactions turned forceful concluded that African Americans are much more likely to be involved than other groups. The [report](#) found the average rate of using force among African Americans to be 3.6 times as high as among whites and 2.5 times as high as the overall rate.²²

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.²³ Among the findings of this survey were the following:

1. Black residents were more likely to be stopped by police than white or Hispanic residents.
2. Black and Hispanic residents were more likely to have multiple contacts with police than white residents.
3. When police initiated an interaction, they were twice as likely to threaten or use force against Black and Hispanic residents than against white residents.
4. African American 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 African Americans even though they offered lower levels of resistance than Whites.²⁴

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 African American and Hispanic 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 African American and Hispanic individuals,

²¹ Scutti, S. (2016). *Police more likely to Use Force on Blacks than Whites, Study Shows*. <https://www.cnn.com/2016/07/12/health/police-use-of-force-on-blacks/index.html>

²² *Ibid.*

²³ *Contacts Between Police and the Public, 2020 U.S. Department of Justice Revised March 1, 2024 Office of Justice Programs Bureau of Justice Statistics Special Report NOVEMBER 2022 NCJ 304527*

²⁴ Arthur, R. (2019). *New Data Shows Police Use More Force against African American Citizens even though Whites Resist More*. https://slate.com/news-and-politics/2019/05/chicago-police-department-consent-decree-black-lives-matter-resistance.html?pay=1724170704338&support_journalism=please

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 African American and Hispanic individuals were more likely to have force used against them compared to White individuals. In contrast, Asian and other individuals were less likely.²⁵

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 deputies have a lower threshold for the use of force when the person involved is African American or Hispanic. Thus, actions that precipitate use of force when suspects are People of Color might 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.²⁶

Another possible explanation is what criminologists describe as officer-created jeopardy: Officers may place themselves in danger by, for example, standing in front of fleeing vehicles, reaching inside car windows, or firing their weapons in what is later described as self-defense.²⁷ Another alternative explanation is that officers may exaggerate the threat. In other cases, local police officers, state troopers, or sheriff's deputies may respond with outsize aggression to disrespect or disobedience — a driver talking

²⁵ California State Racial and Identity Profiling Advisory Board. (2023). Annual Report 2023. <https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>

²⁶ New York State Police. (2023). ACLU of New York. <https://www.nyclu.org/data/new-york-state-police>

²⁷ Stein, R., Willis, H., Smith, B., Reneau, N., Taylor, R., Kirkpatrick, D., Eder, S., Barker, K., and Beswetherick, M. (2021). *Before the Final Frame: When Police Missteps Create Danger*. <https://www.nytimes.com/interactive/2021/10/30/video/police-traffic-stops-danger-video.html>

back, revving an engine, or refusing to get out of a car, what officers sometimes call "contempt of cop."²⁸

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."

RESISTING ARREST

In New Jersey, a teenager was beaten by police.²⁹ 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 African American 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

²⁸ Kirkpatrick, D., Eder, S., Barker, K. & Tate, J (2021). Why Many Police Traffic Stops Turn Deadly, *New York Times*. <https://www.nytimes.com/2021/10/31/us/police-traffic-stops-killings.html>; see also Megahan, B. (2022). Our Asshole System: Contempt of Cop Charges and the First Amendment, University of North Carolina School of Law. <https://journals.law.unc.edu/firstamendmentlawreview/our-asshole-system-contempt-of-cop-charges-and-the-first-amendment/>

²⁹ Duffy, C., & Kaden., A. (2019). NJ Teen Beaten by Police Emotional After Judge Delays Decision to Release Him from Jail, *PIX 11*. <https://pix11.com/news/local-news/new-jersey/nj-judge-delays-decision-on-whether-to-release-teen-beaten-by-police/>

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.³⁰

A review of the data concluded that African American 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 in the state.

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.

COVER CHARGES AND BLAMING THE VICTIM

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.³¹ 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

³⁰ Light, M.T., & Kim., J. (2019). Racial Disparities in California Criminal History Data No.001: Charges of Resisting Arrest, *University of Wisconsin-Madison*. https://users.ssc.wisc.edu/~milight/wp-content/uploads/2024/07/Fact_Sheet_No.001.pdf

³¹ Mossburg, C., & Romine, T. (2023). LA County Sheriff's Department Accused of excessive force as newly released video shows man yelling 'you're gonna kill me' during arrest, *CNN*. <https://www.cnn.com/2023/07/26/us/los-angeles-sheriffs-deputy-whittier-use-of-force/index.html>

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. This case is detailed here because it may be representative of a larger pattern of law enforcement activity wherein officers who abuse their authority then "blame the victim" by charging the accused with resisting arrest and other related charges. Victim-blaming is a harmful practice that sometimes occurs in cases of police violence. When authorities fail to charge an officer in a shooting, they may shift blame onto the victim. This approach undermines justice and perpetuates a troubling narrative.

For instance, in the case of Tamir Rice, a 12-year-old boy killed by officers while playing with a toy gun, the city of Cleveland initially argued that Rice was responsible for his own death due to his failure to exercise caution.

"Cover charges" is a term used to describe charges against citizens during encounters with police—especially when it's a questionable "use of force" situation. The three most common charges are resisting arrest, battery on a

police officer, or fleeing³² from an officer. Often, these are the only charges filed, but they are sometimes used in combination with other alleged offenses. Whereas all of the accused have a constitutional right to a jury trial, the overwhelming majority of cases resolve before that point in the criminal process.

Peace officers can use these offenses — typically resisting arrest, battery of an officer and flight from an officer — to arrest people they have assaulted, experts say. The charges, which are sometimes used in combination with other offenses, allow officers to cover up their use of excessive force and help shield the department from civil liability, according to civil rights attorneys. Because the resisting arrest statute is written so broadly that it can be applied to almost any situation, convictions are relatively easy to secure. And once someone is convicted or enters a guilty plea, they often lose the right to sue for any alleged police brutality.

in a 2017 report on Chicago Police Department’s pattern of using excessive force, DOJ officials wrote “We heard from numerous advocates and individual victims of police abuse that officers who engaged in force against a civilian routinely file baseless police assault and battery charges against the victim and other witnesses to the misconduct,” “Filing false charges not only constitutes an independent civil rights violation, but is a powerful discouragement to potential complainants and witnesses regarding police misconduct.”³³

CPD is not the only department where this happens. In December 2015, Jefferson Parish Louisiana, Sergeant Julio Alvarado grabbed a 14-year-old boy by the neck and slammed his head into the ground. After the boy was taken to the hospital, Alvarado appeared in the boy’s room and warned him, “Use this as an example of what can happen.” The deputy then booked the young boy into the juvenile detention center for resisting an officer and battery on an officer, as well as disturbing the peace and obstruction of a highway

In an event reminiscent of the George Floyd incident, a Kenosha, Wisconsin a police officer was shown on video kneeling on the neck of a African American 12-year-old middle school girl who had been involved in a fight. The police officer faced no charges but the 12 year old girl was charged with juvenile disorderly conduct.

³² Judicial Council of California (2024). *2024 Court Statistics Report: Statewide Caseload Trends, 2013-14 Through 2022-2023*. <https://www.courts.ca.gov/documents/2024-Court-Statistics-Report.pdf> (noting that rate of California Superior Court felony cases disposed before trial is 97%, p. 55).

³³ U.S. Department of Justice Civil Rights Division and U.S. Attorney’s Office Northern District of Illinois. (2017). *Investigation of the Chicago Police Department*. <https://www.justice.gov/opa/file/925846/dl>

News organizations have identified the use of cover charges in cities from Seattle to San Jose to Washington, D.C. The Justice Department noted the problem in civil rights investigations in Los Angeles, Detroit, and New Orleans.

What are the lessons for Ventura County

Whereas the studies and examples cited above come from communities quite different from Ventura County, it is our belief that they should be viewed as an invitation to examine local policies, practices, and data to determine to the extent possible whether this is a problem in our local community.

The process starts with what we know and allowing that to point us toward what we need to know but don't know, then parsing what we don't know into (1) that which we can know and (2) that which we will probably never know.

For example, we know from the RIPA data that in Ventura County 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. When the demographics are taken out of the equation by looking at resisting arrest as a percentage of total arrests for the group, we find that for Hispanics, and African Americans the percentage of arrests that result in resisting arrest charges is significantly higher than the percentage for Whites. The percentage for Hispanics was 41% higher than the percentage for Whites. The corresponding percentage for African Americans was 78% higher.

What can we conclude from this data? The short answer is "at this point, not much". However, what we can say is that the Ventura County data shows a combination of: (1) force being used more frequently on Hispanic and African American residents and (2) African American & Hispanic people being charged with resisting arrest more frequently than their White counterparts. This is consistent with the pattern of other jurisdictions throughout the country.

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. PSREAG member organizations report that individuals have come to them with race based complaints against the VCSO but have not filed formal complaints with the sheriff. In fact, two such individuals have brought their complaints to the PSREAG while electing not to file a formal 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 indictment 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.

During that same period, 4,785 stops were made for Reasonable Suspicion, and it is probable that some of these stops were pretextual stops. **As evidenced by the cases described below, pretextual stops, like any stops, 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)

These cases demonstrate why such interactions may have an even higher potential for violence: an individual stopped may not believe that they have committed a violation and that such a stop is a pretext and may be prepared to challenge the officer when he approaches. The reason given by the officer for the stop may not be the real reason they are being detained, and the accused individual may be angry about being stopped for little or no reason.

Further, if the person is a person of color, they may 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 an officer approaches the vehicle in such a case, they may be approaching a driver who is already irritated, if not outright angry, over being targeted for what that accused individual perceives 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. The accused individual may try to escape by driving or running away or they may become more combative and non-cooperative. Either response on the individual's part evokes an even more hostile response from the officer, and the situation may quickly spiral 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?"³⁴ 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.³⁵
 - 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"?³⁶
- 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

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35 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 .

36 Parker, Brett. (2015). Consent Searches and the Need to Expand Miranda Rights, *Stanford Politics*.
<https://stanfordpolitics.org/2015/09/23/consent-searches-need-expand-miranda-rights/>

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.

Ventura County Sheriff's Office data shows Hispanic 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

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 African American 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 African American 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.

NEXT STEPS

Ventura County Sheriff's Office

If one is looking for proof of racial animus in the Ventura County Sheriff's office, they will not find it in this study. That being said, this study provides ample data that indicates that the policies and practices of the VCSO have a disparate impact on People of Color, in particular Hispanics and African Americans.

While not every deviation from statistical norms is an indication of racial bias, there are certain parameters that command our attention because of the following statistical anomalies:

- **Magnitude of Deviation:** differences surpass what may be anticipated from random variation.
- **Consistency with National Trends:** data aligns with evidence from studies and incidents in other jurisdictions nationwide, and the VCSO data demonstrates a parallel trend.

In data sets demonstrating these statistical deviations the PSREAG will collaborate with VCSO representatives to:

- Examine whether or not there are reasonable explanations, other than race, that will explain the differences found in the data
- Obtain and analyze other data that might shed more light on the findings of this study, and
- Make recommendations for changes in VCSO policies and practices that will address the racial/ethnic differences found in the data and/or shed more light on the causes for these differences

Municipal Police Departments

The PSREAG also commits to analyze the data from the five municipal police departments in Ventura County: Simi Valley, Santa Paula, Oxnard, Port Hueneme, and Ventura. This includes analysis of RIPA data and requesting additional data as required to assess racial equity.