





## MEMORANDUM

**Date:** Wednesday, August 30, 2023  
**To:** Fair & Impartial Policing Subcommittee  
**From:** Hansel A. Aguilar, Director of Police Accountability   
Jose Murillo, Policy Analyst   
**Re:** Berkeley Police Department Racial and Identity Profiling Act (RIPA) Data Analysis

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### Introduction

Government Code section 12525.5 mandates that each state and local agency that employs peace officers annually report to the Attorney General data on all stops. California defines<sup>1</sup> peace officers employed by a “reporting agency”, as any city or county law enforcement agency that employs Peace Officers, including officers who are contracted to work at other governmental agencies or private entities. This includes, but is not limited to, Peace Officers assigned to work in cities or other jurisdictions that are not within the original jurisdiction of the city or county law enforcement agency; Peace Officers of city or county agencies assigned to or contracted to work at housing or transit agencies; and school resource officers assigned to work in California state educational institutions. The purpose<sup>2</sup> of the law is to “eliminate racial and identity profiling and improve racial and identity sensitivity in law enforcement.”

The data elements to be reported, include <sup>3</sup>:

1. ORI number
2. Date, time, and duration of the stop
3. Location of stop
4. Perceived race or ethnicity of person stopped
5. Perceived gender of person stopped
6. Person stopped perceived to be LGBT
7. Perceived age of person stopped
8. Person stopped has limited or no English fluency

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<sup>1</sup> <https://post.ca.gov/Racial-and-Identity-Profiling-Act>

<sup>2</sup> <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2018.pdf>

<sup>3</sup> <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-final-text-110717.pdf?>

9. Perceived or known disability or person stopped
10. Reason for stop
11. Stop made in response to a call for service
12. Actions taken by officer during stop
13. Results of stop
14. Officer's Identification (ID) Number
15. Officer's years of experience
16. Type of assignment of officer

The RIPA Board, composed of community representatives and law enforcement officials, employs this data to offer recommendations to law enforcement agencies on methods to mitigate instances of racial profiling.

Commencing on October 1, 2020, the Berkeley Police Department (BPD) initiated the integration of RIPA stop data collection<sup>4</sup>. The information garnered during these stops adheres to the specifications delineated in Government Code section 12525.5. The present memo analyzes the data collected and reported by BPD between October 1, 2020, to August 12, 2023<sup>5</sup>.

### **Data Analysis of BPD's RIPA Data**

The information examined in this memo covers the period between October 1, 2020, and August 12, 2023. It encompasses a total of 16,398 individual stops. Per the subcommittee's interest, this dataset was utilized to address the subsequent inquiries:

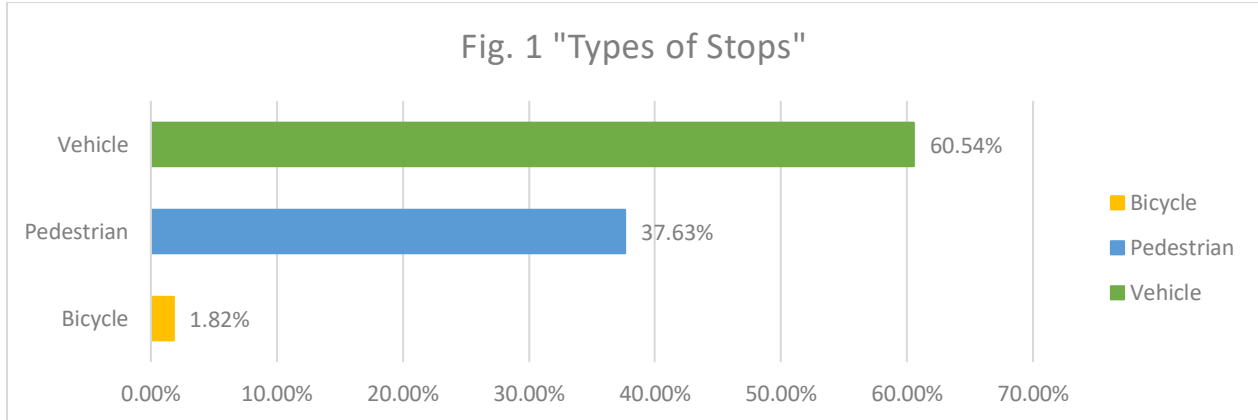
#### **1. Initial Overview of Stop Statistics**

As indicated in Figure 1, from October 1, 2020, to August 12, 2023, a total of 16,398 documented incidents of stops have occurred. Among these stops, vehicles account for 60.54%, pedestrians for 37.63%, and bicycles for 1.82%.

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<sup>4</sup> <https://berkeley-police-department-ripa-data-collection-berkeleypd.hub.arcgis.com/>

<sup>5</sup> <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/datasets/35cc0ccb17ba400b93cba5db5a37b140/about>

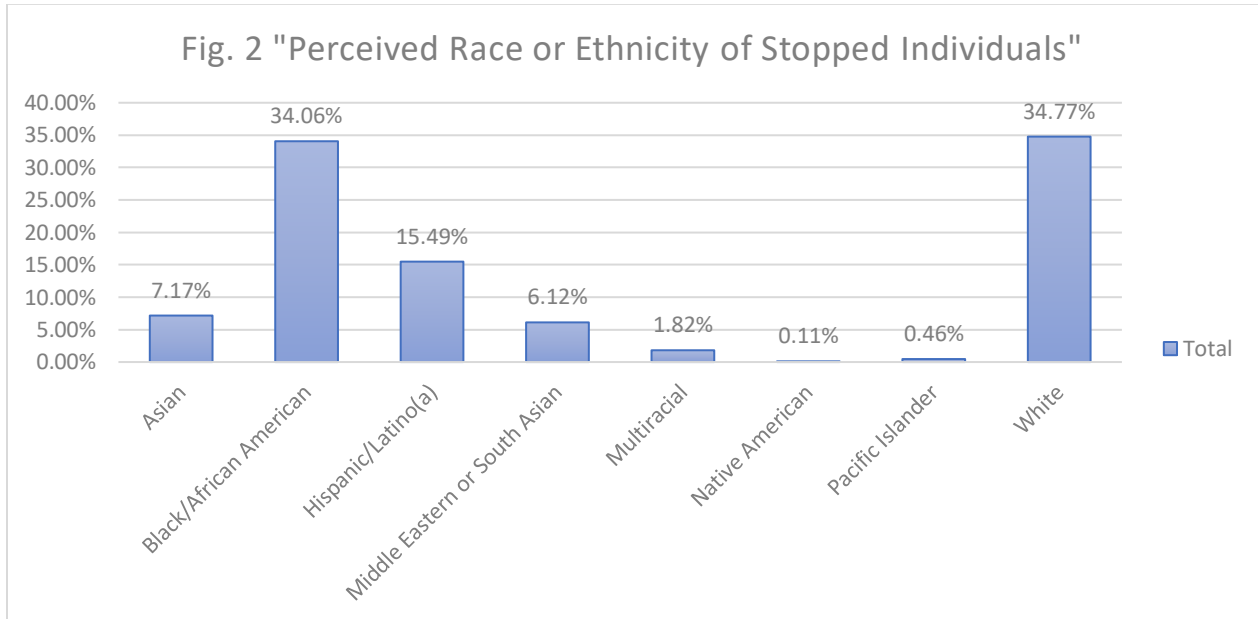


Furthermore, Table 1 provides an examination of the primary reasons for stops carried out by the BPD for each mode of transportation. Notably, traffic violations are predominantly associated with vehicle stops, constituting the majority (55.64%) of all vehicle-related stops. Notably, instances where officers had reasonable suspicion that the person was engaged in criminal activity were more prominent in pedestrian stops, accounting for approximately a third or 33.14% of stops for this reason. Bicycle stops accounted for the least stops and did not prove to be the noticeable percentage of stops for any of the reasons recorded by BPD.

Additionally, Table 1 demonstrates that pedestrians exhibit a relatively higher percentage of stops tied to individuals known to have outstanding arrest warrants or being sought by authorities, with 2.82%, compared to 0.08% for bicycles and 0.25% for vehicles. Conversely, reasons like consensual encounters, truancy investigations, and individuals under parole/probation supervision show relatively muted percentages across all subject types.

<b>Table 1</b>			
Reason for Stop	Bicycle	Pedestrian	Vehicle
<b>Consensual encounter and search</b>	0.01%	0.29%	0.09%
<b>Investigation to determine if the person was truant</b>	0.00%	0.52%	0.04%
<b>Knowledge of outstanding arrest warrant/wanted person</b>	0.08%	2.82%	0.25%
<b>Known to be on parole/ probation/ PRCS/ mandatory supervision</b>	0.01%	0.23%	0.08%
<b>Reasonable suspicion that the person was engaged in criminal activity</b>	0.34%	33.14%	4.60%
<b>Traffic Violation</b>	1.38%	0.62%	55.64%

The data provided in Figure 2 also offers insights into the perceived racial or ethnic distribution of the group under consideration. Notably, the largest proportion consists of individuals identifying as Black/African American, comprising 34.06% of the total count<sup>6</sup>. Individuals perceived to be White represented 34.77% of the group. Hispanic/Latino(a) individuals constitute 15.49%, of the overall composition of individuals stopped by BPD. Additionally, Middle Eastern or South Asian individuals make up 6.12%, and Asian individuals account for 7.17%, both forming notable yet smaller portions. There are also smaller percentages for multiracial individuals (1.82%), Pacific Islanders (0.46%), and Native Americans (0.11%).

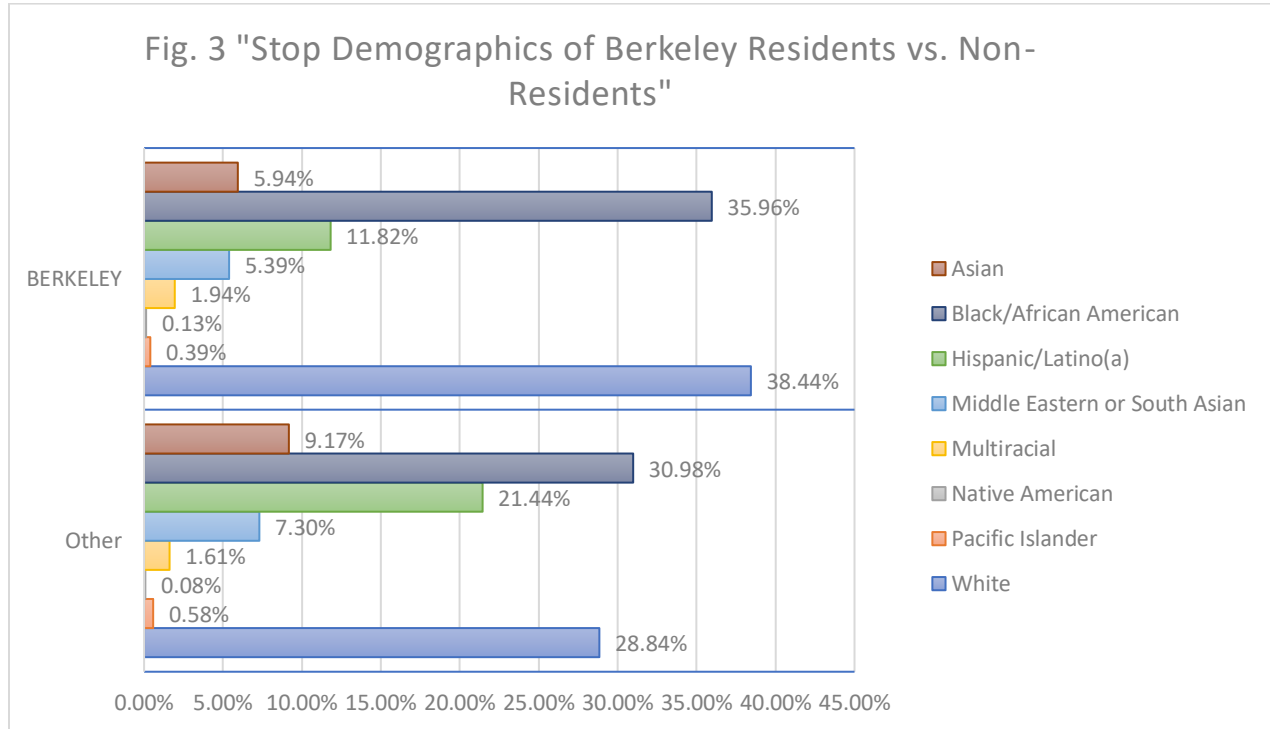


Out of the stops carried out within this timeframe, 61.83% involved individuals who were residents of Berkeley, while 38.17% were from cities beyond Berkeley's borders. Among Berkeley residents, the largest ethnic group is White, comprising 38.44%, followed closely by Black/African American at 35.96%. Hispanics/Latino(a) individuals constitute 11.82%, while Asians represent 5.94% of the resident population. Middle Eastern or South Asian residents account for 5.39%, and multiracial residents make up 1.94%. Pacific Islander residents are minimally represented at 0.39%, and Native Americans at 0.13%. Please see figure 3.

Conversely, the "Other" category encompasses non-resident individuals from various cities. Among these, the largest proportion is represented by White individuals at 28.84%, followed by Black/African American individuals at 30.98%. Hispanics/Latino(a) individuals

<sup>6</sup> According to the 2020 census, Berkeley, California's racial composition was: White (57.5%), Black or African American (7.5%), American Indian and Alaska Native (0.7%), Asian (20.5%), Native Hawaiian and Other Pacific Islander (0.4%), Two or More Races (8.7%), and Hispanic or Latino (12.0%). Additionally, White alone (not Hispanic or Latino) accounted for 53.0% of the population. Please note that these statistics are based on census estimates and may have slight variations due to self-reported data and potential identification with multiple races. Source: [U.S. Census Bureau QuickFacts: Berkeley city, California](#)

constitute 21.44%, while Asians account for 9.17% of the population. Middle Eastern or South Asian individuals comprise 7.30%, and multiracial individuals make up 1.61%. Pacific Islanders have a representation of 0.58%, while Native Americans are the least represented at 0.08%. See Figure 3 on the following page.



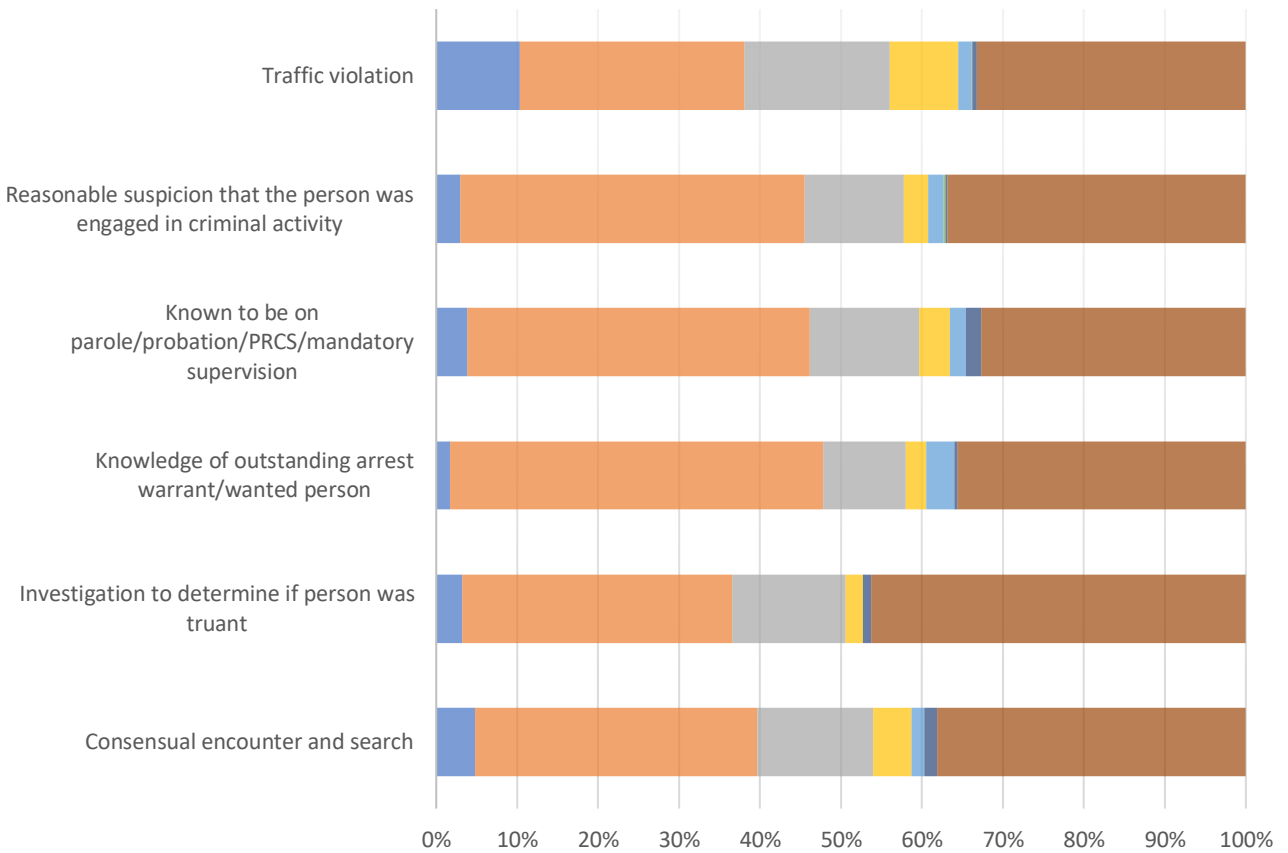
Analyzing the data presented in Figure 4 with a focus on different encounter types categorized by perceived race or ethnicity provides insights in terms of percentages. In consensual encounters and searches, individuals perceived to be White account for the highest percentage (38.1%), followed by Black/African American (33.3%) and Hispanic/Latino(a) (14.3%). For investigations related to determining truancy, individuals perceived to be Black/African American constitute the majority (33.3%), followed by White (46.2%) and Hispanic/Latino(a) (14.0%).

In cases involving knowledge about outstanding arrest warrants or wanted persons, individuals perceived to be Black/African American (46.1%) and White (35.6%) are encountered most frequently, with those perceived to be Hispanic/Latino(a) (10.3%) also represented. Similarly, individuals on parole, probation, or under various forms of supervision are primarily from groups perceived to be Black/African American (42.3%) and White (32.7%).

Regarding encounters based on reasonable suspicion of criminal activity, individuals perceived to be Black/African American (42.6%) and White (37.0%) made up the majority, while individuals perceived to be Hispanic/Latino(a) (12.2%) are also notably present.

Lastly, in scenarios linked to traffic violations, individuals perceived to be White (33.1%) are the most encountered, followed by Black/African American (27.7%) and Hispanic/Latino(a) (16.5%).

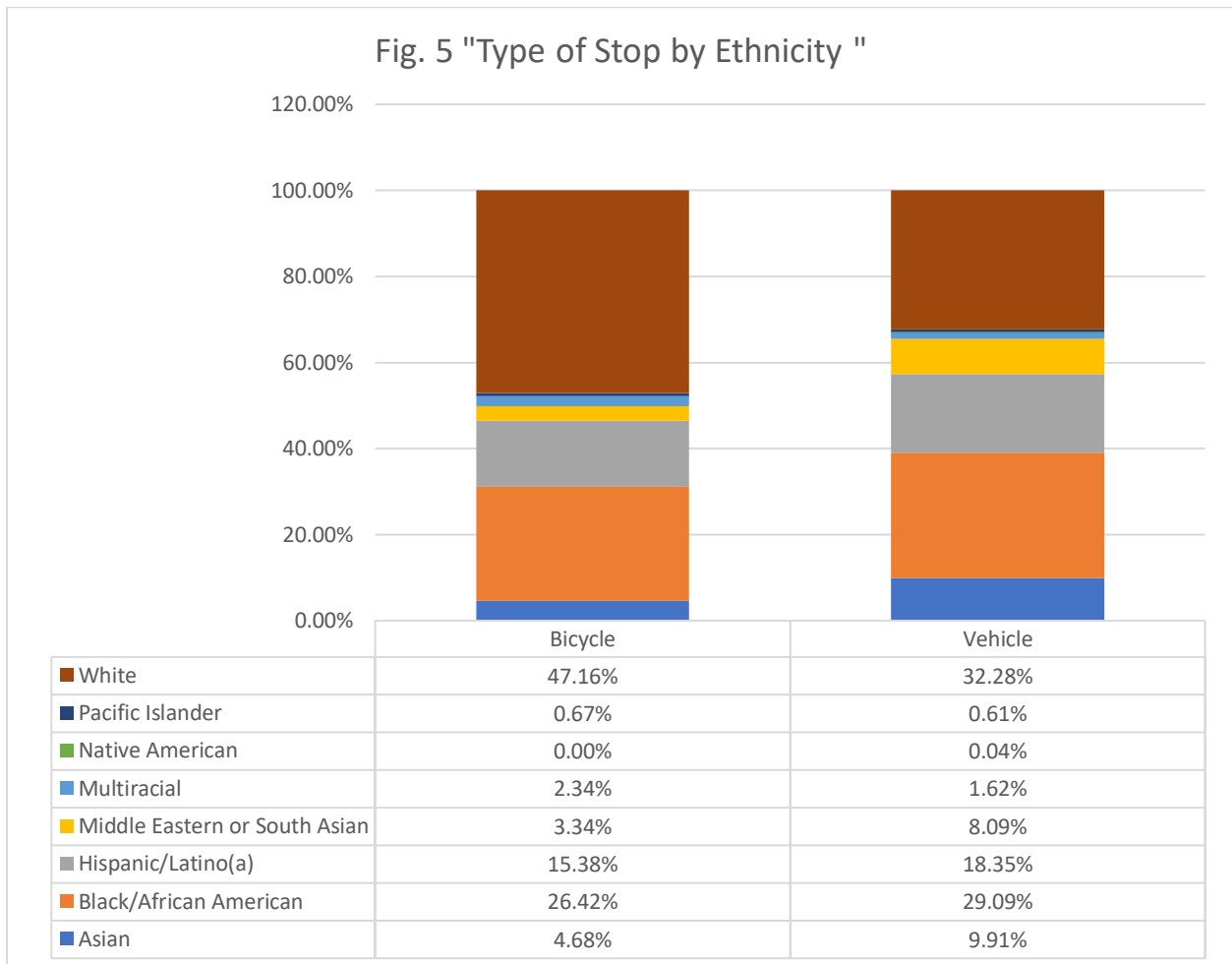
**FIG. 4 "REASON FOR STOP BY PERCEIVED RACE OR ETHNICITY"**



	Consensual encounter and search	Investigation to determine if person was truant	Knowledge of outstanding arrest warrant/wanted person	Known to be on parole/probation/PRCS/mandatory supervision	Reasonable suspicion that the person was engaged in criminal activity	Traffic violation
Asian	4.76%	3.23%	1.74%	3.85%	2.98%	10.32%
Black/African American	34.92%	33.33%	46.03%	42.31%	42.56%	27.73%
Hispanic/Latino(a)	14.29%	13.98%	10.25%	13.46%	12.20%	17.99%
Middle Eastern or South Asian	4.76%	2.15%	2.51%	3.85%	3.01%	8.43%
Multiracial	1.59%	0.00%	3.48%	1.92%	1.91%	1.69%
Native American	0.00%	0.00%	0.00%	0.00%	0.24%	0.03%
Pacific Islander	1.59%	1.08%	0.39%	1.92%	0.21%	0.62%
White	38.10%	46.24%	35.59%	32.69%	36.89%	33.20%

## 2. Analysis of Low-Level Stops: Vehicles and Bikes, Racial Breakdown, and Disposition

Figure 5 presented below offers a breakdown of two types of stops: bicycle and vehicle. These stops are classified based on the ethnic backgrounds of the individuals involved. Upon closer examination, distinct patterns become evident in the distribution of these stops. In the case of Bicycle stops, the highest level of representation is found within those perceived to be White, accounting for 47.16% of the stops, followed by those perceived to be Black/African-American at 26.42%. Similarly, those perceived to be White comprised 32.28% of the vehicle stops while those perceived to be Black/African-American were 29.09%.



The stops were mainly conducted due to moving violations, constituting 71.42% of all bicycle and vehicle violations. Equipment violations accounted for 15.50%, while non-moving violations (including registration issues) comprised 4.27%. No specific reason was provided in this category for 8.81% of the bicycle and vehicle stops.

For bicycle stops, a notable proportion (24.08%) concluded with no action taken. On the other hand, verbal or written warnings constituted a significant portion (42.14%), indicating a

proactive approach by law enforcement to educate and caution individuals. Notably, a relatively smaller percentage (16.39%) resulted in the issuance of citations for infractions.

The data also highlights the infrequent occurrence of more serious outcomes in bicycle stops. Custodial arrests, either pursuant to an outstanding warrant (5.02%) or without a warrant (9.03%), were relatively rare. Similarly, instances involving a psychiatric hold (1.67%) and contacting the U.S. Department of Homeland Security (0.00%) were almost non-existent, indicating that these scenarios are exceptions in bicycle stops.

Shifting the focus to vehicle stops, the distribution of outcomes differed. While a significant percentage received no action (11.56%), the issuance of citations for infractions was notably higher (44.06%) compared to bicycle stops, potentially indicating stricter enforcement standards for vehicle-related violations. Verbal or written warnings (38.95%) remained prominent, reaffirming an educational and advisory role during vehicle stops.

Custodial arrests in vehicle stops were relatively limited, occurring either due to an outstanding warrant (1.59%) or in the absence of a warrant (4.20%). Noncriminal transport and caretaking transport (0.05%) were marginal, as were instances involving psychiatric holds (0.09%) and contacting parents or legal guardians (0.12%).

<b>Result of Stop<sup>7</sup></b>	<b>Bicycle</b>	<b>% of Total Bicycle stops</b>	<b>Vehicle</b>	<b>% of Total Vehicle Stops</b>
<b>No Action</b>	72	24.08%	1148	11.56%
<b>Warning (Verbal or Written)</b>	126	42.14%	3867	38.95%
<b>Citation for Infraction</b>	49	16.39%	4374	44.06%
<b>In-Field Cite and Release</b>	14	4.68%	122	1.23%
<b>Custodial arrest pursuant to an outstanding warrant</b>	15	5.02%	158	1.59%
<b>Custodial arrest without warrant</b>	27	9.03%	417	4.20%
<b>Field interview card completed</b>	3	1.00%	48	0.48%
<b>Noncriminal transport or caretaking transport.</b>	0	0.00%	5	0.05%

<sup>7</sup> Each stop may have more than one result.



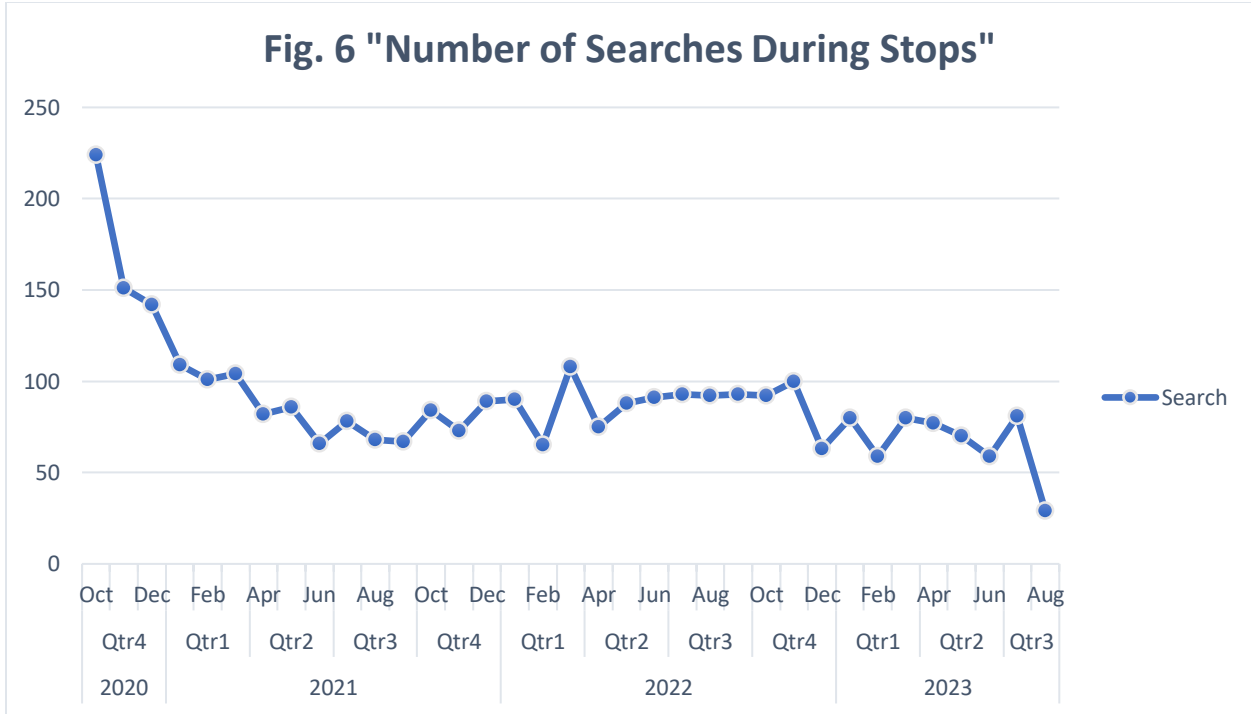
<b>Contacted parent/legal guardian or other person responsible for the minor</b>	0	0.00%	12	0.12%
<b>Psychiatric hold (W&amp;I Code 5150 and/or 5585.20)</b>	5	1.67%	9	0.09%
<b>Contacted U.S. Department of Homeland Security</b>	0	0.00%	0	0.00%

### 3. Analysis of Searches

Between October 1, 2020, and August 12, 2023, a total of 3,109 individuals stopped by BPD were subjected to search. The data distinguishes between two types of searches: "Search of person" and "search of property." It's important to note that a single stop could involve either or both types of searches. Table 3 below does not indicate the number of times both a search of person and property were conducted. In both categories of searches, individuals perceived to be Black/African-American constituted the highest proportion of those searched, followed by individuals perceived to be White and of Hispanic/Latino(a) origin.

<b>Perceived Race or Ethnicity</b>	<b># of Search of Person</b>	<b>% of Total Search of Person</b>	<b># of Search of Property</b>	<b>% of Total Search of Property</b>
<b>Asian</b>	72	2.58%	45	3.06%
<b>Black/African American</b>	1291	46.24%	701	47.69%
<b>Hispanic/Latino(a)</b>	382	13.68%	215	14.63%
<b>Middle Eastern or South Asian</b>	87	3.12%	30	2.04%
<b>Multiracial</b>	62	2.22%	29	1.97%
<b>Native American</b>	3	0.11%	1	0.07%
<b>Pacific Island</b>	11	0.39%	11	0.75%
<b>White</b>	884	31.66%	438	29.80%
<b>Grand Total</b>	2792	100.00%	1470	100.00%

The following are the distribution searches during stops made between October 1, 2020, and August 12, 2023.



Regarding the searches carried out by BPD, the yield rate<sup>8</sup> for evidence or contraband during instances of "Search of a person" was 59.45%<sup>9</sup>. The majority of the retrieved items in this category encompassed Drugs/narcotics, Drug paraphernalia, and suspected stolen property. Conversely, "Search of property" exhibited a higher yield rate, with 72.56% of such searches resulting in the discovery of contraband or evidence. Similarly, during property searches, the most common findings included drugs/narcotics, drug paraphernalia, or suspected stolen property. Below, Table 4 illustrates the distribution of various types of contraband or evidence resulting from each type of search.

<b>Contraband or Evidence</b>	<b>Discovery Rate for Search of Person</b>	<b>Discovery Rate for Search of Property</b>
<b>Alcohol</b>	2.75%	3.91%
<b>Ammunition</b>	1.59%	2.88%
<b>Cell Phone(s) or electronic device(s)</b>	2.72%	4.10%
<b>Drug paraphernalia</b>	13.81%	15.94%
<b>Drugs/narcotics</b>	15.84%	20.04%
<b>Firearm(s)</b>	5.82%	5.89%

<sup>8</sup> "Yield rate" is defined as "the percentage of searches that result in the discovery of contraband or evidence of a crime" Source: Black's Law Dictionary. "Yield Rate." Black's Law Dictionary, 10<sup>th</sup> ed., Thomson Reuters, 2014.

<sup>9</sup> Please note that, unlike in the BPD's transparency portal, the yield rates in this memo are noted as percentages instead of ratios.

<b>Money</b>	0.99%	1.37%
<b>Suspected stolen property</b>	7.30%	9.19%
<b>Weapon(s) other than a firearm</b>	3.90%	3.02%
<b>Other contraband or evidence</b>	4.72%	6.22%
<b>None</b>	40.55%	27.44%

Regarding the "Search of person" occurrences, 87.61% of the recorded instances did not specify whether consent for the search was granted. Among those instances where consent status was specified, 92.49% were categorized as consensual, while the remaining 7.51% were conducted without the subject's consent. In the context of searches involving property, 87.07% of the documented entries where a "Search of property" was noted did not provide information about the presence or absence of consent. Similarly, mirroring the trends seen in "Searches of person," approximately 94.21% of the remaining cases involving "Search of property" were conducted with consent, while the remaining 5.79% were performed without the subject's consent.

#### 4. Analysis of Probation and Parole Searches

Out of the total 3109 searches conducted, 777 were carried out due to parole/probation conditions. Among those searched, 48.65% were perceived to be Black/African-American, 30.76% as White, and 11.71% as Hispanic/Latino(a). See Table 5 below.

<b>Ethnicity</b>	<b>% of those searched based on being on probation/parole</b>
<b>Asian</b>	2.32%
<b>Black/African American</b>	48.65%
<b>Hispanic/Latino(a)</b>	11.71%
<b>Middle Eastern or South Asian</b>	3.47%
<b>Multiracial</b>	2.57%
<b>Pacific Islander</b>	0.51%
<b>White</b>	30.76%

#### 5. Recommendations for Further Analysis

The above preliminary analysis provided an initial review of the BPD stop data from October 1, 2020, and August 12, 2023. Through this review, we find that there may be areas for further exploration that may interest the subcommittee in furthering its work. Specifically, the subcommittee may wish to consider conducting the following analyses:

- A time series analysis of stop patterns in relation to BPD policy changes, changes in state law, and/or other relevant events of interest.
- Veil of Darkness and other applicable benchmarking.
- Racial and ethnic comparison of the results of each stop.
- Exploration of why 87.61% of the recorded instances did not specify whether consent for the “search of person” was granted.
- The yield rate of evidence or contraband by perceived race and ethnicity.