

Racial Disparities in Law Enforcement Stops

Today, a majority of Californians, or 62 percent, view the criminal justice system as biased against African Americans, according to the PPIC Statewide Survey—although a majority (54%) also say police treat all racial and ethnic groups fairly “almost always” or “most of the time.” Only 18 percent of Black adults share the latter views on fair treatment.

California passed the Racial and Identity Profiling Act (RIPA) in 2015 in an effort to directly confront concerns over racial inequities in criminal justice. The legislation requires that by 2023 all police departments, sheriff departments, and the California Highway Patrol (CHP) collect and report information on perceived race and other characteristics of people stopped by officers.

Stops of Black Californians more often lead to no enforcement than stops of white Californians, but are more intrusive. During stops, Black people are more likely to be searched, yet searches are less likely to yield evidence. While context—such as a traffic violation versus an arrest warrant—significantly contributes to different experiences, inequities remain after accounting for such factors.

Beyond stops, experiences also diverge for criminal justice outcomes. While Black people make up about 6 percent of California’s population, roughly 16 percent of all arrests are of Black residents. Disparities are even greater at later stages of the criminal justice process—Black people account for about a quarter of county jail and probation populations, and nearly 30 percent of the prison population.

How did earlier reform affect racial disparities?

Over the last decade, California implemented several criminal justice reforms that were not motivated by racial disparities but likely narrowed them. In particular, realignment (AB 109, 2011) shifted management of lower-level felony offenders from state prison and parole systems to county jail and probation systems, and Proposition 47 (2014) reclassified certain drug and property felonies as misdemeanors.

After Prop 47 passed, the overall arrest rate in California dropped by 11 percent, and the reform reduced racial disparities in arrests, bookings, and incarceration. The gap in Black–white arrest rates narrowed to just under 6 percent, and the gap for bookings into jail shrank to just over 8 percent. Fewer Black Californians became involved with the criminal justice system as a result of this reform; however, public debate over reforming the system has led to inquiries into how officers engage with people of color in early stages of law enforcement.

What does RIPA data show about current disparities?

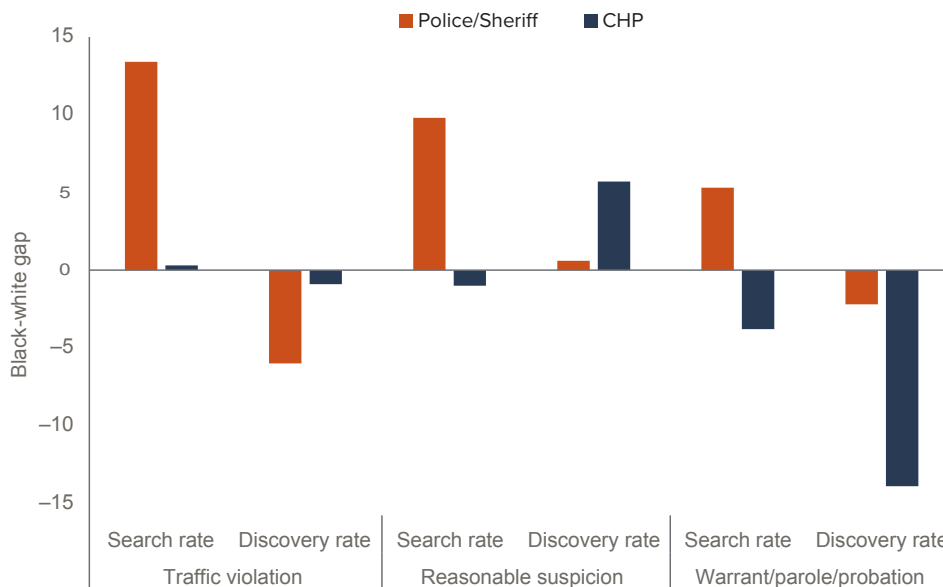
Racial disparities emerge when people first interact with law enforcement. 2019 RIPA data reveal that Black Californians have notably different experiences during stops than white Californians. Black people are more than twice as likely to be searched, even though searches of Black people are somewhat less likely to yield contraband or evidence. Black people are overrepresented in stops with no enforcement—but Black Californians are almost twice as likely to be booked into jail.

Stops are also more intrusive. During a law enforcement stop, Black people are at least twice as likely to be asked to step out of a vehicle, to be handcuffed, or to experience a stop involving an officer’s weapon.

However, context significantly contributes to racial disparities. For example, officers stop more Black people than white for reasonable suspicion, an outstanding warrant, or being on parole/probation.

Agency type and jurisdiction also play a significant role. Black residents are more likely than white to be stopped for reasonable suspicion by all agencies except CHP and Los Angeles PD. The context—such as for a traffic violation or an outstanding arrest warrant—also changes an officer’s risk level.

Traffic stops by local law enforcement show higher Black-white gaps for searches and discovery



Source: Author estimates using California Department of Justice, Racial and Identity Profiling Act (RIPA) Wave 2 data, 2019. Notes: Bars represent percentage point differences in likelihood of search and discovery between Black and white individuals. All estimates are statistically significant at 95% confidence level. Stop data are limited to state’s 15 largest law enforcement agencies: California Highway Patrol, police departments of cities of Los Angeles, San Diego, San Francisco, Fresno, Long Beach, Oakland, Sacramento, and San Jose and sheriff departments of Los Angeles, San Bernardino, Riverside, San Diego, Orange and Sacramento Counties.

Where can police reform shift to address racial disparities?

The RIPA data show racial inequities in law enforcement interactions, supporting concerns historically voiced by communities of color. While racial bias may contribute to inequities, other factors are relevant, including responsibilities across the type of agency and priorities for patrolling areas within a jurisdiction.

Traffic stops by local law enforcement are an area of priority that might be re-examined as a means for reducing disparities. Traffic stops are the most frequent point of contact between law enforcement and the community, and in many traffic stops, officers issue no enforcement—no warning or citation. Certain agencies might consider whether they can reduce traffic stops without jeopardizing public safety.

Searches during stops are another practice that may warrant a closer look. Agencies should consider whether the practice may be ineffective—especially as Black Californians are more likely to be searched, yet officers are less likely to find contraband or evidence.

Concerns around policing and community relations often focus on lower-income urban areas—but efforts to reduce racial disparities are also needed in wealthier areas. The Black arrest rate is about six times higher in wealthier counties than the white arrest rate, compared to nearly double among lower-income counties. As the state develops law enforcement reforms aimed at reducing racial inequities, policymakers should be considering all areas where inequities are likely to happen.

Adapted by Stephanie Barton from Racial Disparities in Law Enforcement Stops, by Magnus Lofstrom, Joseph Hayes, Brandon Martin, and Deepak Premkumar (PPIC, 2021). Supported with funding from Arnold Ventures. Sources: Baldassare et al., PPIC Statewide Survey: Californians and Education, (PPIC, April 2021); Baldassare et al., PPIC Statewide Survey: Californians and Their Government, (PPIC, March 2021); Racial Disparities in California Law Enforcement Stops, (PPIC, 2020); Lofstrom et al., Proposition 47’s Impact on Racial Disparity in Criminal Justice Outcomes, (PPIC, June 2020); Lofstrom et al., Racial Disparities in California Arrests, (PPIC, October 2019); Lofstrom et al., Key Factors in Arrest Trends and Differences in California’s Counties, (PPIC, September 2019).