

Office of the Deputy Chief Operating Officer

Internal Operations Branch

November 18, 2016

Via: electronic mail

Dr. Joshua Chanin
San Diego State University

Re: Traffic Enforcement in San Diego, California

Dr. Chanin;

The City of San Diego appreciates the research, analysis and recommendations presented by the San Diego State University (SDSU) researchers as a result of their study entitled *Traffic Enforcement in San Diego, California: An Analysis of SDPD Vehicle Stops in 2014 and 2015*. In the past few weeks, we have carefully reviewed two draft versions of SDSU's report and have met with the researchers to provide feedback that would improve accuracy, context and clarity. SDSU incorporated some of the suggestions, while other suggestions were not incorporated. Although we recognize and respect the independence of the researchers, and overall agree to implement the recommendations, we offer additional information below to complement the researchers' work.

Please review the additional information for potential clarifications in the final report. To meet the commitment of providing a final report to the City Council no later than Wednesday, November 23, 2016, the City requests two deliverables no later than close of business on Monday, November 21, 2016.

1. A final version of the report titled *Traffic Enforcement in San Diego, California* with all pertinent formatting and attachments.
2. A copy of the final report in Word with "tracked changes" from the November 8, 2016 draft version.

The following provides the City's responses to the report's recommendations as well as remaining concerns, which fall into the following categories:

1. Corrections to the Report's Calculations and Figures
2. Context on "Missing" Data
3. Clarification or Additional Context on Key Report Statements
4. The Report's Use of Data with Weak Statistical Significance

5. The Report's Underlying Methodology and Generalized Findings Require Additional Clarification
6. Some Report's Highlighted Findings Based upon Relatively Small Differences
7. Use of Subjective Terminology

Recommendations

- 1. Acknowledge the existence of racial/ethnic disparities and make combatting such disparities a priority.**

The existence of racial disparity is acknowledged, and combatting such disparities is a top priority for the Department. This priority starts with our vision: *A Police Department whose employees feel valued, works together in community partnerships to be a model of excellence in policing, and fosters the highest level of public trust and safety.* With this vision in mind, the Department continually strives for improvement, and is encouraged the SDSU study shows positive improvements regarding stops of Black drivers when comparing 2014 and 2015.

- 2. Continue to enhance training and supervision around issues of racial/ethnic disparities.**

The SDPD recognizes that every human being, including police officers, has bias. With this understanding, the Department takes a proactive approach to confronting this head on, through regular training courses. Training focused on non-biased based policing, procedural justice, effective interaction, emotional intelligence and community policing have been incorporated into ongoing training curriculums over the past several years. The Department will continue to seek ways to enhance this training. A listing of these training courses is included in Appendix 11 of SDSU's report.

- 3. Make traffic stop practices more transparent.**

Traffic concerns are among the most prevalent issues voiced at the many community meetings officers attend, and there is an expectation by the public that officers enforce traffic laws to improve public safety. Officers have been directed to take the extra time needed to fully explain to individuals the reasons they were stopped. As SDPD moves toward a more streamlined data collection system it will analyze the data and incorporate the findings into traffic stop practices.

- 4. Make traffic stop practices more systematic and data-driven.**

Currently the Department compiles a monthly traffic hot spot analysis that highlights top collision locations within each division. Additional efforts are underway to identify improved techniques in traffic safety analysis to better inform traffic enforcement priorities. Once identified and implemented, analysis results will be provided to patrol and traffic officers to assist in traffic enforcement decisions. Methods to better communicate traffic concerns voiced by community members will also be evaluated.

5. Make community engagement a core departmental value.

As noted above, community engagement is a critical component of the SDPD vision. In support of this vision, all officers are expected to initiate positive interactions with community members as often as possible throughout their shift. Additionally, members of the Department attend more than 140 community meetings each month. Each of the nine patrol divisions organizes community events and offers community outreach programs, and the Department has a strong following on the various social media outlets.

Through the White House Police Data Initiative, the SDPD has committed to improving how events are communicated to the community, with plans to leverage the City's Open Data Portal. More information about SDPD's community engagement activities can be found in the Quarterly Community Policing Report on public website at <https://www.sandiego.gov/police/about/quarter-reports>.

6. Improve communication and transparency regarding police practices.

In order to be more transparent, "Inside SDPD" allows citizens the opportunity to receive some of the same training provided to our officers on subjects that include use of force, procedural justice, and non-biased based policing. The community is invited to have a voice in the new officer training that every new recruit attends. Citizens are also welcome to "ride along" with an officer to learn more about policing in their neighborhood and to foster positive relationships between officers and community members.

7. Revise the current data collection system.

Assembly Bill 953 (AB 953) will require all law enforcement agencies in California to collect specific data regarding all stops, including vehicle and pedestrian stops. SDPD will be among the first to implement these requirements, with the new data collection beginning no later than January 2018. To date, the specific data requirements have not been finalized; however in the meantime, the Department is investigating options for improved and streamlined data collection, and is committed to meeting all AB 953 requirements.

8. Coordinate existing data collection efforts.

As stated in the response to the previous recommendation, SDPD is analyzing options for improved and streamlined data collection and recognizes the value of such efforts.

9. Collect additional data.

AB 953 will require SDPD to collect additional data elements related to vehicle stops and begin collecting data related to pedestrian and bicycle stops. This data will be required by all California law enforcement agencies, and SDPD will comply with the final requirements.

10. Strengthen accountability and oversight of data collection and management, by:

- a. Incorporating stop and post-stop data into the Department's existing early intervention system.**

A new system will be required in order to collect stop data compliant with AB 953 and to streamline data collection efforts. This specific recommendation will be considered as various systems are evaluated.

- b. Briefing officers on the purpose of data collection and updating staff regularly on related trends in data collection.**

Methods of periodically updating officers on current trends in data collection will be evaluated.

- c. Including open source traffic and pedestrian stop data files as part of the City of San Diego Open Data Portal.**

Through the White House Police Data Initiative, the SDPD has committed, and efforts are underway, to sharing detailed vehicle stop data with the public through the City's Open Data Portal. Pedestrian and bicycle stop data will be added to the portal in the future, after the data for these stops is available.

Additional information to highlight errors, provide context, and enhance clarity

1. Corrections to the Report's Calculations and Figures

We have some concerns about the accuracy of the following calculations and figures in the report:

- a. SDPD provided data for a total 259,586 stops in 2014 and 2015, however the report refers to 259,569 in several places (pages ii, 1, 15, 67). There is no acknowledgement of the difference in total stops.
- b. Figures for the White population displayed in Table 2.2 for Northwestern Division show 36,899 instead of the correct figure of 36,889. This small inaccuracy throws off the figures for the total Citywide White population and other calculations in the table. Additionally, Citywide percentage of total calculations are not accurate for all races and sum to more than 100%.
- c. Table 4.1 shows seven previous studies using the veil of darkness method. However, page 31 states this approach has been used in five other jurisdictions besides Oakland, California.
- d. The title of Figure 4.4 and text related to this figure suggest vehicle stop rates and crime rates are displayed, however the labels and legends show crime rates and officer rates.
- e. In Table 4.5:

- i. Square mileage: The below Interstate 8 subtotal and Citywide totals do not sum up, which causes the percent of total calculations for division and subtotals to be incorrect.
 - ii. In the Citywide number of stops, the sum of the subtotals on the report should be 252,887, however 253,094 is shown. As a result, the associated note about the records with unknown location should be corrected to state that 6,682 are unaccounted for in the table
- f. Table 4.9 shows that Hispanic drivers were 28.4% less likely to experience a daytime stop than one occurring in darkness. However, the report states on pages 44 and 69 that the figure is 38.4%.
 - g. The comparison figures regarding stops involving field interviews for different races on page 70 are inaccurate as they do not reflect the data showed in Table 5.14, Table 5.15 and Table 5.16.
 - h. The descriptions of the formula for the division portion of the calculation method described in footnote 78 are inverted. It should state that “To calculate the percentage difference used in this and subsequent tables, we divide the absolute value of the difference between the first two columns by the average of the first two columns...”
 - i. The first watch total for patrol staffing in 2015 is stated as 263 but the correct number is 253 (page 92).
 - j. The number of violent, property, and total crimes are inaccurate for Western Division in Table A1.2. Violent crimes are listed as 752 but should be 714. Property crimes are listed as 4,686 but should be 4,450. Total crimes are listed as 5,438 but should be 5,164. These figures also impacted the Citywide totals in 2015 (page 93).

2. Context on “Missing” Data

The report refers to “missing” data throughout the report, and specifically in Chapter 3. Additionally, the report raises questions about the overall reliability of the data (pages iv, v, 15, 58, 85).

- a. Officers mark on a stop card each action taken such as whether a citation was issued, field interview was documented or an arrest was made. The absence of a selection does not mean that data is missing. SDPD does not require, and would not require, all of the fields to be completed because officers should only select actions related to that particular stop (details on pages 15 and 16, and Table 3.1).

With regard to what the report states as missing information regarding whether contraband was found or property was seized (reported to be 93% combined missing data), we believe that the numbers are overstated. Contraband found and property seized are only relevant for stops involving searches, thus it would be more appropriate to compare missing information

for these two data elements to the number of stops involving a search, and not to all stops as is shown in the report (Table 5.7 and text on page 58).

- b. The report refers to “Unexplained changes in monthly traffic stop volume” and steady declines in the number of stops during 2014 through 2015 (pages 18 and 85). SDPD believes there are reasonable explanations for this finding as follows:
 - i. Traffic citations fluctuated in similar patterns to vehicle stops, an indication that vehicle stop card data continued to be submitted as required.
 - ii. The ratio of stop cards to traffic citations, expected to be at rates over 100% since not all stops result in a citation, continued at rates consistently above 120%.
 - iii. Proactive time available to officers for activities including traffic enforcement declined over time during 2014 and 2015.
- c. In Table 3.4, the report provides an estimate of unreported traffic stops. “*All told we estimate that the SDPD conducted somewhere between 60,000 and 70,000 traffic stops for which no stop card information was submitted*” (page 20 and similar conclusions on page 85). This methodology assumes the difference between the number of cards with a citation and the number of citations is due to missing cards. Based on the factors above, SDPD believes that the difference is due to officers not properly checking the citation box on the Stop Card when a vehicle stop may have resulted in a citation. Although this represents missing data on cards, it should not be directly assumed it is the same as missing cards altogether.

3. Clarification or Additional Context on Key Report Statements

- a. The report refers to “*...five divisions above Interstate 8.*” This should be clarified as “*mostly above*” (page iii), since portions of Eastern and Western Divisions are south of Interstate 8. Moreover, SDPD does not manage its operations or subdivide the city into north and south, and the report does not provide a justification for why this division was chosen.
- b. SDPD is “less racially and ethnically diverse than the Citywide population” (page 6). Table 2.1 shows not all non-White groups are underrepresented. While Asian/Pacific Islanders (API) and Hispanics are underrepresented, Blacks are overrepresented. SDPD remains committed to recruiting and hiring a diverse workforce.
- c. The report indicates that the dataset in Table 3.3 entitled “Incomplete Stop Cards by Race/Ethnicity” does not provide the full picture of traffic stops, particularly for those involving minority drivers. However, we believe this is an overstatement based on the fact that all categories fall within a narrow

range, which spans from 17.5% for API drivers to 20.0% for Hispanic drivers (page 17).

- d. The report states that “...during the screening process [for the community focus groups], we oversampled for young adults (ages 18 to 30), Blacks, Hispanics, males, and people who drive regularly” (page 22). However Table 3.5 shows 66% of participants were female.
- e. Data for Southeastern and Northern are treated inconsistently on pages 40 and 41. The report concludes there is no meaningful difference in the treatment of Black drivers in Northern Division since the p-value is 0.066. However on the next page, the report points out that Black drivers in Southeastern Division are more likely to be stopped even though the data is less significant, with a p-value of 0.077.
- f. The report says “...Black drivers, compared to drivers of other races/ethnicities... are less frequently found with contraband...” (page 49). However, Table 5.3 shows API and Hispanic drivers are found with contraband less often than Black drivers.
- g. The report states that “the SDPD Vehicle Stop card does not include a ‘probable cause search’ category” (page 55). In reality, there are four specific types of probable cause searches available on the SDPD Vehicle Stop card: contraband visible, odor of contraband, canine alert and other. Despite the availability of these data, none of these categories appear to be included in the tables throughout the report. SDPD would encourage the researchers to discuss why these search types are left out of Tables 5.4 and 5.5.
- h. Fourth waiver searches, along with search incident to arrest and impound searches, are described as low-discretionary searches on page 54; however, comparisons on pages 55 and 66 describe fourth waiver searches as highly discretionary. We agree with the researchers’ initial assessment that Fourth waiver searches are “low-discretionary.”
- i. Using the researchers’ definition that consent searches are high-discretionary searches, the statement “the [search rate] disparity increases slightly when the analysis is limited to discretionary searches [for Hispanic drivers]” (page 56) is not consistent with the data in Table 5.5 entitled “Comparing Search Rates Among Matched Hispanic and White Drivers.”
- j. The report’s conclusion that SDPD officers may be more proactive in confiscating property from Hispanic and Black drivers than White drivers based on inventory search disparities seems to equate confiscation with inventory searches (page 56). These terms are not synonymous. Inventory searches refer to the search of a vehicle when it is impounded and does not necessarily lead to a confiscation of property.
- k. The report states “... contraband discovery rates were significantly lower for searches involving Hispanic drivers, though the statistical strength of the differences

with paired White drivers varied by search type” (page 70 and Table 5.9). This conclusion may be too strong considering the researchers’ p-values show only total searches and consent searches are statistically significant.

- l. Text on page 96 indicates Table A4.1 entitled “Modeling the Effects of Daylight on the Odds that Black Drivers Will be Stopped Citywide for a Moving Violation” and Table 4.3 called “Modeling the Effects of Daylight on the Odds that Black Drivers Will be Stopped Citywide for Either a Moving Violation or Equipment Violation” have consistent findings, but the data presented in the two tables does not support this conclusion. The researchers’ p-values show data in Table A4.1 is not statistically significant in 2014, while the data in Table 4.3 is statistically significant in 2014. Data in Table A4.1 is statistically significant in 2015, while the data in Table 4.3 is not statistically significant.
- m. The statement “*the data show that stops occurring above I-8 involving a Black driver were more likely to occur during daylight hours...*” (page 97 and Table A4.3) is only true for 2014 and does not make it clear that it is not true for 2015 or the combined 2014/2015 data.
- n. The report states “*Stops of Black male drivers initiated above I-8 are more likely to occur during daylight hours than after dark, when compared to stops of White men*” (page 100 and Table A5.2) is only true for 2014 and combined 2014/2015 data but is not true for 2015.
- o. “*Stops of White men occurring below Interstate 8 are significantly more likely to occur during daylight hours than after dark, compared to stops involving Black males*” (page 100 and Table A5.2) is only true in 2015 and combined 2014/2015 data but is not true for 2014.
- p. Based on Table A5.3, it appears that there are two references to Black male drivers on page 101 that should refer to Hispanic male drivers.
- q. The report states “*Hispanic drivers are less likely than White drivers to be found with contraband following a search, are substantially more likely to be the subject of a field interview and are more likely to face arrest. Citation rates are nearly identical for Hispanic and White drivers (pages 111-112).*” However, Table A7.4’s p-values show the data comparison for Hispanic and White driver arrests and citations are not statistically significant.

4. The Report’s Use of Data with Weak Statistical Significance

Although we understand the researchers decided to present data, even if the statistical significance is weak, we highlight the following statements as not statistically significant, using the data and the definition of significance provided in the report (only p-values 0.05 and lower are considered “statistically significant”):

- a. The conclusion, “*DST [Daylight Savings Time]-only analysis of the 2014 and 2015 combined data produced similar results: Hispanic drivers were more likely to be stopped during daylight hours, compared to Whites*” (page 47) is not statistically significant with a p-value of 0.09 (Table 4.8).

- b. The statement, “our review of aggregate data from the five divisions located above Interstate 8 reveals disparities between Black and White drivers...” (page 47) is not statistically significant with a p-value of 0.068 (Table 4.6).
- c. A similar statement, “analysis of stops initiated above Interstate 8 showed that police were more likely to stop Black drivers during daylight hours than after dark, compared to White drivers” (page 68) is also not statistically significant with a p-value of 0.068 (Table 4.6).
- d. The observation, “above I-8, Hispanic drivers are more likely to be stopped during the day...” (page 98) is not statistically significant with a p-value of 0.515 (table A4.4).
- e. The conclusion, “the 2014 data show that Hispanic men were much more likely to be stopped during daylight hours than after dark, as compared to White drivers, an indication of racial/ethnic bias” (page 101) is not statistically significant with a p-value of 0.297 (Table A5.3).
- f. The statement, “stops initiated above I-8 involving Hispanic men are more likely to occur during daylight hours than in darkness, when compared to stops of White males” (page 102) is not statistically significant with a p-value of 0.214 (Table A5.4).
- g. The statement “[Below Interstate 8]...when the police were able to see a driver’s race, they were significantly more likely to stop a White driver than they were a minority driver” (page 47). However, Table 4.13 shows differences in stops for API were not statistically significant in this geographic subdivision with a p-value of 0.895.

5. The Report’s Underlying Methodology and Generalized Findings Require Additional Clarification

We believe the following assumptions or qualifying descriptions are important to provide additional context to the report:

- a. The veil of darkness technique makes a significant assumption that an officer can see a driver’s race before a stop in daylight hours and cannot see a driver’s race before a stop in darkness hours (page 2). This is an important assumption from which all conclusions in the report derived. This is a key methodological decision, illustrated by an October 2016 study from Ottawa, Canada in which officers reported perceiving driver race prior to initiating the stop in only 11.4% of stops.
- b. In the report, the researchers recommend caution for generalizing findings based on the community focus group results, since participants were not randomly selected. For example, the report states that researchers narrowed participants to only four out of the nine police divisions and the screening process oversampled for young adults, Blacks, Hispanics, males and “people who drive regularly” – a term that researchers do not define. Furthermore, we believe an additional reason to urge caution is due to the fact that the sample

size of the focus group was not statistically representative of the population (page 23).

- c. Table 3.5 reports on the number of female and male community focus group participants, but does not include race. Participant race is an important factor, since much of the analysis in the report is related to race.
- d. The description of the officer interviews does not provide officer demographics, which would be helpful context as long as it maintains the confidentiality of participants. It is also important to note that the sample size of the interviews is too small to be statistically representative of all SDPD officers (page 24).
- e. For clarity and transparency, the sample size of the community focus groups should be provided in the recommendations section of the report (page 67), similar to how the sample sizes of the officer surveys and officer interviews are provided.
- f. The report does not provide the raw results from the officer surveys, officer interviews and community focus groups. A limited number of comments were selected by researchers and shown in the report. Providing more detailed information would give helpful context to the reader (pages 23-25).
- g. The report compares San Diego to two cities that have recently been investigated by the Department of Justice (page 71) but does not include any comparisons to cities with similar populations or cities that have recently concluded similar traffic enforcement studies. Additionally, researchers cite only two statistics in the DOJ studies but did not discuss other factors used to conclude Baltimore and Ferguson Police engaged in systematic bias against the city's Black population. We believe that a more appropriate and comprehensive comparison would have included more than just two cities and compared more than just two factors.
- h. The report mentions community policing but makes no reference to SDPD's Quarterly Community Policing Report, found on the SDPD website at <https://www.sandiego.gov/police/about/quarter-reports> (e.g. Footnote 118).

6. Some of Report's Highlighted Findings Based upon Relatively Small Differences

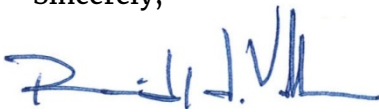
The use of percent difference for comparison purposes on Tables 5.4-5.6, 5.8-5.19, A9.1-9.2 and A10.1-A10.2, and associated text, could be taken out of context. These calculations are comparing two percentages, and in most cases the percentages are both small, which result in large percent difference calculations. For example, on Table 5.4, the report states there is a 52.7% difference when comparing matched Black and White drivers who are searched. However, the report shows that 8.65% of matched Black drivers and 5.04% of matched White drivers are searched. We would note that when comparing the percentages to each other the difference is 3.61 percentage points.

7. Use of Subjective Terminology

Subjective terms, including *much*, *serious*, *accused* and *interestingly* are found throughout the document. We appreciate that much of that language has been removed but some remains. The City believes the report would be received more objectively without those terms.

The City appreciates the time taken by the SDSU researchers to consider our feedback and input. We recognize the value of the recommendations within this report and have already begun to evaluate the implementation strategies summarized above. We have provided this document to encourage additional accuracy, context, and clarity for the benefit of the public on this very serious issue. We look forward to continued discussions with our community.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. H. Villa', with a stylized flourish at the end.

Ronald H. Villa
Deputy Chief Operating Officer

cc: Almis Udrys, Director of Performance and Analytics
Chris Haley, Program Manager, San Diego Police Department