TO:              HONORABLE CITY COUNCIL

FROM:          CITY MANAGER          DEPARTMENT: POLICE

DATE:          APRIL 19, 2004          CMR:231:04

SUBJECT:  ANALYSIS OF DEMOGRAPHIC DATA FROM THE SECOND AND THIRD QUARTERS OF FISCAL YEAR 2003-2004

This is an informational report. No Council action is required.

BACKGROUND

Since July 1, 2000, the Police Department has been voluntarily collecting demographic data on all enforcement contacts. On September 10, 2001, the Police Department submitted its first quarterly report on this data to Council. Since then five reports have been submitted (CMR:350:01, CMR:223:02, CMR:186:03, CMR:391:03 and CMR:491:03).

When staff reviewed the information from the second quarter of fiscal year 2002-2003, the numbers indicated that, compared to White individuals, a disproportionate number of Hispanic and African-American individuals were being searched by police officers. Staff therefore has continued to conduct a detailed review of not only the demographic data with a focus on the number and reason for searches associated with arrests, but also on the collection process. Additional time was required for this expanded analysis, specifically on searches during the second quarter of this year. As a result, staff has combined both the second and third quarter statistics analysis in this report. This report also contains an update on the progress the Department has made in addressing the issue.

DISCUSSION

Description of Data Collected

Demographic data has been collected from all enforcement-related contacts made by police officers. These contacts include officer-initiated activity such as traffic stops, consensual contacts and contacts made by officers who witness criminal activity. Data is also collected from contacts that are a result of the officers responding to calls-for-service from the public such as suspicious persons, disturbances and shoplifters placed under citizen’s arrest. When a crime report, field interview card or citation is generated from the contact, the demographic data is retrieved from these documents. If
a document or report is not generated, the officer captures the demographic data on a specially designed Demographic Data Collection Card (DDCC). It is important to note that officers do not ask the people they contact what their race or ethnicity is. Therefore, the numbers associated with each group are based upon officers’ best guess unless they obtain the information from a document such as a driver’s license.

Analysis of Data

Contacts – Attachment A provides the number of contacts during the two quarters. Attachment B provides the same information for the three quarters of 2003-04. Attachment C provides a summary of contact information as far back as FY 2000-01 when the Department first began collecting the data. Over the four years, the percentage of African-Americans and Hispanics contacted has slightly decreased while the percentage of Asians has marginally increased. The number of contacts with Whites has remained fairly constant. When compared to the 2000 Census data (Attachment D) for Alameda, San Francisco, San Mateo and Santa Clara Counties, contacts with African-Americans is somewhat higher than the average for the four counties. Staff will continue to monitor this and attempt to ascertain why this is the case.

Searches – Attachment E provides a summary of search information over the last four years. References to searches include cursory pat searches and extensive searches of individuals, as well as searches of vehicles. The percent of African-Americans and Hispanics searched has decreased while the percentage of Whites searched has increased. Similar to the last staff report (CMR:391:03), staff’s focus for the second and third quarters was the disproportionate number of Hispanic and African-American individuals searched by police officers. Staff analyzed every search conducted with special attention to searches not associated with an arrest. There were a total of 5,794 reported contacts by police during this time period that resulted in 1,047 searches. Asians were contacted a total of 725 times, resulting in 69 searches (9.5 percent); African-Americans were contacted 651 times resulting in 225 searches (34 percent); Hispanics were contacted 769 times resulting in 204 searches (26 percent); and Whites were contacted 2,987 times resulting in 468 searches (16 percent). Again, because of the higher percentage of searches of Hispanics and African-Americans, staff conducted further analysis in efforts to determine the reasons for the searches.

To better evaluate the specific reasons for each search, staff divided all searches into two categories: 1) searches associated with arrests and, 2) searches not associated with arrests. Attachment F provides detailed information on searches. Searches associated with arrests were divided into the following categories:

- Searches incident to an arrest
- Searches associated with conditions of parole/probation leading to arrest
- Consent searches leading to arrest
Searches not associated with arrests were divided into the following categories:

- Searches associated with conditions of parole/probation not leading to arrest
- Searches of vehicles incident to impound
- Consent searches not leading to an arrest
- Searches based on reasonable suspicion developed by the officer not leading to an arrest or plain view of possible contraband or officer safety

Searches associated with arrests accounted for 84 percent of the total. The majority of these searches were conducted either incident to the arrest or as a result of conditions of parole/probation. Because these searches are made according to Department policies and procedures as outlined in CMR:391:03, staff spent the majority of time analyzing those situations where officers requested consent for searches or when officers reported having probable cause for searches that subsequently lead to arrests.

There were 10 consent searches that lead to arrests: one Asian, one African-American, one Hispanic, and seven Whites. Each of these subjects was initially contacted by officers as a result of a traffic violation or a consensual encounter. During the contacts, symptoms of alcohol or drug use were observed or suspected in nine of the ten contacts. Consent searches were requested to determine whether or not the individuals had any drugs in their possession. All searches resulted in the discovery of drugs or drug paraphernalia. The remaining consent search of the vehicle was as a result of a vehicle stop where the driver said he could not locate his driver’s license. Because this tactic is frequently used by individuals who have warrants out for their arrest, the officer requested a consent search in order to determine whether the person actually did have his license; the search revealed drug paraphernalia that lead to an arrest.

Officers conducted searches not associated with arrests on 172 individuals. The majority of these searches (72) were the result of Department-required inventories of vehicles being impounded. Many of these impounds are associated with unlicensed drivers.

Fifty-six were the result of conditions of parole/probation not leading to an arrest. This means that during the contacts, officers learned that these individuals were on probation or parole and search clauses were included in the terms of their probation or parole. Searches of these people were conducted, but no contraband was located.

Twenty-eight searches were the result of consent searches: two Asians, eight African-Americans, eight Hispanics, three in the Other category, and 54 Whites. Upon further review of the information, staff learned that one Asian was stopped for riding his bike at night without a light and acting suspiciously. The other Asian was contacted after an officer was dispatched to a call of a subject matching the description of a burglary suspect. A request for a consent search in these situations is not uncommon in efforts to determine whether the person may have any stolen property on their
Out of eight African-Americans, seven were contacted as the result of officers being dispatched to the following calls-for-service: soliciting in a neighborhood, subjects fighting, suspicious person, transient drinking alcohol, subject seen checking mail boxes, possible theft suspect and subject drinking in public. The request for consent to a search for each of the subjects was based upon the specific type of call. As an example, in the case of the call of subjects fighting, the officer may have asked to search the individual for officer safety purposes to ensure the person was not carrying a weapon. One subject was stopped for vehicle registration violation and allowed the officer to search his vehicle for registration information.

Hispanics accounted for six consent searches. Four of the consent searches were the result of officers being dispatched to calls including a subject reportedly “casing” a neighborhood, subject possibly under the influence of drugs, suspicious subject watching children, and a subject riding a bike without a light and who matched the description of a suspect. One Hispanic was asked for consent to search because he was found behind a closed business at night and the other because he was found in a park after closing time.

Of the 10 Whites, three cases were associated with officers being dispatched to calls and seven were the result of officer-initiated activity. The calls included the stop of a suspected burglary suspect, contact with a suspect trespassing on private property, and contact with a person suspected of Municipal Code violations. Two people were searched after the officer observed several VCR’s in the back seat of a vehicle that was stopped for a traffic violation; three subjects were asked for consent after being found in a park after closing; one subject was asked for consent after running from a VTA bus across all lanes of El Camino at night; and the seventh was stopped after the officer observed a person who matched the description of a burglary suspect. No arrests were made in these cases either because no contraband was found, there was no proof of the suspected crime, or there was not enough information to detain the individuals further.

Sixteen searches not associated with arrests were made as a result of reasonable suspicion developed by the officers, officer safety or plain view of possible contraband. One Asian’s vehicle was searched after a traffic stop when the officer saw what appeared to be an open container of alcohol in the vehicle. One African-American was searched after an officer was dispatched to a call of individuals drinking in public and when what appeared to be an open container of alcohol was observed on the person. Of the six Hispanics, three were suspected of being involved in a burglary that had just been reported; they were subsequently determined not to have been involved. Because the officers were investigating a felony, the individuals were searched to ensure they were not carrying any weapons. One Hispanic matched the description of a suspect in a previously reported crime, but was found not to have been involved. Staff does not know why that person was searched. The vehicle of two Hispanics was searched as they ha been reported selling home theater systems from the trunk of their vehicle; upon investigation, the officers determined that no crime had been
committed.

Of the eight White individuals searched based upon reasonable suspicion, officer safety or plain view of possible contraband, five juveniles were reported to be smoking and playing with matches; and one individual was associated with the incident mentioned above when home theater systems were reportedly being sold from a trunk of a vehicle. One involved the officer’s observation of a possible theft suspect and another subject was stopped for possible reckless driving. Staff has not been able to determine the specific reason for conducting searches on these two individuals.

As staff reviewed the information on the searches not associated with arrests that were made as a result of consent searches or probable cause, it was apparent that officers have not been providing enough specific information on the DDCC and Field Interview cards to conclusively determine the appropriateness of the searches. As a result, effective immediately, staff will be required to provide very specific information about the initial reason for these types of contacts and the specific reasons consent searches are requested or that lead to probable cause. Supervisors will be held accountable to ensure that the information is included on all these cards.

**Update on Department’s Activities Improving Relations with Minorities**

Additional work has been done on the forced choice format that will be used by the officers on their vehicle computers in place of the manual completion of the DDCC’s. Staff anticipates that by the end of the fiscal year, the work will be completed which will result in more standardized, detailed information being entered directly into the Department’s computer system for more expedient retrieval and analysis.

Legal update training on laws of detentions, searches and arrest has continued. Nearly 90 percent of all supervisors and officers have been provided the Peace Officers’ Standards and Training (POST) course in racial profiling. The remaining staff has been scheduled to attend.

Dispatchers have once again begun asking specific questions of members of the public who call to report suspicious persons. This had been the policy a number of years ago that had not been maintained. These questions attempt to determine why a citizen believes the person to be suspicious. After officers investigate the alleged suspicious person, contact is made with the reporting party to advise them about the results, especially when it is a person of color who may reside in the neighborhood or happen to be taking a walk through the neighborhood.

Police Department command staff continues to meet regularly with the Human Relations Commission (HRC). The emphasis of discussion is police/race relations and the demographic data collection analysis. Members of the HRC have served on the last two police promotional interview panels.
The quarterly diversity group meeting initiated by staff last year includes line-level officers, command staff and members of the minority community continue. The fourth meeting is scheduled for May 19, 2004. Staff is close to implementing a telephone hotline, which originated from the diversity group. Staff expects to begin the use of this hotline that will allow citizens, especially people of color who may be hesitant to contact the Police Department, to share their feelings about an interaction with a police officer in a non-threatening manner. These callers can remain anonymous if they wish. This will at the very least provide the Police Department the opportunity to more accurately assess the numbers of people who may feel that they have been treated differently or unfairly. Staff will provide a summary of these calls in the Police Department’s bi-annual citizens’ complaint report to Council. Staff will also highlight in the citizens’ complaint report all complaints where there were allegations of racial profiling or ethnic bias.

Staff began work on another idea that came from a member of the diversity group, a police/race relations forum. However, based upon discussions with representatives of the faith and business communities and other representatives from East Palo Alto and Palo Alto, staff instead will be pursuing opportunities to have line-level officers interact with smaller groups of minority community members in order to diminish stereotypes and increase personal interactions.

Staff will continue to conduct the Police Department’s Citizen’s Academy for members of the community. The interest level has been so great for this program that staff is now conducting two academies a year. Two HRC members are academy graduates and another member has enrolled in the next session.

Finally, the Police Department is planning to purchase video cameras that will be installed in every patrol vehicle. Based upon the experience of other agencies that have already begun utilizing these cameras, staff anticipates a reduction in the number of citizen complaints and claims once the cameras are operational.

**RESOURCE IMPACT**

An hourly employee is retained to compile statistics at a cost of $200 per quarter. Additionally, over 100 hours of staff time has been spent on the in-depth analysis of the demographic data and arrest reports.

**POLICY IMPLICATIONS**

This policy is consistent with existing City policies.
ATTACHMENTS

Attachment A: FY 2003-04 2nd and 3rd Quarters Combined
Attachment B: FY 2003-04 1st, 2nd and 3rd Quarters
Attachment C: Contact Companions
Attachment D: 2000 Census Data by County
Attachment E: Search Summary for Four Years
Attachment F: Search Summary: FY 2003-04 2nd and 3rd Quarters

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LYNNE JOHNSON
Police Chief

CITY MANAGER APPROVAL: _________________________________
EMILY HARRISON
Assistant City Manager
## ATTACHMENT C – CONTACT COMPARISONS

<table>
<thead>
<tr>
<th></th>
<th>TOTAL CONTACTS</th>
<th>ASIAN</th>
<th>AFRICAN-AMERICAN</th>
<th>HISPANIC</th>
<th>OTHER</th>
<th>WHITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>00-01</td>
<td>9,845</td>
<td>1,052 (10.7%)</td>
<td>1,174 (11.9%)</td>
<td>1,633 (16.5%)</td>
<td>857 (8.7%)</td>
<td>5,129</td>
</tr>
<tr>
<td>01-02</td>
<td>9,398</td>
<td>948 (10.1%)</td>
<td>1,153 (12.3%)</td>
<td>1,648 (17.5%)</td>
<td>962 (10.2%)</td>
<td>4,687</td>
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<tr>
<td>02-03</td>
<td>13,242</td>
<td>1,475 (11%)</td>
<td>1,557 (11.6%)</td>
<td>1,998 (15.1%)</td>
<td>1,462 (11%)</td>
<td>6,750</td>
</tr>
<tr>
<td>03-04</td>
<td>8,927</td>
<td>1,055 (11.8%)</td>
<td>1,034 (11.6%)</td>
<td>1,247 (14%)</td>
<td>1,010 (11.3%)</td>
<td>4,581</td>
</tr>
</tbody>
</table>

04/07/04

X = 3rd & 4th Quarters Only
XX = 1st & 2nd Quarters Only
XXX = 1st, 2nd & 3rd Quarters Only
# ATTACHMENT D – 2000 CENSUS DATA BY COUNTY

<table>
<thead>
<tr>
<th>County</th>
<th>Asian</th>
<th>African-American</th>
<th>Hispanic</th>
<th>White</th>
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</thead>
<tbody>
<tr>
<td>Alameda</td>
<td>20.4%</td>
<td>14.9%</td>
<td>19%</td>
<td>48.8%</td>
</tr>
<tr>
<td>San Francisco</td>
<td>30.8%</td>
<td>7.8%</td>
<td>14.1%</td>
<td>43.6%</td>
</tr>
<tr>
<td>San Mateo</td>
<td>20%</td>
<td>3.5%</td>
<td>21.9%</td>
<td>49.8%</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>25.6%</td>
<td>2.8%</td>
<td>24%</td>
<td>44.2%</td>
</tr>
<tr>
<td>Average</td>
<td>21.9%</td>
<td>7.3%</td>
<td>19.7%</td>
<td>46.6%</td>
</tr>
<tr>
<td>Palo Alto</td>
<td>11.8%</td>
<td>11.6%</td>
<td>14%</td>
<td>51.3%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ENFORCEMENT CONTACTS FY 03-04</th>
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</thead>
<tbody>
<tr>
<td>X = 3&lt;sup&gt;rd&lt;/sup&gt; &amp; 4&lt;sup&gt;th&lt;/sup&gt; Quarters Only</td>
</tr>
<tr>
<td>XX = 1&lt;sup&gt;st&lt;/sup&gt; &amp; 2&lt;sup&gt;nd&lt;/sup&gt; Quarters Only</td>
</tr>
<tr>
<td>XXX = 1&lt;sup&gt;st&lt;/sup&gt;, 2&lt;sup&gt;nd&lt;/sup&gt; &amp; 3&lt;sup&gt;rd&lt;/sup&gt; Quarters Only</td>
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</tbody>
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04/07/04
## ATTACHMENT E

### SEARCH SUMMARY FOR FOUR YEARS

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Total</th>
<th>Asian</th>
<th>African-American</th>
<th>Hispanic</th>
<th>Other</th>
<th>White</th>
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</thead>
<tbody>
<tr>
<td>00-01</td>
<td>1,184</td>
<td>52 (4.4%)</td>
<td>264 (22.3%)</td>
<td>330 (27.9%)</td>
<td>58 (4.9%)</td>
<td>480 (40.5%)</td>
</tr>
<tr>
<td>01-02</td>
<td>1,513</td>
<td>61 (4%)</td>
<td>338 (22.3%)</td>
<td>421 (27.9%)</td>
<td>91 (6%)</td>
<td>602 (39.8%)</td>
</tr>
<tr>
<td>02-03</td>
<td>2,786</td>
<td>148 (5.3%)</td>
<td>712 (25.6%)</td>
<td>547 (19.6%)</td>
<td>212 (7.6%)</td>
<td>1,167 (41.9%)</td>
</tr>
<tr>
<td>03-04</td>
<td>1,537</td>
<td>99 (6.4%)</td>
<td>333 (21.7%)</td>
<td>302 (19.6%)</td>
<td>112 (7.3%)</td>
<td>691 (45%)</td>
</tr>
</tbody>
</table>

04/07/04

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- **XX** = 1st & 2nd Quarters Only
- **XXX** = 1st, 2nd & 3rd Quarters Only