



## **Proactive Police Work is Dying Right Before Our Eyes**

Do you hear that grinding, shrieking sound? That's the sound of police work as we know it grinding to a halt. No, crime is still very much alive; however, common sense may, in fact, be dead. This year, California's new law, AB 953, the "Racial and Identity Profiling Act of 2015" will go into effect. With its implementation will come a crippling set of new regulations and requirements for every officer in the field.

### **What is AB 953?**

AB 953 was passed by the California Legislature in 2015 and signed into law by the Governor. It requires all California law enforcement agencies and peace officers of California state and university educational institutions to collect and report to the California Attorney General detailed data regarding all stops, which AB 953 defines as a detention or search, and includes a consensual search.

According to the legislation and the attorney general (who will administer the program), the data to be collected on each stop by law enforcement includes time, date, location, the reason for and the result of the stop, *perceived* race or ethnicity, gender and approximate age of the person stopped. The agency must also report actions taken by the officer during the stop, including whether the officer asked for consent to search, whether a search was conducted and whether any evidence or contraband was discovered or seized.

The concept is to collect data statewide and then send it over to the Racial and Identity Profiling Advisory Board for recommendations on policy and practices.

While this may sound simple enough to a member of the public or a politician, those of us in the field know just how disruptive this requirement will be to actual police work.

### **Impact to police work and public safety**

It appears that those pushing this legislation never bothered to assess its actual impact on how we do our jobs in the field. In short, it will lead to less proactive policing and less time for officers to be available for calls, straining our already thin resources.

According to AB 953, each and every time we make a stop, we need to fill out a questionnaire that would more aptly be called a scroll rather than a form. For each stop, AB 953 requires you to record the date, time, location and duration of the stop. The officer will also have to record the *perceived* race/ethnicity (there are seven categories), *perceived* gender (five categories), the *perceived* sexual orientation, *perceived* age, *perceived* English fluency and *perceived* or known disability of the person stopped. More on the “perceived” later.

And that’s just to get started. Also required is filling out the reason for the stop, including a narrative that requires “additional detail beyond the general data values selected for ‘Reason for the Stop.’” So, simply marking “moving violation” and “speeding” won’t cut it. Rather, you will have to provide detail similar to what you’d provide in court on a ticket.

In researching the impact of this bill on our own officers, I contacted several traffic officers who advised me that it would take about 30 minutes or more to meet the requirements laid out in AB 953. That’s for every stop. Think about it. That’s 30 minutes of writing up the report in the field, meaning you’re not patrolling your beat; or 30 minutes at the end of your shift, meaning you have to come back to the division earlier or get approved overtime—overtime we just don’t have. And that’s just one stop. Now imagine a shift with four stops—20 percent of your 10-hour shift has just been swallowed by paperwork rather than protecting the public. It’s absurd.

And that’s just for a traffic stop; the scroll unfurls further if you actually have to search the vehicle. Tick-tock, tick-tock your shift is escaping away.

## **Perception does not equal reality**

The most bizarre piece of this legislation, aimed at increasing data on police profiling, is that it doesn’t seek the actual demographic statistics of our traffic stops. Instead, it seeks to collect data on the officer’s *perception* of the person stopped. Further, the law specifically forbids an officer from asking the person stopped for any of the information *and* forbids the officer from using any of the information on any government-issued ID, such as a driver’s license.

So, this new state database will be full of statistics based on what you perceive someone to be. What’s their race or ethnicity? Well, what do they *look* like to you? You get to decide if who you pulled over is a male, female, or male or female who may be transitioning in gender. You have to decide their sexual orientation. You decide how old they are.

This is insanity. Is the state government truly asking its police officers to determine someone’s sexual orientation by the way they *look* or *act*? Seriously? There will be zero reliability to data based solely on literally hundreds of thousands of a single person’s perceptions.

The cumulative impact of government requirements like this is crippling. Proactive policing will quickly become a thing of the past, and unfortunately, we will likely see criminals with firearms, trafficking drugs or casing homes go uncaught. That’s the reality. Gone will be the days when you pull somebody over for going a bit too fast on a residential street to give him a warning and to remind him kids are at play. Why would you? That stop will take at least another 30 minutes, not to mention force you to profile him: race, gender, sexual orientation, language, age ... rather than just being able to tell him, “Keep your speed down here, sir.”

## **A non-solution solution**

No police officer I've ever met supports "racial profiling." I'm all for ensuring that it never rears its head amongst our ranks. However, this massive compelled data collection exercise is not the answer.

Any good researcher will tell you that the way to get the most effective results is to provide an environment where your subject's behavior is not disturbed. As discussed above, the sheer work alone will alter how and when we make stops. Game over for unbiased data collection right there.

Moreover, as often is the case, results are aggregated statewide to analyze what is occurring in a profession that more often than not requires us to react to the actions of others—making apples-to-apples comparisons almost impossible.

There's an old adage that says an ounce of prevention is worth a pound of cure. AB 953 is a ton of perceived cure that will do nothing to address the issue its supporters want to study. The true winners in this debacle will be the software companies that create the programs and apps they will sell to law enforcement agencies (and yes, they're already ramping up).

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