

REIMAGINING COMMUNITY SAFETY

Sacramento County

CE PROTECTION

CU-SHERIFF		
SHERIFF - ADMINISTRATION	147,237,290.82	135,114,354.31
SHERIFF - AUTOMATION FUND	2,720,859.73	2,789,309.00
SHERIFF - CLEARING ACCOUNT		0.90
SHERIFF - COUNTY SERVICES	81,354,928.41	78,980,779.00
SHERIFF - COURT SERVICES	374,915,487.23	395,768,261.00
SHERIFF - CUSTODY	943,508,166.00	1,005,681,305.00
SHERIFF - DETECTIVE SERVICES	212,375,325.00	220,260,638.90
SHERIFF - GENERAL SUPPORT SERVICES	578,434,899.36	595,027,901.90
SHERIFF - MEDICAL SERVICES BUREAU BUDGET UNIT	(123,797.74)	
SHERIFF - NARCOTICS ENFORCEMENT SPECIAL FUND	2,696,220.65	4,537,486.80
SHERIFF - PATROL - CONTRACT CITIES	311,936,086.36	320,429,935.50
SHERIFF - PATROL - SPECIALIZED AND UNALLOCATED	658,578,223.45	683,012,173.10
SHERIFF - PATROL - UNINCORPORATED AREAS	198,795,070.40	220,000,491.10
SHERIFF - PATROL CLEARING	5,055,336.20	12,630,546.20
SHERIFF - PROCESSING FEE FUND	4,848,108.96	4,559,183.80
SHERIFF - SPECIAL TRAINING FUND	635,500.02	1,374,877.00
SHERIFF - VEHICLE THEFT PREVENTION PROGRAM FUND	16,999,400.43	16,270,029.00

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SPONSORING ORGANIZATIONS

This report was jointly produced by Catalyst California (formerly Advancement Project California), and the American Civil Liberties Union of Northern California.

Catalyst California (formerly Advancement Project California), alongside partners, dismantles racial injustice and redesigns systems for access and equity. We do this by shifting and building power with movement leaders in communities of color who are making real change. With the collective impact of community, data, and policy, we make the California Dream inclusive and available to all.

With a mix of audacity, analysis, and action, we foster justice and create equitable futures for everyone in our state. We translate complex ideas about communities into narratives that inspire action with the racial equity movement. To achieve our vision of a world where justice thrives, we uphold the truth through deep research, turn policies into actionable change, and shift money and power back into our communities.

We are a catalyst for systems transformation, ensuring that community-driven action, research, and policy foster an equitable future. We are willing to venture into the unknown for a cause, because to get to where we need to go, we need to do things in ways we have never done before.

The **American Civil Liberties Union of Northern California** is an enduring guardian of justice, fairness, equality, and freedom, working to protect and advance civil rights and civil liberties for all Californians. We envision a country where everyone can enjoy the principles of freedom, equality, and justice articulated in the Constitution, not only under the law but also in their lived experience.

ACLU NorCal recognizes that California's systems of policing and incarceration are rooted in our country's legacy of slavery. There is a direct throughline from the early slave patrols and racist Black Codes to "convict leasing" and the epidemic of mass incarceration, criminalization, and police abuse that affects and disproportionately jails and imprisons Black and Brown people today. In response, we work to dramatically reduce and end unjust "tough on crime" laws that funnel Black and Brown people into the prison pipeline. We also fight to protect the rights of the unhoused, and people struggling with mental health issues who are also subjected to cruel and inhumane treatment within the criminal legal system.

We work to hold legislators, police, prosecutors, and other government actors accountable to the people. We aim to reduce their power, resources, and discretion in order to advance our goal of transforming the criminal legal system into one that keeps communities safe and respects everyone's dignity and rights. We work in coalition with organizations led by those most directly impacted by systems of criminalization and oppression.



PARTNER ORGANIZATIONS

Thank you for providing insight through regional and statewide stakeholder meetings.

ACLU of San Diego & Imperial Counties

Justice2Jobs Coalition

ACLU of Southern California

NorCal Resist

Decarcerate Sacramento

Sacramento Area Congregations Together

Exodus Project

Public Health Advocates

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I. EXECUTIVE SUMMARY

Communities are safe when every person is healthy, secure, and supported.¹

Sacramento County’s budget—which, in many ways, is a statement of what it most values—does not reflect this fundamental truth.² Rather, the county fails to sufficiently invest resources in programs that advance those interests and instead spends an overwhelming amount of money on its sheriff’s office.³ By doing so, the county underwrites practices that harm Black and Brown people and undermine community safety.⁴ This report highlights policy changes which the Sacramento County Sheriff’s Office (SCSO) and the Sacramento County District Attorney’s Office can make in collaboration with community members to transform the county’s approach to community safety. The report also calls attention to budget changes the Sacramento County Board of Supervisors has authority to make to fund programs which improve community safety needs.⁵

RACIAL AND IDENTITY PROFILING ACT

Racial and identity profiling occurs when law enforcement officers stop, search, or interrogate an individual based on traits related to their identity, without having evidence of criminal activity.

In 2015, the California Legislature passed Assembly Bill 953 (AB 953), known as the **Racial and Identity Profiling Act**, to help eliminate discriminatory profiling and increase transparency and accountability within law enforcement agencies.⁶ This report analyzes pedestrian and traffic stop data from SCSO, population data from the U.S. Census, and county budget information to illustrate just some of the harms perpetuated when Sacramento

County spends money on the SCSO instead of investing in other community programs. These harms include psychological and emotional trauma community members experience when SCSO spends significant time on racially disproportionate traffic violations that are not a threat to community safety, such as equipment violations (defective brake lights) and non-moving violations (invalid registration). These non-safety-related traffic stops are indicative of **pretextual stops**.

Moreover, there is a lack of evidence linking increased SCSO funding to improved community safety. Instead, data show that SCSO patrol activities are harmful, unproductive, and racially disproportionate, undermine community safety, and waste taxpayer dollars. In December 2022, Sacramento County Sheriff Jim Cooper was sworn into office. Then, in January 2023, newly elected Sacramento County District Attorney Thien Ho was sworn into office. With new leadership in these key governmental roles, now is an ideal time to act.

Together, these agencies and governing bodies can make much-needed changes to improve community safety and well-being in Sacramento. SCSO should create a policy to end pretextual stops, the Sacramento District Attorney’s Office should use its prosecutorial discretion to implement a policy of not charging

cases that arise from racially biased pretextual stops, and the board of supervisors should use its budget authority to improve community safety by investing in:

1. Community-based organizations that provide auto repair to reduce motorists' interactions with law enforcement;
2. Additional staffing for the Public Defender's Office, enhancing services

to address recidivism, supporting incarcerated individuals with mental health care needs, reducing jail overcrowding, and providing jail discharge plans, which will ultimately help the county comply with the **Mays Consent decree**;

3. 24/7 non-law enforcement mental health response service; and
4. The Community Review Commission and Office of Inspector General.

PRETEXTUAL STOPS

A pretextual stop is a stop that occurs under the guise of a minor traffic violation but that provides officers an opportunity to investigate an unrelated suspicion.

MAYS CONSENT DECREE

The Mays Consent Decree is a court-approved settlement in response to a 2018 federal class-action lawsuit alleging that Sacramento County failed to provide constitutionally required mental health and medical care to people in the jail, failed to implement essential suicide prevention measures, and discriminated against people with disabilities.

Under the terms of the 2020 settlement, the county must significantly expand its mental health services, revamp its medical care system, implement improved suicide prevention measures, and ensure that people with disabilities have the accommodations they need and can access jail programs and services.

As of Fall 2023, Sacramento County remains out of compliance with the consent decree.

Key Findings

- **When SCSO conducts officer-initiated stops, it is largely for the purpose of enforcing non-safety-related traffic violations:** When enforcing traffic violations, SCSO **spends 68%** of its time on stops for non-safety-related traffic violations such as equipment (e.g., defective brake lights) and non-moving (e.g., invalid registration), which are likely to be pretextual. In 2019, SCSO stopped approximately 62 out of every 1,000 Black people for equipment violations where the sheriff's office provides law enforcement, a rate **nearly 5.5 times higher than** for white people stopped for equipment violations. SCSO stopped approximately 50 out of every 1,000 Black people for non-moving violations where the sheriff's office provides law enforcement, a rate **nearly 5 times higher** than for white people stopped for non-moving violations.
- **When SCSO conducts officer-initiated traffic stops, it spends significant time on traffic stops that result in a warning or no action (indicating pretext):** SCSO spends **about 3 in 4 hours on traffic violation stops (74.8%)** that result in a warning or no action. Such baseless stops may cause community members lingering stress and trauma.
- **SCSO deputies disproportionately stop Black people for traffic violations compared to other racial groups:** In 2019, for every 1,000 Black people living in areas where the sheriff's office provides law enforcement, SCSO stopped an estimated 149 for traffic violations – a rate **nearly 5 times greater** than for white people.

Recommendations

- **Stop enforcing non-safety-related traffic violations that can be used for racially biased pretextual stops:** SCSO should eliminate enforcement of minor traffic violations unless there is an immediate community safety risk. The Sacramento County Board of Supervisors should allocate funding for local groups working to reduce interactions between the community and law enforcement. Police often use minor traffic violations, such as a broken taillight or expired registration, as an excuse to search for evidence of criminal activity when they don't have reasonable suspicion a crime has been committed or probable cause for a search. Since minor traffic offenses generally pose little risk to community safety, they could be managed through non-law enforcement safety programs.
- **Prioritize investing in the most impacted community members and community-centered organizations to improve community safety:** By investing in community organizations that reduce interactions with law enforcement, Sacramento County leaders can improve community safety. This includes, but is not limited to, groups that provide emergency mental health services, distribute food, and offer free vehicle brake light repair.
- **Increase funding for the Sacramento County Public Defender's Office⁷:** The Sacramento County Public Defender's Office received \$62 million in the 2023-24 fiscal year budget, about half the funding allocated to the Sacramento County District Attorney's Office.⁸ With equitable funding, the public defender's office could improve community safety by hiring staff, enhancing services to address recidivism, supporting incarcerated individuals with mental health care needs, reducing jail overcrowding, and providing jail discharge plans.
- **Sacramento County District Attorney's Office should decline charging pretextual stops incidents:** The Sacramento County District Attorney's Office should implement a policy of declining to charge cases that stem from pretext stops where the traffic stop had no independent probable cause or other legal justification.

This report urges SCSO to create a policy to end pretextual stops, the Sacramento County DA to stop filing charges stemming from pretextual stops, and the Board of Supervisors to invest in communities to improve safety.

II. INTRODUCTION

Sacramento County Must Change Its Approach to Community Safety

Communities are safe when every person is healthy, secure, and supported. However, Sacramento County has annually increased the SCSO budget when the data indicate that additional SCSO funding does not necessarily improve community safety. Instead, the data clearly show that SCSO’s effectiveness at improving community safety is limited at best while also showing harms to communities of color. Fundamentally transforming Sacramento County’s approach to community safety is long overdue.⁹

information, and public policy research and included stories from community-based organizations.¹² This report utilizes the same data to analyze these issues as they apply to SCSO. When SCSO conducts officer-initiated stops, it is largely for the purpose of enforcing non-safety-related traffic violations such as equipment and non-moving violations. In contrast, the amount of time deputies spend on stops where the deputy allegedly had **reasonable suspicion** to suspect a person was engaged in criminal activity is minimal.¹³

REASONABLE SUSPICION

The constitutional legal standard that must be met for an officer to require a person to submit to a stop to allow an officer to investigate potential criminal activity. It requires that an officer to be able to point to specific, objective facts about the circumstances that suggest a person is involved in criminal activity. This is a lower standard that the "probable cause" standard that is required to justify an arrest.

Understanding how Sacramento County spends tax dollars on community safety is key to addressing how to change its approach. In the 2019 fiscal year, SCSO’s total budget was \$346,091,502, and in the 2020 fiscal year, this number increased to \$372,719,287. Data in this report show that despite an increase in spending, community safety was not improved proportionally.

This report calls on the Sacramento County Board of Supervisors to use its budget authority to prioritize funding for community-based organizations and community safety programs¹⁴ that reduce interactions between law enforcement and residents, such as NorCal Resist, which provides free brake light maintenance to help community members reduce their risk of being pulled over and avoid unwanted police encounters.¹⁵ When SCSO engages in racially discriminatory policing, these practices unnecessarily involve people in potentially deadly interactions with law enforcement and cost Sacramento taxpayers’ millions in wrongful death lawsuit settlements.¹⁶

STOP DATA

A "stop" for purposes of the RIPA data is defined as: "(1) any detention, defined in these regulations, by a peace officer of a person; or (2) any peace officer interaction with a person in which the officer conducts a search, as defined in these regulations."

This report builds upon [*Reimagining Community Safety in California: From Deadly and Expensive Sheriffs to Equity and Care-Centered Wellbeing*](#), a joint publication by the ACLU of Southern California and Catalyst California.¹⁰ *Reimagining Community Safety in California* analyzed self-reported **stop data**¹¹ from California law enforcement agencies, publicly available budget

Obtaining disaggregated costs for settlements and judgments arising specifically from patrol activity misconduct is difficult to obtain because counties are not transparent about such information (e.g., failing to publicly report or reporting under budget items outside of law enforcement) and often prevent public access through non-disclosure agreements in settlements.¹⁷

SCSO must hold officers accountable for racial disparities and stop enforcing non-safety-related traffic stops. The Sacramento County District Attorney's Office should stop charging cases that stem from pretext stops where the traffic stop had no independent probable cause or other legal justification. The board of supervisors, SCSO, and the district attorney's office should work with community members to develop policies and budgets that benefit all residents.¹⁸ Policy and budget transformation can help end harmful pretextual practices that punish marginalized communities whose traffic offenses, such as a broken taillight, at times stem from unmet social needs like economic instability and which do not undermine community safety.

In 2020, Sacramento County leaders declared racism a public health crisis.¹⁹ This report identifies strategies to eliminate institutional, structural, and systemic racial inequity in law enforcement.²⁰ Now is the time to act.

Research Methodology in Brief

Research methodology is the specific procedures or techniques used to identify, select, process, and analyze information about a topic.²¹ The analysis which follows is based on stop data reported pursuant to the Racial and Identity Profiling Act (RIPA) of 2015, population figures from the U.S. Census, and county budget information.²² Because RIPA's law enforcement data reporting mandate began in April 2019 (for data collected the preceding year) and the COVID-19 pandemic greatly affected public safety in numerous, atypical ways in 2020 and 2021, the analysis below focuses on 2019, which was the most recent year of data available at the time this study began.²³ A full discussion of the data presented in this report is available in the endnotes.²⁴ In addition, the cost for each issue below is approximate and assumes that an issue's share of stop time is the same as its share of total patrol costs.²⁵ We calculate patrol costs as including the direct costs of patrol duty officers as well as indirect costs for administration, supervision, and other tasks that make patrol operational.²⁶ It is not spending specifically allocated by a county for the patrol activity at issue.²⁷

III.SCSO OFFICER-INITIATED STOPS DON'T MEANINGFULLY IMPROVE COMMUNITY SAFETY

Officer-Initiated Stops vs. Calls for Service

An officer-initiated stop occurs when an officer stops a member of the public based on the officer's belief that the person may be connected to a criminal offense.²⁸ In contrast, a stop made in response to a call for service occurs when an officer stops a person pursuant to an external request, such as from a community member.²⁹

A common assumption is that officer-initiated stops, as opposed to stops in response to calls for service, are necessary to prevent people from engaging in crimes that pose a serious threat to communities.³⁰ In light of this view, the report evaluated officer-initiated interactions by the amount of time spent on stops based on the reasons stops occurred.³¹ Figure 1 shows that under RIPA, primary stop reasons include a traffic violation, reasonable suspicion of a crime, a stop made pursuant to a warrant for an arrest, a consensual encounter and search, a parole or probation check, or investigating youth for truancy.³² A very small portion of other individual stop reasons reported—but that do not fit within any of the above categories—were collectively categorized as “other reason”

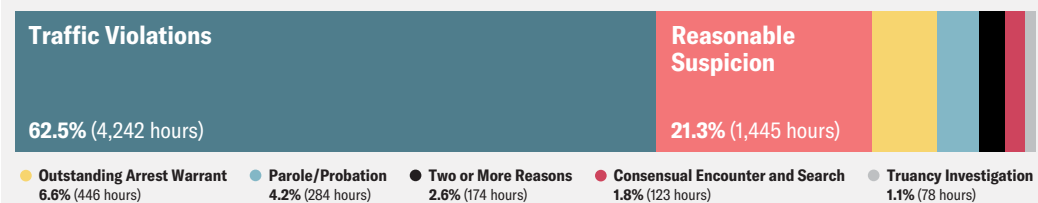
because, when aggregated, they account for less than 1% of total time spent on officer-initiated stops.³³

The data show that time spent on officer-initiated stops is largely for the purpose of enforcing traffic violations.³⁴ SCSO deputies spend nearly two-thirds of their officer-initiated stop time on traffic violations. About 62.5% of SCSO's total hours spent on officer-initiated stops in 2019 were for traffic stops, for a total of 4,242 hours. By contrast, officer-initiated stops based on reasonable suspicion³⁵ accounted only for 21.3% (or 1,445) of hours, and those made pursuant to an arrest warrant comprised only 6.6% (or 446) of hours.

In essence, SCSO is spending a significant amount of time on traffic violations that are not a threat to community safety, such as equipment violations (e.g., a broken taillight), and non-moving violations (invalid registration) as opposed to responding to alleged crimes. Continuing this trend of investing SCSO resources in traffic violation enforcement will be a waste of time and public dollars, and ineffective.

Figure 1.

Percent of Time Spent on Stops by Stop Reason (Sacramento County Sheriff)



Data Source: Catalyst California's calculations based on AB 953 data requested by ACLU of Southern California (2019).
Data Note: Excludes request for service calls. Please see methodology for more information on time spent calculations.

SCSO Traffic Enforcement Is Racially Biased

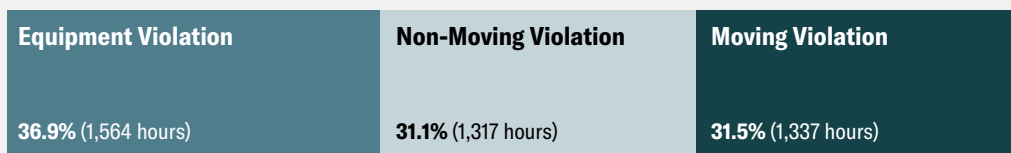
A Substantial Amount of Time and Resources Are Spent Enforcing Equipment and Non-Moving Violations (Basis for Pretextual Stops)

Figure 2 below is an analysis of traffic stops pursuant to three primary types of traffic violations—moving violations, equipment violations, and non-moving violations.³⁶ In addition, instances in which more than one violation type is identified are categorized as “two or more violations.” Equipment violations (e.g., a broken taillight) pose relatively low and non-imminent risks, along with non-moving or technical violations (e.g., invalid registration). Equipment and non-moving (technical) violations are often used as bases for pretextual stops. A pretext stop occurs when an officer stops a person ostensibly for a traffic violation or minor infraction but with the actual intention of using the stop to investigate based on an officer’s hunch that by itself would not amount to reasonable suspicion or probable cause.³⁷

These types of stops can be influenced by an officer’s implicit or explicit bias, as well as agency policies that may focus on certain types of enforcement actions in different neighborhoods, which can cause disparities in which populations are targeted.³⁸

As an example, a little under two-thirds of SCSO time spent on officer-initiated stops (62.5% or 4,242 hours) was for traffic violations.³⁹ Within that, just over two-thirds (68% or 2,881 hours) of time spent on traffic violations was for equipment and non-moving violations, and about one-third (31.5% or 1,337 hours) was for moving violations.⁴⁰ Referencing these percentages against the total expenditures on the department’s patrol unit (over \$181 million), the cost of the equipment and non-moving violations (i.e., basis for pretext) was over \$32.2 million, compared to approximately \$15 million for moving violations.⁴¹

Figure 2.
Percent of Time Spent on Traffic Violations by Violation Type



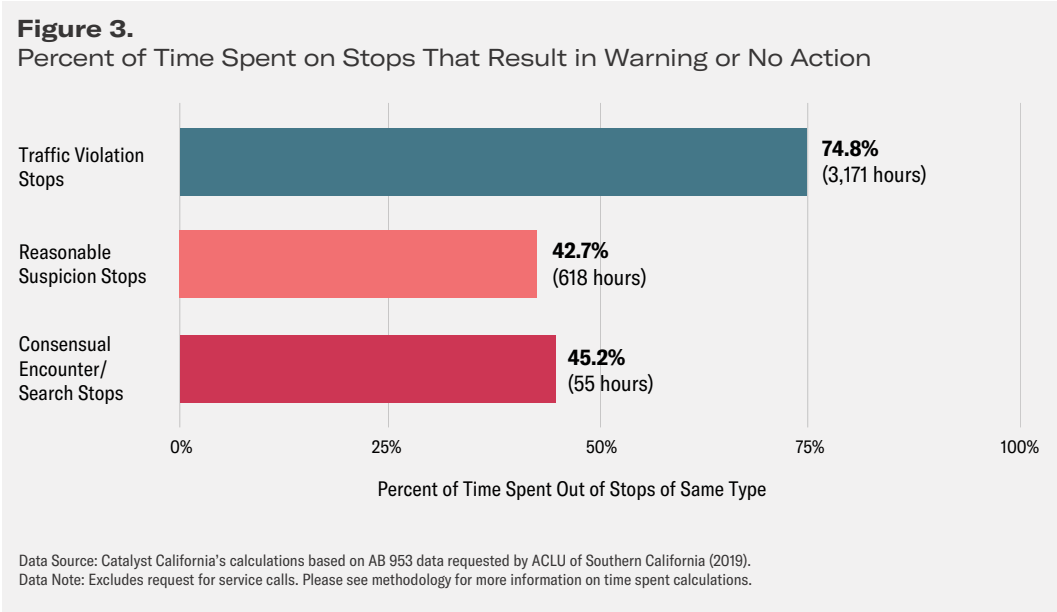
Data Source: Catalyst California’s calculations based on AB 953 data requested by ACLU of Southern California (2019).
Data Note: Excludes request for service calls. Please see methodology for more information on time spent calculations.

Two or More Violations
0.5% (22 hours)

Sacramento County Sheriff’s Office Spends Significant Time on Traffic Stops that Result in a Warning or No Action (Indicating Pretext)

Data in Figure 3 show that a considerable amount of time is spent on stops that result in a warning or no enforcement action.⁴² The below data indicate that time is spent on stops that pose minimal to no imminent risk to traffic safety and

amount to a routine practice of pretextual stops.⁴³ For example, among officer-initiated stops for traffic violations by SCSO, approximately three out of every four hours (74.8% or a total of 3,171 hours) are spent on stops that result in a warning or no action.⁴⁴ Converted, this amounts to approximately \$35.5 million annually dedicated to traffic violation stops that result in a warning or no action and are indicative of pretext.⁴⁵



SCSO Disproportionately Stops Black People

Stop Rates by Race and Stop Reason

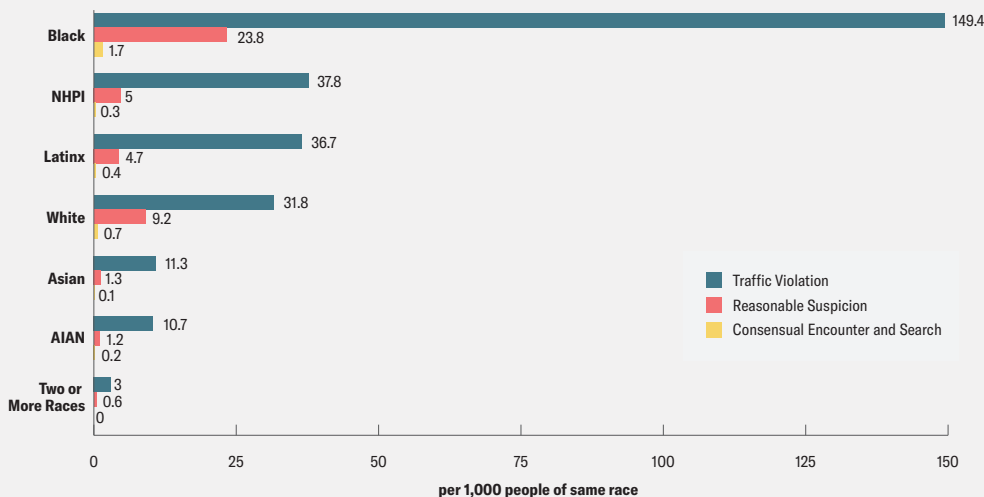
Sacramento County Sheriff’s Office (SCSO) deputies disproportionately stop Black people for traffic violations, reasonable suspicion, and consensual encounters and searches compared to other racial groups.

“Consensual” searches occur when an officer lacks reasonable suspicion or any other legal justification to conduct a search, and requests consent from the individual to search their person or belongings.⁴⁶ While these searches should only occur when consent is voluntarily given, research shows that people rarely refuse an officer’s request to search, and that such requests from authority figures are almost never denied, even if the subject thinks the request is unreasonable.⁴⁷ Thus, consensual searches, although a comparatively small

proportion of stops, reflect police contacts where there is no factual basis for an officer to believe a crime has occurred or is occurring, and officers nonetheless stop the person and search their belongings or body—and a disproportionate number of those contacts are experienced by Black people.⁴⁸

Figure 4 shows SCSO deputies stopped nearly 24 out of every 1,000 Black people who live in areas patrolled by SCSO for reasonable suspicion, as compared to stopping only 9 white people for reasonable suspicion. With respect to traffic stops, which comprise the vast majority of SCSO activity, deputies stopped an estimated 149 Black people for traffic violations per 1,000 Black people living in areas where the sheriff’s office provides law enforcement—a rate nearly 5 times greater than for white people.

Figure 4.
Stop Rates by Race and Stop Reason



Data source: Catalyst California’s calculations based on AB 953 data requested by ACLU of Southern California (2019); U.S. Census 2020. Data note: AIAN=American Indian or Alaska Native, alone or in combination. NHPI=Native Hawaiian or Pacific Islander, alone or in combination. Excludes request for service calls.

Stop Rates by Race and Traffic Violation Type

Traffic stops can escalate into deadly encounters, particularly for Black people. Since 2017, police officers in the United States have killed at least 675 people during traffic stops initiated for traffic violations.⁴⁹ RIPA data show that SCSO deputies disproportionately stop people of color. SCSO deputies were most likely to stop Black motorists across all categories of traffic violations. Figure 5 shows that in 2019, SCSO stopped an estimated 38 out of every 1,000 Black people for moving violations, a rate **nearly 3.5 times higher** than for white people stopped for moving violations. SCSO stopped approximately 62 out of every 1,000 Black people for equipment violations in areas where the sheriff's office provides law enforcement, a rate **nearly 5.5 times higher** than for white people stopped for equipment violations. SCSO stopped approximately 50 out of every 1,000 Black people for non-moving violations where the sheriff's office provides law enforcement, a rate **nearly 5 times higher** than for white people stopped for non-moving violations.

Even if an individual does not receive a ticket, and a search does not produce contraband or evidence of a crime, interactions with police may cause stress and lingering trauma. For example, in 2020, a Black man shared his story of being racially profiled by Sacramento police with local media.⁵⁰ According to his account, a police officer saw the man through his windshield and pulled him over for having

tinted windows.⁵¹ Multiple patrol units responded to the scene, and officers drew their guns, pulled him from his vehicle, and handcuffed him.⁵² Ultimately, the police did not issue a ticket and released him with a verbal warning.⁵³ The harrowing ordeal left him shaken, distrustful of the police, and committed to teaching his children how to behave during a traffic stop to remain safe.⁵⁴ Unfortunately, the data show that this man's experience is not uncommon in Sacramento County and suggests that SCSO deputies frequently stop motorists for minor traffic or vehicle code violations as a pretext to search for evidence of a crime.

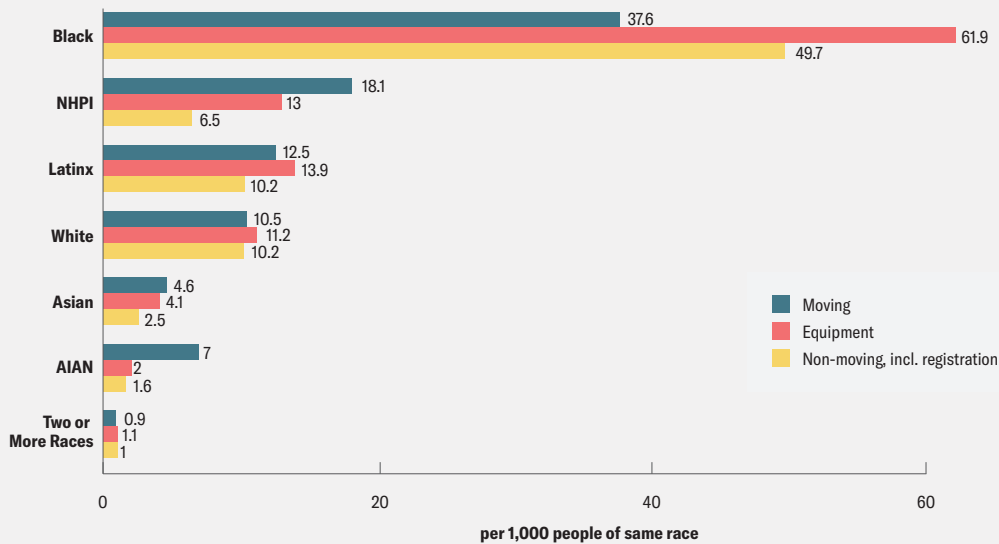
As the example above illustrates, any police stop is not a trivial encounter, and it can have a deleterious effect on the mental health of the person stopped.⁵⁵ Even when an encounter with SCSO does not culminate in deadly force—or involve any force at all—it can still have a lasting detrimental impact, especially for Black people.⁵⁶ Scholars studying the public health effects of racially discriminatory policing have observed a wide range of negative impacts on Black Americans, including injuries arising from violent confrontations and adverse health consequences caused by experiencing perceived threats or vicarious harm.⁵⁷ Among this research are studies showing that people subject to policing suffer from sleep deprivation, social stigma, and post-traumatic stress.⁵⁸ People who have more police contact also experience greater anxiety and display more signs of trauma, with more frequent and intrusive stops resulting in even higher anxiety and

greater frequency of PTSD symptoms.⁵⁹ A study of Black individuals confirmed that merely seeing police causes anxiety, and that police encounters correlate to increases in anxiety, distress, depression, and trauma.⁶⁰

Communities that are aggressively policed show greater levels of distress—both as a result of the hypervigilance expended in an attempt to avoid being targeted and because such treatment

is observed and experienced by the community as unfair or discriminatory.⁶¹ Communities with higher rates of stops and searches and uses of force display higher levels of non-specific psychological distress (including feelings of nervousness and worthlessness), especially among men.⁶²

Figure 5.
Stop Rates by Race and Traffic Violation Type



Data source: Catalyst California's calculations based on AB 953 data requested by ACLU of Southern California (2019); U.S. Census 2020.
Data note: AIAN=American Indian or Alaska Native, alone or in combination. NHPI=Native Hawaiian or Pacific Islander, alone or in combination.
Stop rates only include stops for traffic violations and exclude request for service calls.

IV. INCREASING SCSO FUNDING DOES NOT IMPROVE COMMUNITY SAFETY

PEOPLE OF COLOR

This term specifically encompasses those identified as: Asian, Black/African American, Latinx, Middle Eastern or South Asian, Native American, and Pacific Islander.

Data indicate increasing the Sacramento County Sheriff’s Office budget does not improve community safety. As illustrated by the stop data in this report, Black people, and other **people of color**, are subject to disproportionate enforcement by police and are not kept safe. Sacramento County must be innovative and willing to engage in alternatives to the historical “law and order” perspective, and shift to prioritizing investing in community members and community-centered organizations for community safety. As an example, Sacramento County should invest in organizations that provide economic relief through vehicle registration⁶³ and brake light repair to reduce opportunities for traffic stops, which will keep people safe.

Before providing a deeper analysis of why increasing funding for law enforcement is not the best way to improve community safety, it is important to know how much money law enforcement receives. Figure 6 below provides Sacramento County’s total annual budget for fiscal years 2019 and 2020, SCSO’s annual budget, and the budget for the patrol unit, which includes the deputies who initiate pedestrian and traffic stops. In fiscal year 2019, SCSO received about \$346 million of Sacramento County’s \$4.3 billion total budget. More than half of the sheriff’s budget—nearly \$182 million—was allocated to the patrol unit. In fiscal year 2020, SCSO received about \$372 million of Sacramento County’s \$4.4 billion total budget. More than half of the sheriff’s budget—nearly \$194 million—was allocated to the patrol unit.

Figure 6. Sacramento County

	FY 2019 Adopted	FTEs	FY 2020 Adopted	FTEs
Total County Budget	\$4.3 Billion		\$4.4 Billion	
Sheriff’s Budget	\$346,091,502	1,984.5	\$372,719,287	2,084
Patrol Unit Budget	\$181,739,522	667	\$193,764,274	547.5
Patrol Unit’s Percentage of Sheriff’s Budget	53%		51%	

These statistics indicate that though its budget increases every year, SCSO is not actually solving more crimes. Clearance rates, which measure the difference between the number of incidents a law enforcement agency reports within its jurisdiction and the number of cases it resolves through arrests or other means, are one measure of law enforcement's impact on community safety. In calendar year 2019, SCSO cleared just 38% of violent crimes, according to reports the sheriff's office submitted to the California Department of Justice.⁶⁴ Violent crime includes homicide, rape, robbery, and aggravated assault.⁶⁵ The following calendar year, despite receiving approximately 7.7% more funding in fiscal year 2019-20, SCSO had even lower clearance rates.⁶⁶ In 2020, SCSO cleared 32% of violent crimes. Likewise, in fiscal years 2020-21 and 2021-22, SCSO's budget continued to grow, while its clearance rates decreased: In 2021, SCSO cleared 22% of violent crimes, and in 2022, SCSO cleared only 18% of violent crimes.⁶⁷

As a society, we have been taught to equate policing with community safety. Some Californians may not be able to imagine alternatives to a punitive, carceral law enforcement model.⁶⁸ This report urges a transformation of the mindset from equating policing with community safety to data-driven and public health centered investments in the community as key components of community safety. The needed transformation is rooted in the fact that the criminal legal system was built to reinforce deep structural racism in our society.⁶⁹ For many communities of color, policing has been a source of terror rather than safety.⁷⁰ Additionally, the data do not support choosing to rely on law enforcement as the solution to the goal of community safety.

V. REFORMS TO IMPROVE COMMUNITY SAFETY

This section details recommendations for policy and budget changes on which the Sacramento County Sheriff's Office, Sacramento District Attorney's Office, Sacramento County supervisors, and community members can collaborate to transform the county's approach to community safety.

Stop Enforcing Non-Safety Related Traffic Stops That Can Be Used for Racially Biased Pretextual Stops

Research shows that traffic stops are the number one reason people encounter police and are the greatest source of racial disparities in routine law enforcement activity.⁷¹ Police often use minor traffic violations, such as a broken taillight or expired registration, as an excuse to search for evidence of criminal activity when reasonable suspicion that a crime has been committed does not exist or when officers do not have probable cause for a search.⁷²

The analysis in this report examined whether SCSO patrol activities are indicative of pretextual stops or geared more toward preventing violations that pose imminent and serious traffic safety risks.⁷³ The analysis evaluated: 1) the time spent on traffic violations by violation type, and 2) the time spent on stops that result in a warning or no action.⁷⁴ Data on both issues indicate that a substantial amount of time spent on officer-initiated stops for traffic violations is for pretextual stops.⁷⁵ Therefore, this report recommends that SCSO adopt the following policies to improve community safety and reduce racial profiling, and post them prominently on the SCSO website:

1. Eliminate non-safety related traffic stops⁷⁶ that pose a low risk to community safety and that data show

are enforced in a manner that creates significant racial disparities.⁷⁷

2. Restrict armed law enforcement responses to traffic incidents to situations where there is a public safety concern, and explore creating a civilian traffic unit.⁷⁸
3. Prohibit certain searches, including consent searches or supervision searches, during traffic stops, and instead require probable cause for any search.⁷⁹

SCSO should partner with the Sacramento County Community Review Commission (CRC)⁸⁰ to identify vehicle code violations that should no longer be used for traffic stops. One of the CRC's duties is to make recommendations to the Office of Inspector General regarding SCSO policies and procedures that affect the community.⁸¹ According to RIPA data, Black people experienced the highest stop rates across all types of traffic violations. Therefore, it would be beneficial to identify which vehicle code violations deputies use most frequently to pull over Black motorists and work to eliminate those violations as a reason to stop someone if there is no impact on community safety. Since minor traffic offenses such as "objects affixed to

windows or hanging from the rearview mirror” generally pose relatively little to no safety risks, they could be managed through non-law enforcement programs.

Such a policy change may alleviate the harms associated with racially biased pretextual stops.

Sacramento County DA Should Not File Charges Stemming From Pretext Stops

District attorneys wield tremendous power in the criminal legal system, including deciding whether to file charges and determining if a case is prosecuted as a misdemeanor or felony. As Dr. Angela J. Davis explains, “[J]ust as the power and discretion of prosecutors have contributed to mass incarceration and racial disparities in the criminal justice system, that same power and discretion may be used to institute reforms to correct these injustices.”⁸²

District attorneys are a critical piece of the puzzle to reduce law enforcement’s role in traffic stops and refocus limited resources on evidence-based crime prevention strategies.⁸³ The Sacramento County District Attorney’s Office can develop strategies to reduce racially biased pretextual stops by:

1. Declining to file charges that stem from a pretextual stop or search.⁸⁴
2. Refusing to file simple drug possession charges based on a search that occurred during a traffic stop or misdemeanor offense, such as a consent or probation search.⁸⁵
3. Developing directives that clearly prescribe the types of stops that are restricted or prohibited, such

as an obstructed window or expired registration.⁸⁶

Moreover, it is already the Sacramento DA’s legal duty under the Racial Justice Act (AB 256)⁸⁷ to ensure that any conviction is not obtained on the basis of race, ethnicity, or national origin.⁸⁸ Any bias towards the person charged, including by the arresting officer or prosecutors, can result in a judge overturning a sentence or enhancement or declaring a mistrial.⁸⁹ Under this state law, individuals challenging their convictions can cite traffic stop data to demonstrate that bias regarding their race, ethnicity, or national origin played a role in their case.⁹⁰ Recently, the plaintiff in *Young v. Superior Court of Solano County*⁹¹ claimed that racial profiling led to his arrest.⁹² Young used statewide data showing that police are much more likely to stop and search Black people to support his claim that the state had violated the Racial Justice Act.⁹³

RIPA data provide compelling evidence that pretextual stops are a source of racial disparities in policing. Therefore, the Sacramento County DA’s office should stop charging cases that stem from pretext stops in which the traffic stop had no independent probable cause or when no other legal justification exists for the stop.⁹⁴

Investing in the Community Improves Safety

Sacramento County Must Prioritize Funding Community Organizations That Keep Communities Safe

The Sacramento County Board of Supervisors should commit to funding the diverse community organizations and programs that provide housing assistance, distribute food, and help people secure employment. As an example, the county could invest in NorCal Resist⁹⁵, a volunteer-led community group that has fixed hundreds of brake lights through its bimonthly events.⁹⁶ NorCal Resist strives to reduce traffic stops for equipment violations by providing free vehicle maintenance, including replacing or repairing headlight, taillight, and turn signal bulbs.⁹⁷

In 2022, NorCal Resist held 12 repair clinics and replaced 139 bulbs. NorCal Resist has seen an uptick in need in 2023 as they have encountered a greater number of people with multiple lights not working and numerous fix-it tickets. In 2023, NorCal Resist held repair events twice monthly, and by September volunteers had serviced 75 vehicles, fixing more than 100 brake lights and more than 25 headlights.

With annual funding from Sacramento County, NorCal Resist could serve more residents and increase the number of repair clinics it holds. With fewer vehicles on the road with broken taillights or burned-out headlights, we would expect to see a decrease in racially biased traffic stops.

Investing in NorCal Resist would also benefit community safety. In 2019, sheriff's deputies pulled over Black motorists for equipment violations approximately 62% of the time, according to RIPA data. Rather than stopping people if they have a faulty brake light, sheriff's deputies could record the vehicle license plate number and mail the owner a referral to NorCal Resist for a repair.

Removing equipment violation enforcement from SCSO's responsibilities also likely would reduce racially biased actions taken during stops, such as consent searches. Sacramento County leaders should fund community organizations like NorCal Resist to reduce equipment violation stops that disproportionately harm Black Sacramento residents.

Sacramento County Must Annually Prioritize Funding the Public Defender's Office

The Sacramento County Public Defender's Office represents most people who are charged with a crime in the county.⁹⁸ Since their clients are some of the most vulnerable and underserved people in the county's criminal legal system, public defenders likely see firsthand the harm pretext stops can cause. When officers initiate non-safety related traffic stops, people can be subjected to an illegal search of their person or vehicle.⁹⁹ If the person is arrested and cannot afford a lawyer, the court appoints the public defender to represent them.¹⁰⁰ The Sacramento County Public Defender's Office annual budget is about half of what the Sacramento County District Attorney's Office receives. In the 2019 fiscal year, the district attorney's office received about \$76.5 million¹⁰¹, and the public defender received nearly \$34.6 million.¹⁰² Even though the budgets for both offices have increased over the years—in fiscal year 2023 the public defender and the district attorney received \$62 million¹⁰³ and \$125 million¹⁰⁴, respectively—indigent defense remains underfunded in comparison. With equitable funding, the public defender's office could improve community safety by hiring staff, enhancing services to address recidivism, supporting incarcerated individuals with mental health care needs, reducing jail overcrowding, and providing jail discharge plans. This report recommends that

Sacramento County supervisors explore ways to fully fund the public defender's unapproved budget requests.¹⁰⁵

A fully funded public defender's office could assist with a more efficient mental health diversion process and help connect clients with services and resources prior to and during jail discharge.¹⁰⁶ This is important because beginning in January 2023, state law significantly expanded eligibility for mental health diversion for people who comply with a treatment plan.¹⁰⁷ The public defender has a mandated duty to file diversion applications for qualifying clients and to manage their cases until they complete their treatment plan, which can take 1-2 years.¹⁰⁸ The public defender needs to be fully funded to comply with this new mandate.¹⁰⁹

Furthermore, Sacramento leaders could improve community safety by fully funding successful programs, such as the Public Defender's Office Pretrial Support Project (PTSP). Through PTSP, social workers, legal staff, and community-based organizations conduct forensic, housing, and other needs assessments for people detained pretrial in the Sacramento County jail.¹¹⁰ The project also develops coordinated safety jail discharge plans; connects individuals with mental health, substance use, housing, and other support services; and provides ongoing case management support post release.¹¹¹ A fully funded PTSP could expand screening and services capacity which would increase

the number of people who can be safely released from custody while their cases are pending.¹¹² PTSP could also improve connections to services by prioritizing and coordinating daytime releases.¹¹³

With a client-centered program based on a holistic defense approach, PTSP addresses four key challenges the county faces:

1. Jail overcrowding and the resulting exposure to inhumane conditions;
2. An increase in incarcerated individuals with mental health needs;
3. Longer jail time for people with mental health and substance use treatment needs; and
4. Lack of coordination with criminal court and discharge planning.¹¹⁴

Since the start of the pretrial project in 2021, social workers have linked or referred 998 people to mental health services, 669 to substance use support, and 596 to housing.¹¹⁵

The county also should invest annually in community safety groups, such as the Exodus Project,¹¹⁶ which provides transportation, food, clothing, and other support to people released from jail.¹¹⁷ With sustained funding, groups like the Exodus Project would likely reduce recidivism rates. A reliable source of funding also would ensure that the Exodus Project continues to partner with the public defender's office on coordinating with the criminal court on jail discharge planning.

Data show that the Exodus Project has had a positive impact on community safety. According to the Exodus Project, in 2022 it served a total of 725 clients. One hundred people were placed in jobs, 91 people received mental health and substance use counseling, 334 people were put up in hotels, and 54 people were provided with up to six months of transitional housing. The Exodus Project's success should inspire the county to increase funding for existing organizations or create public health-centered services that meet the community's needs.

Sacramento County Must Prioritize Investing in 24/7 Mental Health Alternatives to Law Enforcement

In June 2021, the Sacramento County Board of Supervisors voted unanimously to approve a \$6.5 billion budget for fiscal year 2021-2022, including \$12 million to fund a 24/7 civilian alternative emergency response to people experiencing a mental health crisis.¹¹⁸ The Sacramento County Community Wellness Response Team (CWRT)¹¹⁹ responds to calls from community members that may benefit from in-person de-escalation services.¹²⁰

To operate around the clock seven days per week, the program requires at least 11 teams made up of a mental health clinician and a peer support specialist. Since the program’s “soft launch” in March 2023, four complete teams have provided service Monday through Friday from 9 a.m. to 3:30 p.m.¹²¹ Of the 53 calls CWRT received from March through the end of June, the response teams successfully de-escalated 46 situations in the field and connected an individual with services and resolved seven over the phone.¹²²

Data show CWRT is needed and provides community safety. This report urgently calls for additional funding to fulfill the need for a 24/7 response. To recruit and retain qualified candidates, this report also supports the Sacramento County Mental Health Board’s recommendation to increase the hourly rate for county mental health counselors, so that the salary is competitive with the private sector.¹²³ This recommendation is intended to be a short-term solution to quickly impact workforce availability and retention.¹²⁴ In the long term, the county should conduct a comprehensive compensation study to determine the amount it needs to budget each year to support recruitment and retention efforts.¹²⁵ Doing so will ensure that all Sacramento County residents have their behavioral health care needs met.¹²⁶

Allocating sufficient funding for a civilian mental health response team is imperative because people with untreated, severe mental illness are 16 times more likely to be killed by

law enforcement and make up 1 in 4 victims of fatal police shootings, despite comprising just 1 in 50 U.S. adults.¹²⁷ The California State Legislature addressed this need by passing Assembly Bill 988, also known as the “Miles Hall Lifeline and Suicide Prevention Act,” which established the 9-8-8 statewide emergency response phone line people can call to request aid from mobile crisis teams staffed by trained mental health professionals, rather than armed law enforcement.¹²⁸

Sacramento County must be a leader in funding a 24/7 mental health response to prevent tragedies like what happened to Jaime Naranjo, who was experiencing a mental health crisis and threatening to end his life when a Sacramento County sheriff’s deputy shot and killed him in 2022.¹²⁹ His wife called 911 for help, but the responding deputy shot Mr. Naranjo within a minute of arriving at the scene.¹³⁰ Unfortunately, when Mr. Naranjo’s wife called for help, the Mobile Crisis Support Team, a collaboration between the Department of Health Services and law enforcement to respond to emergency calls for individuals experiencing a mental health crisis, was off duty because it did not operate 24 hours per day.¹³¹

The CWRT is intended to be accessible 24 hours per day but was not in operation at the time of Mr. Naranjo’s death. To save lives, it is imperative that the county provides adequate funding to ensure the CWRT is fully staffed and operates 24 hours a day and 7 days a week.

Sacramento County Should Prioritize Investments in Law Enforcement Accountability to Improve Community Safety

Sacramento County should invest in the Community Review Commission (CRC) and the Office of Inspector General to improve law enforcement transparency and accountability. As social media, viral cell phone videos, and news reports draw more attention to police misconduct, communities, advocates, and lawmakers must demand that officers be held accountable.¹³²

In 2021, Sacramento County took an important step by creating the CRC, which is designed to improve public transparency and accountability with respect to the Sacramento County Sheriff's Office (SCSO) and to facilitate community interaction and communication with the Office of Inspector General (OIG).¹³³ An important duty of the CRC is to review, analyze, and make policy recommendations to the OIG related to the oversight of SCSO operations, policies, and procedures.¹³⁴

The OIG conducts independent investigations of residents' complaints about sheriff's office personnel.¹³⁵ The OIG also monitors high-profile incidents and complaints, such as police shootings, use of force, and in-custody deaths.¹³⁶ Further, the OIG audits SCSO internal investigations and reviews and recommends changes to sheriff's office disciplinary practices, policies, and procedures.¹³⁷

However, both the CRC and the OIG need adequate staffing and funding to function effectively and provide a benefit for the community. At this time, CRC commission members are uncompensated¹³⁸, but they should be paid for their service. Individuals from low-income communities may not apply to become a commissioner because they can't afford to volunteer. Offering a stipend likely would diversify the applicant pool and lead to a wide variety of life experiences being represented on the panel.

Similarly, the Sacramento OIG also needs additional staff. Currently, a single contract employee handles the OIG's critical responsibilities.

With this report, residents have the data to advocate for an end to pretext stops and for community safety initiatives that reflect the community's values.

VI. CONCLUSION

SCSO should create a policy to end pretextual stops. The data analyzed in this report demonstrates that SCSO's traffic violation stops are harmful, unproductive, and racially disproportionate, and do not meaningfully improve community safety. The Sacramento District Attorney's Office should use its prosecutorial discretion to create a policy to decline to charge cases that arise from the racially disproportionate pretextual stops. Additionally, the report urges the Sacramento County Board of Supervisors to improve community safety by investing in solutions such as:

1. Community-based organizations that provide auto repair to help motorists avoid interactions with law enforcement;
2. Additional staff for the public defender's office, enhancing services to address recidivism, supporting incarcerated individuals with mental health care needs, reducing jail overcrowding, and providing jail discharge plans, which will ultimately help the county comply with the Mays Consent decree;
3. 24/7 non-law enforcement mental health response service; and
4. The Community Review Commission and Office of Inspector General.

As illustrated in the analysis section, SCSO spends approximately \$32.3 million dollars enforcing non-moving violations (e.g., invalid registration) and equipment violations (e.g., defective brake lights). By eliminating enforcement of these non-safety related stops, the county could allocate a portion of that funding for alternative community safety solutions such as:

- \$1 million annually for groups like NorCal Resist to conduct vehicle maintenance for income-eligible people;
- \$9 million annually to the public defender's office for critical services such as the Pretrial Support Project, and to hire attorneys to help with mental health diversion for the Mays Consent Decree;
- \$7 million annually (double the \$3.7 million in the current contract that extends through June 30, 2026) to ensure adequate staffing for 24/7 non-law enforcement mental health response service¹³⁹; and
- \$2 million to fund the Community Review Commission and the Office of Inspector General.

Lastly, Sacramento County residents should review the December 2023 public budget workshop to educate themselves regarding how the county spends tax dollars so they can hold their elected officials accountable.¹⁴⁰ It is also important for community members to stay up to date on the budget process timeline¹⁴¹ to learn when and how they can become involved in the decision-

making process to advocate for the programs they believe will improve community safety. Civic engagement is an integral part of the democratic process and crucial for ensuring government accountability. With this report, residents have the data to advocate for an end to pretext stops and for community safety initiatives that reflect the community's values.

VII. ENDNOTES

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- 14 John Jay College Research Advisory Group on Preventing and Reducing Community Violence, REDUCING VIOLENCE WITHOUT POLICE: A REVIEW OF RESEARCH EVIDENCE (2020), <https://johnjayrec.nyc/2020/11/09/av2020/#recommendations>.
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- 23 *Id.*
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- 25 Reimagining Community Safety in California, *supra* note 9, at 14.
- 26 *Id.*
- 27 *Id.*
- 28 *Id.*
- 29 *Id.*
- 30 Reimagining Community Safety in California, *supra* note 9, at 16.
- 31 *Id.*
- 32 *Id.*
- 33 *Id.*
- 34 *Id.*
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- 37 Reimagining Community Safety in Los Angeles, *supra* note 1, at 16.
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- 70 *Id.*
- 71 Racial and Identity Profiling Advisory Board, 2023 RIPA BOARD ANNUAL REPORT, at 11-12 (Jan. 1, 2023), <https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>.
- 72 Reimagining Community Safety in Los Angeles, *supra* note 1, at 16.
- 73 Reimagining Community Safety in California, *supra* note 9, at 18.
- 74 *Id.*
- 75 *Id.*
- 76 A starting point for SCSO and the Sacramento County Community Review Commission to review are situations SCSO should no longer pull people over for such as: (1) rear license plate number not clearly being visible; (2) registration tags not visible, or expired less than one year ago; (3) rear license plate not illuminated; (4) rear tail lights not working; (5) rear brake lights not working; (6) “objects affixed to windows or hanging from the rearview mirror”; (7) “fail[ing] to activate a turn signal continuously for 100 feet before turning”; (8) person sleeping in the vehicle; or (9) pedestrian stops, “unless there is an immediate danger that the pedestrian will crash with a moving vehicle, scooter, bicycle, or other device moving exclusively by human power.” (Language adopted from San Francisco Police Department General Order, CURTAILING THE USE OF PRETEXT STOPS (Jan. 11, 2023), https://sf.gov/sites/default/files/2023-01/PoliceCommission11123-DGO%209.07_12.28.22_CLEAN.pdf.)
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