

## Racial and Identity Profiling Act (RIPA)

### 427.1 PURPOSE AND SCOPE

On or before January 1, 2022, the Department is required to begin collecting data on all stops conducted by peace officers within the Department for annual reporting to the California Attorney General.

Commencing on or before April 1, 2023, the Department is required to annually report to the California Attorney General data on all stops conducted by peace officers within the Department during the preceding calendar year (Government Code § 12525.5).

### 427.2 DEFINITIONS

The following definitions relate to terms used within this policy:

**Peace officer:** Any sworn Department Member working outside a custodial setting.

**Stop:** defined as a stop (1) any detention of a person by a peace officer or (2) any peace officer interaction with a person in which the officer conducts a search.

**Detention:** a seizure of a person by an officer that results from physical restraint, unequivocal verbal command, or words or conduct by an officer that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the officer.

**Search:** defined as a search of a person's body or property in the person's possession or under his or her control, and includes a pat down search of a person's outer clothing as well as a consensual search.

### 427.3 DATA COLLECTION

Peace officers within the Department shall complete all applicable data fields in the Department's AB 953 RIPA Stop form for each stop.

The data fields include, but are not limited to, the following:

1. The time, date, duration and location of the stop.
2. The reason for the stop.
3. The result of the stop, such as, no action, warning, citation, property seized or arrest.

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4. If a warning or citation was issued, the warning provided, or violation cited.

5. If an arrest was made, the offense charged.

6. The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. When reporting the required data elements, the peace officer shall make his or her determination based on personal observation only. For motor vehicle stops, this section only applies to the driver, unless any actions specified under subsection 7 apply in relation to a passenger, in which case the characteristics specified in this section shall also be reported for him or her.

7. Actions taken by the peace officer during the stop, including, but not limited to, the following:

(a) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.

(b) Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.

(c) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

Stops involving multiple peace officers shall only require reporting by one peace officer. In most cases, this shall be the peace officer making initial contact or the highest level of engagement.

All RIPA reports shall be completed by end of watch or, if exigent circumstances exist, as soon as practicable.

#### **427.4 EXCEPTIONS TO COMPLETION REQUIREMENTS**

Officers are not required to complete a RIPA report in the following circumstances:

1. Detentions that occur during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes, and other similar critical incidents.

2. Detentions that occur during an active shooter incident, such as when an individual is actively engaged in killing or attempting to kill people in a populated area.

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3. Detentions or searches that occur during or as a result of routine security screenings required of all persons entering a building, school, or special event, including metal detector screenings and any secondary searches that result from that screening.
4. Detentions that occur during a crowd control situation in which pedestrians are directed to remain at a location or are routed to a different location for public safety purposes.
5. Interactions during which persons are detained at a residence only, so that officers may check for proof of age for purposes of investigating underage drinking.
6. Checkpoints or roadblocks in which an officer detains a person as the result of a blanket regulatory activity that is not based on an individualized suspicion or personal characteristic.
7. Passenger(s) of traffic stops who are not the subject of an investigation or enforcement action (e.g., any person being asked to exit the vehicle simply because it is being impounded).
8. The targeted subject(s) of a warrant, search condition, home detention, or house arrest while in their residence.
9. Consensual encounters that do not result in a search or detention.

#### **427.5 MULTIPLE OFFICERS**

When there are multiple officers at the scene and interacting with the detained or searched person(s):

- (a) Only one officer shall submit the RIPA form.
- (b) The officer with the highest level of engagement (contact or interaction) is responsible for completing the RIPA form.

#### **427.6 SUPERVISOR RESPONSIBILITIES**

Supervisors shall be responsible for:

- (a) Reviewing RIPA forms in a timely manner to ensure that officers are properly completing RIPA documentation in accordance with AB 953.

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(b) Directing the completing officer to revise the narrative portions of the RIPA form, when appropriate.

#### **427.7 WATCH COMMANDER RESPONSIBILITIES**

Watch commanders shall be responsible for ensuring that supervisors review all RIPA forms for completeness and accuracy in a timely manner.

#### **427.8 REPORTING TO THE CALIFORNIA ATTORNEY GENERAL**

The Support Services Manager is the custodian of all data collected. The Support Services Manager or his/her authorized designee shall ensure data is collected and reported in accordance with Government Code section 12525.5 and that all data collected is used strictly within the scope of compliance with this policy. The data provided to the California Attorney General shall not include the name, address, social security number or other unique personal identifying information of persons stopped, searched or subjected to a property seizure, and shall not include any unique identifying information of the peace officer collecting the data.

All RIPA data collected is public record and open to public inspection. No identifying information about the peace officers collecting the data shall be publicly disclosed.

Department Members, other than the Support Services Manager, or his/her designee, may not access the Department's server to view RIPA data without authorization from the Chief of Police or designee. The RIPA data collected shall not be used for disciplinary purposes or for use in performance evaluations