



POLICE DEPARTMENT

BACKGROUND ON RACIAL AND IDENTITY PROFILING ACT (RIPA)

Fire and Police Commission

March 28, 2024

Presentation Outline

Background on RIPA

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Origins of RIPA



RIPA Bill Introduced in 2015 by Assembly Member Shirley Weber (San Diego)

Assembly Bill 953

Stemmed from National Narrative Surrounding Several High Profile LE Incidents

Effort to Help Eliminate Racial and Identity Profiling by Law Enforcement

Goal to Promote Transparency, Equity and Fair Treatment in Policing

Took Effect January 1, 2016

AB 953 - Summary

Modified the Definition of
Racial Profiling to Include
Identity Profiling

Reaffirmed Prohibitions
Against Racial and Identity
Profiling by Law
Enforcement

Required Law
Enforcement to Report all
Citizen Complaints
Alleging Racial and
Identity Profiling (PC
13012)

Establishes the Racial and
Identity Profiling Advisory
Board

**Required Law
Enforcement Agencies to
Collect and Report Data to
the Attorney General's
Office on all Vehicle and
Pedestrian Stops**

Data Collection Requirements

RIPA Requires all Law Enforcement Agencies in the State to “*collect perceived demographic and other detailed data regarding pedestrian and traffic stops.*”

The data is not to be collected from identification (i.e. Driver’s License/ Passport), but rather based upon the Officer’s Perception of the person they stopped.

This information *shall not* be requested from the person stopped.

Personal identifying information of the person stopped *shall not* be included in reporting.

Stop Data Reporting



Reporting format set by the Department of Justice (CJIS 2000)

Statewide data is collected and stored in Stop Data Collection System (SDCS)

Numerous electronic reporting formats created for streamlined DOJ reporting

SBPD utilizes a phone-based application called "Veritone" to collect and submit Stop Data to the DOJ

Implementation Timeline

Number of Officers		Collect By	Report By
From	To		
1,000	1,000+	1-Jul-2018	1-Apr-2019
667	999	1-Jan-2019	1-Apr-2020
334	666	1-Jan-2021	1-Apr-2022
1	333	1-Jan-2022	1-Apr-2023

****SBPD Voluntarily Began Collecting Early in July of 2021****

Key RIPA Definitions

Stop: A stop means any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control.

Detention: A seizure of a person by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would lead a reasonable person to believe that they are not free to leave or disregard the officer's commands.

Search: 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.

Reporting Officer Information

With respect to the officer making the stop, the officer must report:

Agency ORI (Originating Agency Identifier) Number

Officer's Identification Number

Years of Experience

Type of Assignment

Reporting Officer Information

Recent Amendments:

*“Race or Ethnicity of
Officer”*

and

“Gender of Officer”

January 1, 2024 – An Amendment to RIPA added the required data elements “Race or Ethnicity of Officer” and “Gender of Officer”

“Gender of Officer” data element was met with objection by many large statewide police associations (CPCA, CSSA, PORAC, CAHP)

Legal action was filed by LE associations against State Attorney General and DOJ

Plaintiffs cited provisions of law that prevent employers from demanding gender identity information from their employees

January 22, 2024 – Superior Court issued a TRO restraining DOJ from enforcing reporting of “Gender of Officer” pending a Preliminary Injunction Hearing

Required “Data Elements”

STOP DATA COLLECTION FORM
Racial & Identity Profiling Act – Penal Code Sections 13012 and 13013, and Gov. Code 12525.5

PLEASE NOTE:
- The data collected on this form must be electronically submitted to the California Department of Justice (DOJ) Stop Data Collection System by entry into the data application or submission by email to stopdata@doj.ca.gov.
- Please contact your agency's local administrator for instructions on processing this record for submission to the DOJ. If needed, the DOJ can be reached at (916) 551-3100 or stopdata@doj.ca.gov.
- If multiple persons are related to one stop, complete a separate form (sections 10-20) for each person and report as one incident.
- If this form involves a report of a K-12 public school, then some fields may have additional options available for reporting. These items are related with an additional "1" and shown in **red text**.

AGENCY OR:		OFFICER ID:	OFFICER'S YEARS OF EXPERIENCE:
OFFICER'S TYPE OF ASSIGNMENT: (Select one)			
<input type="checkbox"/> Patrol, safety, enforcement, field operations <input type="checkbox"/> Drug enforcement <input type="checkbox"/> Community Outreach <input type="checkbox"/> Special Events		<input type="checkbox"/> Roadblock or DOJ activity check point <input type="checkbox"/> Headquarters <input type="checkbox"/> Task Force <input type="checkbox"/> K-12 Public School	
<input type="checkbox"/> Investigative/Intelligence <input type="checkbox"/> Other		at other, specify: _____	
DATE: (MM/DD/YYYY)	TIME: (24-HR use 24 to 0000)	DURATION OF STOP: (minutes)	RESPONSE TO CALL FOR SERVICE? <input type="checkbox"/> Yes <input type="checkbox"/> No
LOCATION: (Report as: Block number and street name, or closest intersection, or highway and closest highway exit. If none of these are applicable, please report a street marker, landmark, or other description. Do not provide the exact address of a residence.)			
CITY: (If City is not applicable because stop occurred in unincorporated area, report the County.) COUNTY: (Only required when City is not applicable)			
IF STOP OCCURRED AT A K-12 PUBLIC SCHOOL, REPORT SCHOOL NAME:		IS PERSON STOPPED A MINOR? (Only if 17 years of age or younger) <input type="checkbox"/> Yes <input type="checkbox"/> No	
PERCEIVED RACE OR ETHNICITY: (Select all that apply)			
<input type="checkbox"/> Asian <input type="checkbox"/> Black/African American <input type="checkbox"/> Hispanic/Latino		<input type="checkbox"/> Middle Eastern or South Asian <input type="checkbox"/> Native American <input type="checkbox"/> Pacific Islander <input type="checkbox"/> White	
RECEIVED GENDER: (When applicable, you may select "Gender nonconforming" as the only value or in addition to one of the other values)			
<input type="checkbox"/> Male <input type="checkbox"/> Female		<input type="checkbox"/> Transgender/male-to-female <input type="checkbox"/> Transgender/female-to-male <input type="checkbox"/> Gender nonconforming	
RECEIVED TO BE LOST? <input type="checkbox"/> Yes <input type="checkbox"/> No	PERCEIVED AGE: (Approximate age; report as a whole number)	LIMITED OR NO ENGLISH FLUENCY? <input type="checkbox"/> Yes <input type="checkbox"/> No	
RECEIVED OR KNOWN DISABILITY: (Check all that apply)			
<input type="checkbox"/> Deafness or difficulty hearing <input type="checkbox"/> Speech impairment or limited use of language <input type="checkbox"/> Blind or limited vision		<input type="checkbox"/> Mental health condition <input type="checkbox"/> Learning or developmental disability <input type="checkbox"/> Physical disability <input type="checkbox"/> Disability related to sexuality or gender identity	

Date, Time, and Location of the Stop

Reason for the Stop

Actions Taken During the Stop

Search Information

Evidence Found

Property Seized

Result of the Stop

Required “Data Elements” (Cont’d)

With respect to the person stopped, the officer must report their own perceptions based upon personal observation only regarding the following:

Race or Ethnicity

Age

Gender

Sexual Orientation

Limited or No English Fluency

Known or Perceived Disability

Perceived to be Unhoused

Officer Perception

*Can an officer's
perception be wrong?*

*There is no wrong perception, but it must
be the officer's honest perception*

*Government Code Section 12525.5
requires that officers record perception
data*

*The same government code section
prohibits recording demographic data
seen on the stopped individual's
Identification Card etc...*

Officer Perception (Cont'd)

When does a perception occur?

“The selection must be based upon the officer’s personal observation at whatever point in the encounter the officer is able to make such an observation” -DOJ

Data Collection- Multiple People/ Special Settings

- **Only Reportable if Additional Action is Taken:**
 - Traffic Control due to Emergency
 - Crowd Control for Public Safety
 - Passenger in Vehicle
 - Checking Proof of Age
 - DUI Check Point
- **Non-Reportable:**
 - Active Shooter
 - Bomb Scene/ Mass Evacuation
 - Routine Security

Summary of Agency Responsibilities



- Collect Stop Data and Report to DOJ
- Review and Reinforce Best Practices Including How to Collect and Maintain Stop Data
- Conduct Supervisor Review of Individual Stop Records
- Implement Audits to Ensure Data Accountability
- Provide Summary Civilian Complaint Data to DOJ
- Complete Expanded Training Related to Racial and Identity Profiling
- Update Agency Policies and Practices as Needed

SBPD Policy 401 – Bias Based Policing

“This policy provides guidance to department members that affirms the Santa Barbara Police Department's commitment to policing that is fair and objective.”

- **401.3 BIAS-BASED POLICING PROHIBITED**

- **401.4.2 REPORTING OF STOPS**

“...an officer conducting a stop of a person shall collect the data elements required by Penal Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report.”

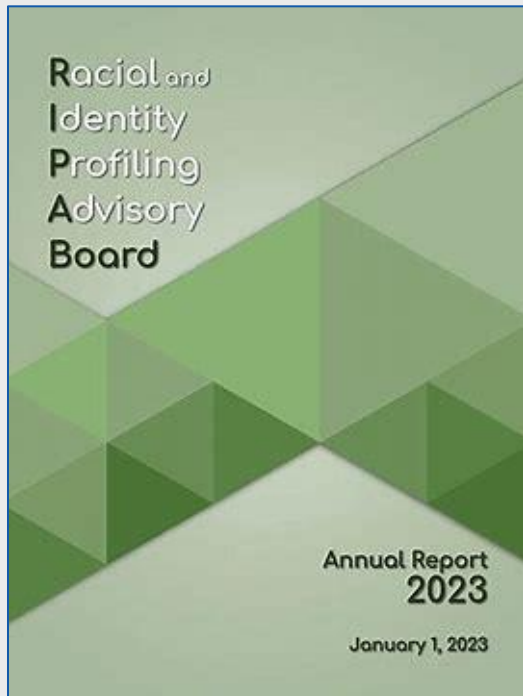
- **401.8 TRAINING**

“Training on fair and objective policing and review of this policy shall be conducted annually and include: explicit and implicit biases and avoiding improper profiling.”

RIPA Board

- The Racial and Identity Profiling Advisory (RIPA) Board was created “for the purpose of eliminating racial and identity profiling and improving diversity and racial and identity sensitivity in law enforcement.” (Penal Code 13519.4)
- The RIPA Board is comprised of 19 members
- The 19-member Board is made up of community advocates, spiritual leaders, academics, attorneys, and law enforcement

Role of the RIPA Board



- Analyze the Stop Data and the Civilian Complaint Data on an Annual Basis
- Work with Law Enforcement to Review Racial and Identity Profiling Policies and Practices
- Review Law Enforcement Training
- Issue an Annual Report that Details the Data Findings and Provides Policy Recommendations and Best Practices to Law Enforcement

Role of POST



- Develop and Disseminate Guidelines and Training for all Peace Officers in California
- Work in Consultation with the RIPA Board to Develop Evidence-Based Curriculum
- Create Training that Shall Prescribe Evidence-Based Patterns, Practices and Protocols that Prevent Racial or Identity Profiling (Penal Code 13519.4)

QUESTIONS AND COMMENTS

Background on Racial and Identity Profiling Act (RIPA)