

Racial and Identity Profiling Act (RIPA)

403.1 PURPOSE AND SCOPE

On or before January 1, 2019, the Department was required to begin collecting stop data for all contacts meeting the criteria outlined in the Racial and Identity Profiling Act (RIPA) and related regulations. Moving forward, the Department is required to annually report this data to the California Attorney General (Government Code § 12525.5).

403.1.1 DEFINITIONS

It is important to note that, while many of the terms used in association with RIPA may seem familiar, their actual meaning might be different than what has historically been held to be common law enforcement terminology. Select terms have been included below; however, personnel are encouraged to refer to the California Code of Regulations for the full list of RIPA terms and guidelines. The terms "non-force related" and "force-related" in section 403.3, as defined by the California State Legislature (AB953), may not align with Orange County Sheriff's Department reporting standards or definitions within Policy 300 – Use of Force.

The following definitions relate to terms used within this policy, as applied to RIPA stops only, and have been taken directly from the California Code of Regulations (11 CCR § 999.224):

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 result in a reasonable person believing that they are not free to leave or otherwise disregard the officer.

Stop: (1) Any detention, as 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.

Search: For the purpose of RIPA, means a search of a person's body or property in the person's possession or under their control, and includes a pat-down search of a person's outer clothing as well as a consensual search, as defined in these regulations.

Custodial Setting: Correctional institutions, juvenile detention facilities, and jails, including parking lots and grounds within the perimeter of these enumerated facilities. "Custodial setting" also includes a courtroom or courthouse in the limited circumstances where a court orders a person remanded into custody. "Custodial setting" does not include home detention or any circumstances where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails.

Please note: Peace officers shall not report stops that occur in a custodial setting. Peace officers who work in custodial settings are subject to this chapter for stops that occur in non-custodial settings (11 CCR § 999.225). For home detention or home arrest while an officer is on home detention or house arrest assignment, the following interactions with persons in the home who are not under home detention or home arrest are to be reported: the officer handcuffs or flex cuffs the person; arrests the person; points a firearm at the person; discharges or uses a firearm,

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Conducted Energy Device, impact projectile, baton or other impact weapon, or chemical spray on the person; or if a canine bit/held the person (11 CCR § 999.227 (d)(3)).

403.2 DATA REPORTING

The Director of the Records Division is the custodian of all data collected. The Director of the Records Division or his/her authorized designee shall ensure data is collected and reported in accordance with Government Code section 12525.5 and related regulations 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 name, badge number or PID of any 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 Director of the Records Division, or his/her designee, may not access the Department's server to view RIPA data without authorization from the Sheriff. The RIPA data collected shall not be used for disciplinary purposes or for use in performance evaluations.

403.3 DATA COLLECTION

Peace Officers within the Department shall complete all applicable data fields in the Department's AB 953 RIPA Stop Application 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. Stop made during the course of responding to a call for service.
3. Stop made during the course of performing a welfare or wellness check or an Officer's community caretaking function.
4. Type of Stop: Vehicular Stop, Bicycle Stop, or Pedestrian Stop.
5. The perceived race or ethnicity, gender, sexual orientation, limited or no English fluency, perceived or known disability, perceived to be unhoused, 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 their determination based on personal observation only. For motor vehicle stops, this section only applies to the driver, unless the passenger is observed or suspected of violating the Vehicle Code or any other applicable law or ordinance, or is subjected to any actions specified under subsection 15 (excluding "vehicle impounded" and "none"), in which case the characteristics specified in this section shall also be reported for the passenger.
6. The reason for the stop:

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- (a) Traffic violation: moving, non-moving, or equipment violations.
 - (b) Reasonable suspicion that the person was engaged in criminal activity, which can include, but is not limited to the following:
 - Officer witnessed commission of a crime
 - Matched suspect description
 - Witness or victim identified stopped person as a suspect of a crime
 - Matched description of suspect's vehicle or vehicle observed at the scene of the crime
 - Carrying suspicious object
 - Actions indicative of casing a victim or location
 - Suspected of acting as a lookout
 - Actions indicative of a drug transaction
 - Actions indicative of engaging in a violent crime
 - Other reasonable suspicion or probable cause that a crime has occurred
 - (c) Probable cause to arrest or search.
 - (d) Probable cause to take into custody under Welfare and Institutions Code section 5150.
 - (e) Known to be on parole/probation/PRCS/mandatory supervision.
 - (f) Knowledge of outstanding arrest warrant/wanted person.
 - (g) Investigation to determine whether the person is truant.
 - (h) Consensual encounter resulting in a search.
 - Example: During the course of a witness interview in which the person is free to leave, the officer asks to search the person's bag, and the person consents. In this case, the reason for the stop is "a consensual encounter resulting in a search" and the duration of the stop would begin at the time the person was searched.
7. The result of the stop, such as, no action, warning, citation, property seizure or arrest.
 8. If a warning or citation was issued, the warning provided or violation cited.
 9. If an arrest was made, the offense charged.
 10. 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.

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- (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.
11. Race or ethnicity of peace officer.
 12. Reason Given to the Stopped Person. RIPA Regulations permit the Deputy to withhold the reason for the stop from the person only if it is necessary to protect life or property from imminent threat. If the reason for the stop is not provided to the person, the Deputy must document the reason(s) for non-disclosure in the RIPA entry.
 13. Non-Force-Related Actions taken by the peace officer during the stop, including, but not limited to, the following:
 - (a) Person removed from vehicle by order.
 - (b) Field sobriety test conducted.
 - (c) Curbside detention. This refers to any time an officer directs the person to sit on the sidewalk, curb, or ground.
 - (d) Patrol car detention.
 - (e) Canine used to search for, locate, and/or detect contraband.
 - (f) Person photographed.
 - (g) Asked whether the person is on parole, probation, PRCS, or some other form of mandatory supervision.
 - (h) Asked for consent to search person.
 - (i) Terry V. Ohio frisk pat search of person's outer clothing was conducted.
 - (j) Search of property was conducted.
 - (k) Property was seized.
 - (l) Vehicle impounded.
 - (m) Ran name of stopped person's passenger.
 - (n) Asked for identification of stopped person's passenger.
 - (o) Admission or written statement obtained from student.
 - (p) None.
 14. Force-Related Actions taken by the peace officer during the stop, including, but not limited to, the following:
 - (a) Handcuffed or flex cuffed.
 - (b) Physical compliance tactics and techniques.
 - (c) Canine removed from patrol vehicle to gain compliance and/or for purposes of stopped person-apprehending.
 - (d) Canine bit or held person.
 - (e) Firearm pointed at person.

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- (f) Firearm discharged or used.
- (g) Firearm unholstered.
- (h) Conducted Energy Device pointed at person or sparked.
- (i) Conducted Energy Device used (identify the mode used).
- (j) Impact projectile weapon pointed at person.
- (k) Impact projectile discharged or used (e.g., blunt impact projectile, rubber bullets or bean bags).
- (l) Baton or other impact weapon drawn.
- (m) Baton or other impact weapon used, or other object (including a firearm) to strike or prod.
- (n) Chemical spray used (e.g., pepper spray, mace, or other chemical irritants).
- (o) Person removed from vehicle by physical contact.
- (p) Other physical or vehicle contact. This refers to any of the following contacts by the officer, when the purpose of such contact is to restrict movement or control a person's resistance: any physical strike by the officer; instrumental contact with a person by an officer; or the use of significant physical contact by the officer. Examples of such contacts include, but are not limited to, carotid restraints, hard hand controls, the forcible taking of a subject to the ground, or use of vehicle in apprehension.
- (q) None.

All entries shall be completed by the member that initiated the stop unless more than one member or agency conducted the stop. Stops involving multiple peace officers shall only require reporting by one peace officer. This shall be completed by the peace officer with the highest level of engagement with the person stopped for all data elements, regardless of whether that peace officer performed the specific action(s) reported. When two or more reporting agencies are involved in a stop, only the primary agency shall submit a report. The primary agency is the agency with investigative jurisdiction based on local, county, or state law or applicable interagency agreement or memoranda of understanding. If there is uncertainty as to the primary agency, the agencies shall agree on which agency is the primary agency for reporting purposes.

403.4 DATA ENTRY

Members shall complete all stop reports for stops made during their shift by the end of that shift, unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable.

403.5 DATA ANALYSIS

The Department has established a Working Group, consisting of representatives from S.A.F.E., Operations (patrol and transit), Investigations, Custody, Court, Training, Field Training Bureau, Records, and Technology; the Constitutional Policing Advisor; and, as needed, County Counsel.

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The Working Group will convene as directed by the Commander of the S.A.F.E. Division. The Working Group will be responsible for the following:

1. Reviewing the Department's RIPA data on a quarterly basis.
2. Receiving and reviewing the RIPA Board's annual report and any related information received from S.A.F.E.
3. Identifying any areas of concern with the Department's RIPA data and the RIPA Board's annual report and, as necessary, bringing those concerns to the Department's Command for direction.
4. Researching information within their expertise and returning to the Working Group with recommendations that may include, but are not limited to, policy changes and training updates.
5. Analyzing the Department's RIPA data and completing a draft of the Department's annual RIPA report for review by the Department's Command.

After approval by the Sheriff, the Department's annual RIPA report will be publicly disclosed on the Department's website.