



# **Santa Clara Police Department**

**The Racial and Identity  
Profiling Act (RIPA) – AB  
953**

**Date: September 8<sup>th</sup> 2021**



## Special Events Officers





# Special Events Officer – RIPA Training







# Racial and Identity Profiling Act of 2015

- **History**

- 2015 signed into law
- Established a RIPA board –Board Members are a cross section of the community, scholars and LEO.
- Purpose – to eliminate racial and identity profiling and improve racial and identity sensitivity in law enforcement
  - Analyze data regarding citizen complaints and existing policies related to racial and identity profiling.
  - Enhance training regarding racial and cultural differences.
  - Conduct evidence-based research on bias and interactions between L.E. and the community.
  - Review training by CA POST regarding racial and identity profiling required by RIPA.
  - Requires law enforcement agencies to collect information on all stops
    - Any detentions or searches (includes consensual searches)
    - Report this information to the CA Department of Justice



# Santa Clara PD – Research and Testing

- Started research and testing in October 2019
- Included 8 months of IT upgrades and testing.
- Consulted with agencies in Waves 1, 2, 3 and 3.5 (on going).
- 12+ months of allied-agency review and training of RIPA implementation
- 6 months of policy review and adoption.
- Weekly meetings with CA DOJ and Hexagon.
- Prepared for community engagement opportunities.
- Super-User group formed to test platforms.
- Tested 5 different data-capture platforms.  
Hexagon      CA DOJ      Crossroads      LEFTA      San Diego County
- Test runs with our officers
  - 7 mins per entry (initial)
  - 1-3 mins per entry (over time)





# How does this affect SEOs?

- Starting Jan. 1<sup>st</sup> 2022, all agencies with 333 – 0 sworn officers are mandated to submit stop data.
- Every CA agency will need to comply.
- April 2023, CA DOJ will publish the data to the public.
- **One entry per stop, per person detained.**

# Peace officers only



City of  
Santa Clara  
The Center of What's Possible

“Peace officer,” as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, is limited to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions. “Peace officer,” as used in this section, does not include probation officers and officers in a custodial setting.



Source Document – AB 953  
Legislative Text





# Detention

“Detention” unless otherwise provided in these regulations, means 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 he or she is not free to leave or otherwise disregard the officer.



For purposes of this section, “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.

Source document – CA legislative text AB 953

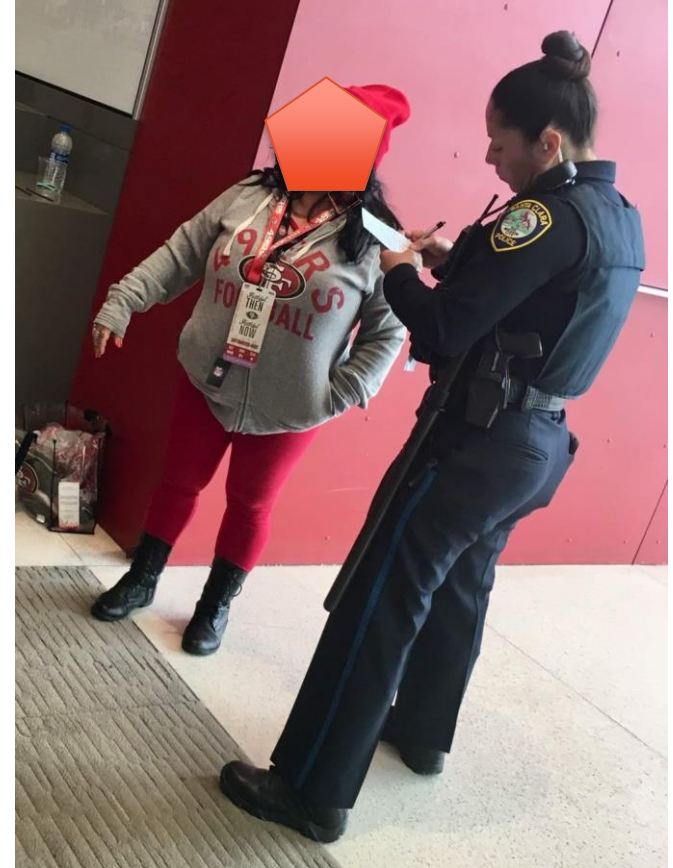




# Detention

## SEO specific detentions:

- Investigation
- Ejection
- Rock Med
- Control Holds
- Less-lethal
- Warning
- Citation
- Arrest





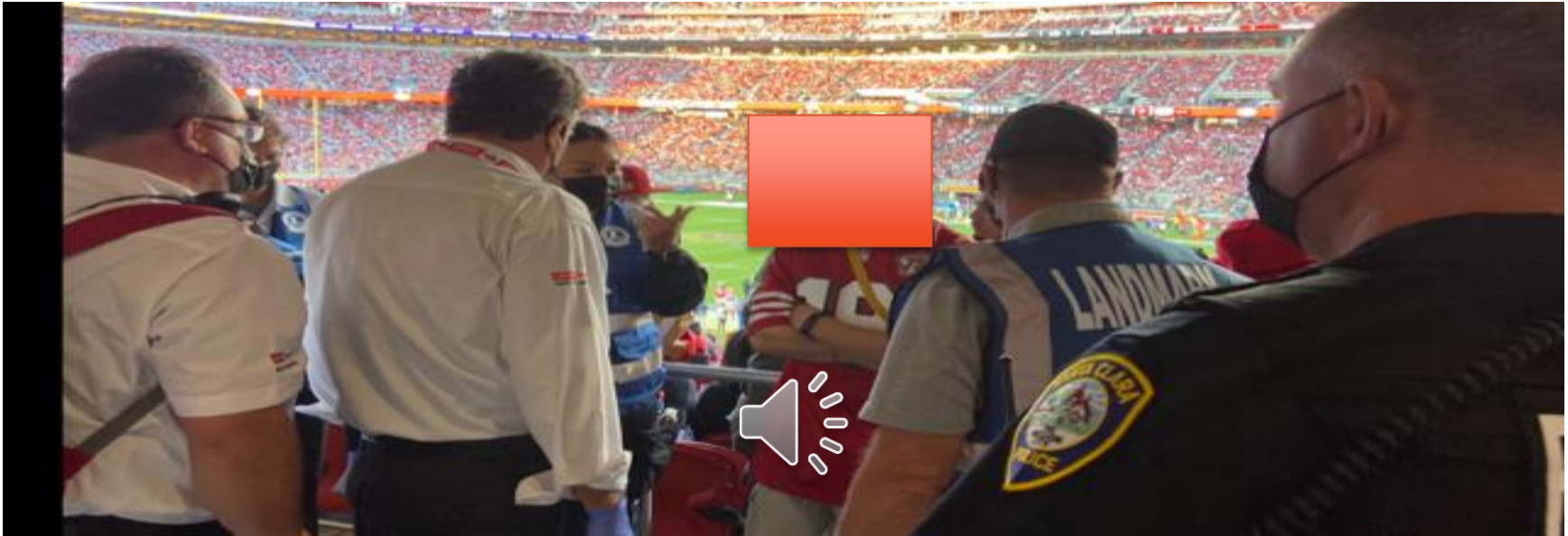
# Detention



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# Detention





**Not a detention**



**City of  
Santa Clara**  
The Center of What's Possible





## RIPA Data Collection Requirements

**Data collection on all stops – defined as any detention or search (includes consensual searches). Uses of force will also necessitate data collection. Officers must submit data before end of shift unless exigent circumstances exist.**

### Officer Information

- Years of experience
- Assignment
- Unique ID Number



### Perceptions

- Race or ethnicity
- Age
- Gender
- LGBT
- Limited or no English fluency
- Known to have a disability



### Stop Details

- Date of stop
- Duration of stop
- Location of stop
- Reason for stop
- Call for service?
- Actions taken by officer during stop
- Contraband or evidence discovered (if any)
- Property seized (if any)
- Result of stop

### Students

- Name of school
- Possible ED code violations



# Perception

- **Race** – Asian, Black/African American, Hispanic/latino(a), Middle Eastern or South Asian, Native American, Pacific Islander, White
- **Gender** – Male, Female, Transgender man/boy, transgender woman/girl, Gender non-conforming
- **LGBT** – Yes or No?
- **Age** – Whole numbers
- **Limited English or No English Fluency** – Yes or No?
- **Perceived or Known Disability of Person Stopped** – Deafness or difficulty hearing, Speech Impairment or limited use of language, Blind or Limited Vision, Mental Health Condition, Intellectual or developmental disability, including dementia, Other disability, None.





# Perception



## Officer Perception


- **Can a perception be wrong?** No, there is no wrong perception but it must be YOUR honest perception. Government Code section 12525.5 requires officers to record perception data and the regulations make clear that officers should *not* record demographic data (age or gender) seen on the person's ID card. It is also unlawful to knowingly record false information.



# RIPA Platform

## Why CA DOJ?

- Different agency ORIs
- SCPD does not issue SEOs cell phones.
- SEOs do not have CLETs access to desktops
- One less thing to carry and turn in.
- Satisfies needs of the data capture and high volume of SEOs and ISS events.
  - Emailed a sample of the CA DOJ Requirements and RIPA Legislative Text

  
OFFICE OF THE ATTORNEY GENERAL  
liberty and justice under law  
CALIFORNIA DEPARTMENT OF JUSTICE

STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE

**WARNING - AUTHORIZED USERS ONLY**

Only authorized Department of Justice (DOJ) personnel may use the DOJ's computer system. Please understand that by accessing the system, users consent to the following terms: - Unauthorized access or improper use may result in criminal, civil, or administrative action. - Users have no reasonable expectation of privacy, and all activities, communications, and other uses may be monitored, audited, or disclosed, or used by law enforcement agencies. - State law prohibits the unauthorized use of public resources, including the DOJ's computer system, except for incidental and minimal personal use.

User ID

Password

**LOGIN**

[Forgot your Password?](#)





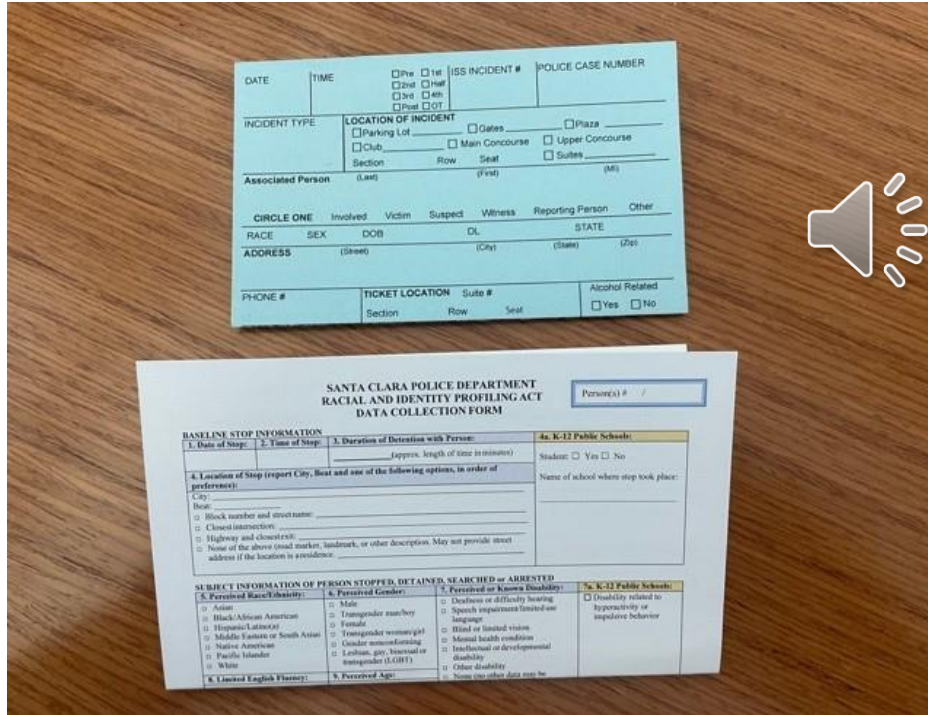
# CA DOJ Account

- Check your email from CA DOJ and Special Events.
  - Check your “junk” email
  - Activate account at a CA DOJ - VPN desktop or at Levi Stadium
    - If your home agency has access, you may activate at agency.
  - Make note of your CA DOJ RIPA Unique ID (**SCLECXXXX**)





# Levi Stadium - RIPA card



Will fit in pocket.

Contains all the required CA DOJ information

Designed for your convenience and CA DOJ compliance.

Please take a few and return unused at end of shift.



# CA DOJ Required data

**SANTA CLARA POLICE DEPARTMENT RACIAL AND IDENTITY PROFILING ACT DATA COLLECTION FORM**

Person(s) # 1 / 4

**OFFICER'S FULL NAME (PRINT):** [redacted] **RIPA#:** SCLEC [redacted] **YEARS OF EXPERIENCE:** [redacted]

**CASE NUMBER:** [redacted]

**BASELINE STOP INFORMATION**

<b>1. Date of Stop:</b>	<b>2. Time of Stop:</b>	<b>3. Duration of Detention with Person:</b>
<u>9-26-21</u>	<u>1100</u>	<u>15</u> (approx. length of time in minutes)

**4. Location of Stop (report City, Beat and one of the following options, in order of preference):**

City: Santa Clara Sunnyvale San Jose Other: \_\_\_\_\_

Beat: \_\_\_\_\_

4900 Block of Maria P DeBartolo (Levi Stadium) ISS# 111

Parking Lot Name: \_\_\_\_\_ (Levi Stadium) Section: 126

Block number and street name: \_\_\_\_\_

Or Closest intersection: \_\_\_\_\_

Highway and closest exit: \_\_\_\_\_

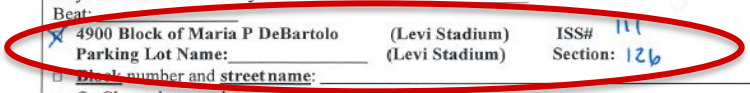
None of the above (road marker, landmark, or other description. May **not** provide street address if the location is a residence. \_\_\_\_\_



Number of people/cards for this incident.



RIPA #:  
SCLECXXXX



**PERCEIVED - SUBJECT INFORMATION OF PERSON STOPPED, DETAINED, SEARCHED or ARRESTED**

<b>5. Perceived Race/Ethnicity:</b>	<b>6. Perceived Gender:</b>	<b>7. Perceived or Known Disability:</b>
<input checked="" type="checkbox"/> Asian <input type="checkbox"/> Black/African American <input type="checkbox"/> Hispanic/Latino(a) <input type="checkbox"/> Middle Eastern or South Asian <input type="checkbox"/> Native American <input type="checkbox"/> Pacific Islander <input type="checkbox"/> White	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Transgender man/boy <input type="checkbox"/> Female <input type="checkbox"/> Transgender woman/girl <input type="checkbox"/> Gender nonconforming <input type="checkbox"/> Lesbian, gay, bisexual or transgender (LGBT)	<input type="checkbox"/> Deafness or difficulty hearing <input checked="" type="checkbox"/> Speech impairment/limited use language <input type="checkbox"/> Blind or limited vision <input type="checkbox"/> Mental health condition <input type="checkbox"/> Intellectual or developmental disability <input type="checkbox"/> Other disability <input type="checkbox"/> None (no other data may be selected)
<b>8. Limited English Fluency:</b>	<b>9. Perceived Age:</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>45</u> (Whole Number.)	



CA DOJ requirements





# CA DOJ Required data

## REASON FOR STOP

<b>10. Primary Reason for Stop, Detention, or Search:</b>	
Response to Call for Service? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Traffic Violation: (select one) <input type="checkbox"/> Traffic/Moving <input type="checkbox"/> Traffic/Equipment <input type="checkbox"/> Traffic/Non-moving (including registration violations) Section: _____	
Reasonable suspicion or knowledge the person was engaged in criminal activity: (select all that apply)	
<input checked="" type="checkbox"/> Officer witnessed commission of a crime <input checked="" type="checkbox"/> Matched suspect description <input type="checkbox"/> Witness or Victim identification of suspect at the scene <input type="checkbox"/> Carrying suspicious object <input type="checkbox"/> Actions indicative of casing a victim or location <input type="checkbox"/> Suspected of acting as a lookout <input type="checkbox"/> Actions indicative of a drug transaction	<input type="checkbox"/> Actions indicative of engaging in a violent crime <input checked="" type="checkbox"/> Other reasonable suspicion <input type="checkbox"/> Known to be on parole/probation/PRCS/mandatory supervision <input type="checkbox"/> Knowledge of outstanding arrest warrant/wanted person <input type="checkbox"/> Investigation to determine whether the person was truant <input type="checkbox"/> Consensual encounter resulting in search <input checked="" type="checkbox"/> Response to a call for service Primary Section <u>692F</u> <input checked="" type="checkbox"/> Community Caretaking <u>Examples:</u> EPS, Uplift, Sobering Station, <b>Rock Med</b>
<b>11. Include a brief narrative (250-character maximum) regarding the reason for the stop. Include additional details beyond the general data values selected above. Do NOT include names, DOB or personal information.</b>	
Examples: Drunk in public, welfare check, Rock Med, Child Abuse, Domestic Violence. <u>SUSPECT FACE DOWN IN YAHOO CLUB. + DRUNK</u>	

Call for service or self-initiated.

If Traffic, write CVC code here.

Check all that applies.

If PC, HS or Municode, write code here

**Brief narrative** – why stopped. Example: Drunk in section, fighting in crowd





# CA DOJ Required data

## EVENT ACTIONS

<b>12. Action Taken by Officer During Stop or Detention: (Select all that apply)</b>		
<input type="checkbox"/> Person removed from vehicle by order <input type="checkbox"/> Person removed from vehicle by physical contact <input checked="" type="checkbox"/> Field sobriety test conducted <input type="checkbox"/> Curbside detention <input type="checkbox"/> Handcuffed or flex cuffed <input type="checkbox"/> Patrol car detention <input type="checkbox"/> Canine removed from vehicle or used in search <input type="checkbox"/> Person photographed <input type="checkbox"/> Firearm pointed a person <input type="checkbox"/> Firearm discharged or used	<input type="checkbox"/> Asked for consent to search person <input type="checkbox"/> Consent given <input type="checkbox"/> Consent not-given <input checked="" type="checkbox"/> Search of person was conducted <input type="checkbox"/> Asked for consent to search property <input type="checkbox"/> Consent given <input type="checkbox"/> Consent not-given <input checked="" type="checkbox"/> Search of property was conducted <input type="checkbox"/> Property was seized <input type="checkbox"/> Vehicle impounded <input type="checkbox"/> None	
<b>13. Basis of Search: (Select all that apply)</b>		
<input type="checkbox"/> Consent given <input checked="" type="checkbox"/> Officer safety/Safety of others <input type="checkbox"/> Exigent circumstances/Emergency <input type="checkbox"/> Condition of Parole / Probation / PRCS / Mandatory Supervision	<input type="checkbox"/> Search Warrant <input type="checkbox"/> Evidence of crime <input type="checkbox"/> Canine detection <input type="checkbox"/> Incident to arrest	<input type="checkbox"/> Suspected weapons <input type="checkbox"/> Visible contraband <input type="checkbox"/> Odor of contraband <input type="checkbox"/> Vehicle Inventory
<b>14. Include a brief narrative (250-character maximum) regarding the basis for the search. Include additional details beyond the general data values selected above. (This section is not needed if Parole/Probation/PRCS/Mand. Supv. is selected in Box 17)</b>		
Examples: Consent, Probation, Parole, On-view, Incident to Arrest. SEARCHED PRIOR TO ROCKED TRANSPORT		



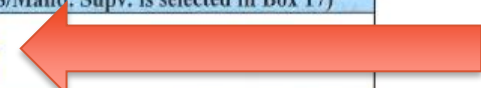
Check **all** that apply



If searched, select why.

**Brief narrative** – why searched.

Example: Probation, Parole, Incident to Arrest or Visible Weapon





# CA DOJ Required data

<b>15. Contraband or Evidence Discovered (Select all that apply)</b>		
<input type="checkbox"/> Firearm(s) <input type="checkbox"/> Ammunition <input type="checkbox"/> Weapon (Non-firearm) <input type="checkbox"/> Drugs/Narcotics	<input type="checkbox"/> Drug paraphernalia <input type="checkbox"/> Alcohol <input type="checkbox"/> Money <input type="checkbox"/> Suspected stolen property	<input type="checkbox"/> Cell phones or electronic device(s) <input type="checkbox"/> Other contraband or evidence <input checked="" type="checkbox"/> None of the above
<b>16. Basis for Property Seizure: (Select all that apply)</b>		
<input type="checkbox"/> Safekeeping <input type="checkbox"/> Contraband	<input type="checkbox"/> Evidence <input type="checkbox"/> Vehicle Impound	<input type="checkbox"/> Abandoned property
<b>17. Type of Property Seized (Select all that apply)</b>		
<input type="checkbox"/> Firearm(s) <input type="checkbox"/> Ammunition <input type="checkbox"/> Weapon (Non-firearm) <input type="checkbox"/> Drug/Narcotics	<input type="checkbox"/> Drug paraphernalia <input type="checkbox"/> Alcohol <input type="checkbox"/> Money <input type="checkbox"/> Suspected stolen property	<input type="checkbox"/> Cell phones or electronic device(s) <input type="checkbox"/> Vehicle <input type="checkbox"/> Other contraband or evidence
<b>18. Results of Stop or Detention: (Select all that apply)</b>		
<input type="checkbox"/> No action <input type="checkbox"/> Warning: <input type="checkbox"/> Verbal <input type="checkbox"/> Written <input type="checkbox"/> Citation - Infraction <input type="checkbox"/> Cite and Release in-field <input type="checkbox"/> Custodial arrest-without warrant <input type="checkbox"/> Custodial arrest-outstanding warrant	<input type="checkbox"/> Field Interview Card completed <input checked="" type="checkbox"/> Non-Criminal/Caretaking transport ( <b>RockMed, EMS, 5150s</b> ) <input type="checkbox"/> Contacted parent/legal guardian or other person responsible for minor <input type="checkbox"/> Psychiatric hold/5150 <input type="checkbox"/> Contacted/Referred to SCUSD	List <b>ALL</b> code/section/ordinances:  <i>ROCKMED</i>

Mark all that applies

Write **all** codes cited/arrested for (if any).



## Who fills out the card?

- The officer at the initial stop/detention or the officer with most engagement.
- If more than one peace officer performs a stop, only one officer is required to collect and report to his or her agency the information.





# Allied Agencies



Federal  
Agencies -  
Exempt

CHP – G.O.  
100.21

SFSO –  
Policy #05-  
008

SCLSO –  
G.O. #17.12







# Common RIPA errors



- Non-compliance with the requirement.
- **Forbidden** to ask race, age, gender or sexual orientation
- Do **not** add any personal information on the entry form
  - No DOB, tattoos, PFNs, names etc
  - **Not** an FI card



## RIPA card - Workflow

- **Detention/Ejection/Cite/RockMed** - Officer completes card.
- **Review** – Sectional Supervisor reviews, collects and submits to Special Events Unit.
- **Arrest** – THF Supervisor reviews and collects.
- **Special Events** - designee enters into CA DOJ portal.





# RIPA Roles

**Officers** – Data capture.

**Section Supervisors, SGTs and LTs** – Review for no PI&I and correct addresses. Compliance.

**Special Events Proxy** – Enter into CA DOJ.

**Crime Analyst** – Data Benchmarks

**Records** – Custodian of Records

**Chief's Office** – Define the data



# Common Questions

- Who must complete a RIPA entry? **All sworn SCPD and SEOs.** Outside agencies such as CHP and SFSO must comply with their own agency policy. **Easy reminder, if your shoulder patches are Santa Clara....you must complete at the time of detention.**
- Who is responsible? **Primary officer or officer with most interaction.**
- I detained 4 attendees for a disturbance. I arrest 2 for drunk in public. How many RIPA entries? **Four (4) RIPA cards must be completed. One for each detention.**
- I assist Security or Guest Services with a stop, but have no interaction. Do I complete a RIPA card? **Only if you intervene with attendees during the detention.**
- Attendees go through the magnetometer. The buzzer goes off and I pat search, do I need to complete a RIPA? **No. Every person is required to pass through a magnetometer. Unless this results in an ejection, citation or arrest.**
- What events are exempt? **Natural disasters, civil unrest, correctional settings and active shooter.**
- When must we complete RIPA entry? **When safe and end of the call. By law, entry must be submitted end of shift. Please turn into your Sectional Supervisors. Staple if multiple detainees for one call.**
- Does 5150 WI, Rock Med and hospital transport require RIPA entry? **Yes. This will be marked as “Community Caretaking” and “Non-criminal transport”.**
- Are Traffic Event Officers required to complete a RIPA entry? **No, unless a sworn officer is requested and intervenes during the detention. Sworn officer required to complete the RIPA entry.**
- Unique IDs – **Assigned only to you. No personal information.**





# Common Questions Continued



How long is the “duration“? From the moment of detention to the time of release or arrest. Transport, processing and booking is not part of the duration minutes/time.

I try a car stop and the driver flees. I do not make contact. What do I put in for RIPA? Change the call type to Failure to Yield. RIPA entry will not be required.

I do a consensual contact and consensual search. The contact does not rise to the level of detention. Must I complete a RIPA entry? Yes. The legislative text requires an entry for any type of search.

I transport for another officer. Do I complete a RIPA card? No. Only the primary officer is responsible for a RIPA entry.



# Officer Safety

**Not a stranded  
motorist**



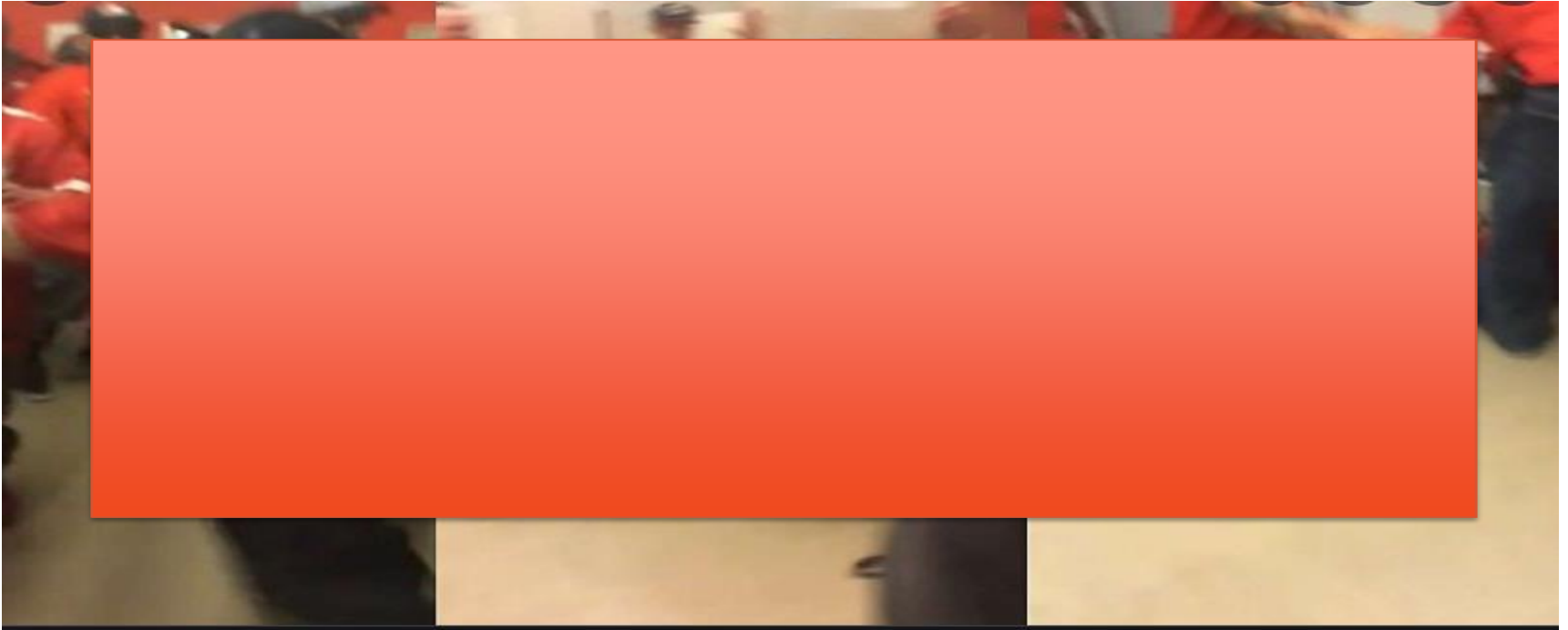
**Not a Citizen Flag Down**





# Officer Safety

Not mutual combat





# Special Events – RIPA Point of Contact

Sergeant Alex Torke







# Password Resets

CA DOJ



- 24/7 password reset
- Create new profiles



# Santa Clara PD RIPA Policy

Policy  
**403**

Santa Clara Police Department  
Santa Clara PD Policy Manual

## Racial and Identity Profiling Act (RIPA)

### 403.1 PURPOSE AND SCOPE

On October 3, 2015, Governor Brown signed Assembly Bill 953, known as the Racial and Identity Profiling Act of 2015 (RIPA), which requires the collection and reporting of specified demographic data for all enforcement contacts to the California Department of Justice (DOJ).

On or before January 1, 2022, the Department is required to begin collecting data on all stops conducted by peace officers within the Department. 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).

#### 403.1.1 DEFINITIONS

The following definitions relate to terms used within this policy:

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

**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:** Any detention of a person and/or search, including a consensual search, of the person's body or property in the person's possession or control.

#### 403.2 DATA COLLECTION

Peace officers within the Department shall complete all applicable data fields in the Department 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. The reason for the stop.
3. The result of the stop, such as, no action, warning, citation, property seized, or arrest.
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.

Unless an exception applies under the law, an officer conducting a stop of a person shall collect the data elements required by law for every person stopped and prepare a stop data report.

When multiple officers conduct a stop, the officer with the highest level of engagement or initial contact with the person shall collect the data elements and prepare the report.

If multiple agencies are involved in a stop and the Santa Clara Police Department is the primary agency, the Santa Clara Police Department officer shall collect the data elements and prepare the stop data report.

The stop data report should be completed by the end of the officer's shift or as soon as practicable. The stop data report must, however, be submitted within 24 hours of the stop.

### 403.3 REPORTING TO THE CALIFORNIA ATTORNEY GENERAL

The Records Division Manager is the custodian of all data collected. The Records 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 Records Manager, or his/her designee, may not access the Department's server to view RIPA data without authorization from the Chief of Police. The RIPA data collected shall not be used for disciplinary purposes or for use in performance evaluations.



# CA DOJ RIPA

- **What this is.**

- **Required by law.**
- **Shall be collected for each detention(s).**
- **Public record.**
- **No identifying information of the officer collecting the data shall be publicly disclosed.**
- **Data collection by officer shall not be used as discipline.**



- **What this is not.**

- **Racial profiling.**
- **Optional.**
- **F/I card (blue card).**
- **Quota.**



# Considerations

- **Officer Safety**
- **Required by law**
- **National RIPA being drafted**
- **Quotas**
- **Integrity**
- **Trust. Autonomy.  
Cooperation.**







# **Santa Clara Police Department**

**“Hindsight is not only clearer than perception-in-the-moment but also unfair to those who actually lived through the moment.”**

**- Dr. Edwin S. Shneidman**



# Santa Clara Police Department

Thank you!

Lt. Cuong Phan

