



Kern County Sheriff's Office **Policies and Procedures**

TITLE: Racial and Identity Profiling Act			NO: J-2350J-2350
APPROVED: Donny Youngblood, Sheriff-Coroner			
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PURPOSE AND SCOPE

The purpose of this policy is to inform and train Sheriff's Office personnel on the requirements of Assembly Bill (AB) 953, also known as the Racial and Identity Profiling Act of 2015 or RIPA. This act, enacted as California Government Code section 12525.5, mandates that state and local law enforcement agencies collect and annually report specified data regarding stops and detentions of individuals. This required data includes information related to the date, time, duration, reason, and result of the stops as well as additional subjective factors relating to the deputy's perception of the person stopped. Completion of this data is mandatory and completely independent of other existing documentation (i.e., General offense report, notes in call for service.).

The Kern County Sheriff's Office is committed to collecting and analyzing stops and searches to ensure they are a part of an effective overall crime prevention strategy. All law enforcement contacts and activities, including but not limited to calls for service, investigation, law enforcement-initiated stops or detentions, and activities following stops or detentions, shall be unbiased and based on legitimate, articulable facts. All law enforcement action taken shall be consistent with the standards of reasonable suspicion or probable cause as required by federal and state law.

DEFINITIONS

For purposes of the regulations related to GC 12525.5, the following definitions shall apply:

Detention – A seizure of a person by a deputy that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing they are not free to leave or otherwise disregard the deputy.

Reasonable Suspicion to Detain – Reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is occurring, had occurred in the past, or is about to occur. Reasonable suspicion to detain is also established whenever there is any violation of law. Reasonable suspicion cannot be based solely on a hunch or instinct.

Reasonable Suspicion to Conduct a Pat Search – Deputies are justified in conducting a pat search if officers have a factual basis to suspect that a person is carrying a weapon, dangerous instrument, or an object that can be used as a weapon, or if the person poses a danger to the safety

of the officers or others. Deputies must be able to articulate specific facts that support an objectively reasonable apprehension of danger under the circumstances, and not base their decision to conduct a pat search on any perceived individual characteristic. The scope of a pat search is limited only to a cursory or pat down search of the outer clothing to locate possible weapons. If the protective search goes beyond what is necessary to determine if the person is armed, it is no longer valid. Once the deputy realizes an object is not a weapon, or an object that can be used as a weapon, the deputy must move on. If, during a lawful cursory or pat search for weapons, an item is discovered that is immediately recognized as contraband (based on plain sight, smell, or touch), the deputy may seize it. A deputy shall not squeeze, slide, or otherwise manipulate the contents of the pocket or area searched.

Probable Cause to Arrest – Under the Fourth Amendment to the United States Constitution, arrests must be supported by probable cause. Probable cause to arrest is a set of specific facts that would lead a reasonable person to objectively believe and strongly suspect that a crime was committed by the person to be arrested.

DETENTIONS/STOP DATA COLLECTION ELEMENTS

Information collected for each stop or detention shall be in accordance with California Government Code section 12525.5. Stop information shall minimally include:

1. Originating agency identifier.
2. The date, time, and duration of stop.
3. Location of stop.
4. Perceived race or ethnicity of person stopped.
*Asian, Black/African American, Hispanic/Latin(x), Middle Eastern or South Asian, Native American, Pacific Islander or White.
5. Perceived gender of person stopped:
*Transgender man/boy, Transgender woman/girl, Cisgender man/boy, Cisgender woman/girl, nonbinary person.
6. Person stopped perceived to be LGBT.
*LGB+, Straight/Heterosexual
7. Perceived age of person stopped.
8. Person stopped has limited or no English Fluency.
9. Perceived or known disability of person stopped.
10. Person perceived to be unhoused (YES/NO)
11. The reason for the stop:
 - a. Traffic violation,
 - b. Reasonable suspicion,
 - c. Deputy witnessed a crime,
 - d. Matched a suspect description,
 - e. Witness or victim identification of suspect at the scene,

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- f. Carrying a suspicious object,
 - g. Actions indicative of casing a victim or location,
 - h. Suspected of acting as a lookout,
 - i. Actions indicative of a drug transaction,
 - j. Actions indicative of engaging in a violent crime,
 - k. Other reasonable suspicion of a crime,
 - l. Known to be on parole/probation/post release community supervision/mandatory supervision,
 - m. Knowledge of outstanding arrest warrant,
 - n. Investigation to determine whether the person is truant, and
 - o. Consensual encounter resulting in a search (requires a brief explanation).
12. Stop made in response to a call for service.
13. Reason Given to the Stopped Person
- a. Traffic violation- Moving violation,
 - b. Traffic violation- Equipment violation,
 - c. Traffic violation- Non-moving violation,
 - d. Officer witnessed commission of a crime,
 - e. Matched suspect description,
 - f. Matched description of suspect's vehicle or vehicle observed at the scene of a crime,
 - g. Witness or victim identified stopped person as a suspect of a crime,
 - h. Carrying suspicious object,
 - i. Actions indicative of casing a victim or location,
 - j. Suspected of acting as a lookout,
 - k. Actions indicative of a drug transaction,
 - l. Actions indicative of engaging in a violent crime,
 - m. Other reasonable suspicion or probable cause that a crime has occurred,
 - n. Probable cause to arrest or search,
 - o. Probable cause to take into custody under Welfare and Institutions Code section 5150,
 - p. Known to be on parole/probation/PRCS/mandatory supervision,
 - q. Knowledge of outstanding arrest warrant/wanted person,
 - r. Investigation to determine whether the person is truant,
 - s. Consensual encounter resulting in a search,
 - t. Possible conduct warranting discipline under Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7,
 - u. Determine whether the student violated school policy.
 - v. Reason not communicated to the stopped person because the officer reasonably believed that withholding the reason for the stop was necessary to protect life or property from imminent threat.
14. Non-Force-Related Actions taken by deputy during the stop:
- a. Person removed from vehicle by order,

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- 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. Peace officer's 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. Consent given,
 - j. Consent not given,
 - k. Terry v. Ohio frisk/pat search of the person's outer clothing was conducted.
15. Force-related Actions
- a. None
 - b. Handcuffed or flex cuffed,
 - c. Control holds/strikes/other physical contact used to gain compliance,
 - d. Firearm pointed at person,
 - e. Firearm discharged,
 - f. Firearm unholstered
 - g. Electronic control device pointed at person or sparked,
 - h. Electronic control device used in dart-mode,
 - i. Electronic control device used in drive-stun mode,
 - 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 any 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. Use of vehicle in apprehension of stopped person. This refers to the use of a vehicle to restrict movement or control a person's resistance,
 - q. Peace officer's canine removed from patrol vehicle to gain compliance and/or for purposes of stopped person apprehending,
 - r. Peace officer's canine bit or held person,
16. Basis of search: If the deputy conducted a search of the person, the person's property or both, the deputy shall report the basis for the search:
- a. Consent given,
 - b. Officer safety/safety of others,
 - c. Search warrant,
 - d. Conditions of probation/parole, post release community supervision or mandatory supervision,

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- e. Suspected weapons,
 - f. Visible contraband,
 - g. Odor of contraband,
 - h. Canine detection,
 - i. Evidence of crime,
 - j. Incident to arrest,
 - k. Exigent circumstance/emergency and
 - l. Vehicle inventory (for search of property only).
 - m. Deputies equipped with body worn cameras will continue to record all requests for consent to search and the individual's response. When a subject is Limited English Proficient (LEP) the deputy shall affirmatively inform the subject in the appropriate non-English language or arrange for the subject to be so informed in the subject's speaking language.
17. Contraband or evidence discovered, including but not limited to firearm(s), ammunition, money, suspected stolen property, cell phones, etc.
 18. Basis for property seizure, including but not limited to safekeeping, contraband, evidence, impound vehicle and abandoned property.
 19. Type of property seized, including, but not limited to firearms, ammunition, weapons other than firearms, drugs, money, suspected stolen property, vehicle, etc.
 20. The results of the stop such as:
 - a. No action,
 - b. Warning,
 - c. Citation,
 - d. In-field cite and release,
 - e. Custodial arrest pursuant to outstanding warrant, custodial arrest without warrant, field interview card completed,
 - f. Non-criminal transport or caretaking transport,
 - g. Contacted parent or legal guardian,
 - h. Psychiatric hold,
 - i. Contacted U.S. Department of Homeland Security
 21. Deputies' identification number, years of experience, race/ethnicity, and gender.
 22. Deputies' current assignment including but not limited to patrol, traffic enforcement, field operations, gang enforcement, compliance check (parole, probation, PRCS, mandatory supervision), special events, roadblock of DUI sobriety checkpoint, narcotics/vice, task force, school resource officer, and investigative/detective.

Stop data collection is done with anonymity of all involved parties. Personnel shall not include any identifying personal information (i.e., name of the individual, license plate number, date of birth, etc.) of the person being stopped in any free-text field or on any other portion of the stop data form. Likewise, no personal information will be entered into the RIPA reporting system regarding the deputy's identity (i.e., name of deputy, badge number, etc.)

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SWORN PERSONNEL RESPONSIBILITIES

Deputies shall conduct searches with lawful justification and shall not conduct arbitrary searches. The request to conduct a consensual search will be reasonable and a deputy must be able to articulate a valid reason under law and KCSO policy for initially having stopped the individual, excluding custodial settings to ensure the safety and security of facilities. However, all searches in the jail will be conducted in accordance with state and federal law.

Sworn personnel of all ranks shall complete a stop data form for every person detained or searched, regardless of the initial reason for the encounter (i.e., call for service, search warrant service, enforcement stop). Submissions will be completed prior to the end of the shift in which the encounter occurred unless exigent circumstances arise and are otherwise approved by their supervisor. In all circumstances, the submission should be completed as soon as practical upon completion of the stop.

When there are multiple deputies on scene interacting with the detained or searched person(s), one deputy shall complete a stop data entry. This entry will be completed by the deputy with greatest degree of contact or interaction and all actions taken by each deputy shall be included by a single entry (i.e., two separate deputies use different levels of force to detain a subject; both use of force types will be captured on a single entry of the detained person).

When multiple agencies are involved with the detention or search of a person(s), the primary agency shall be responsible for the stop data entry. It is important that deputies coordinate with the allied agency to ensure the stop data entry responsibilities are clearly understood. Deputies are required to complete a stop data report when the stop is done in conjunction with an agency that is not subject to the reporting requirements of RIPA.

EXCEPTIONS TO COMPLETION REQUIREMENTS

For purposes of the stop data collection, the following interactions are not considered “detentions” and shall not be reported as stops:

- Stops or detentions that occur during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes, and other similar critical incidents.
- Stops or 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.
- Stops or detentions that occur during or as a result of routine security screenings required of all persons to enter a building, school, or special event, including metal detector screenings, and including any secondary searches that result from that screening.
- Stop or detentions that occur during a crowd control situation in which pedestrians are directed to remain at a location or routed to a different location for public safety.
- Interactions during which persons are detained at a residence, only so that deputies may check for proof of age for purposes of investigating underage drinking.

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- Checkpoints or roadblocks in which deputies detain a person as a result of a blanket regulatory activity that is not based on an individualized suspicion or personal characteristic.
- Passenger(s) of traffic stops who are not the subject of an investigation or enforcement action, unless the deputy asked for identification and/or conducted a record check of that subject.
- The targeted subject(s) of a warrant, search condition, home detention, or house arrest while in their residence.
- Consensual encounters that do not result in a search. However, if, during the course of a consensual encounter, the deputy develops a basis to stop the individual (i.e., reasonable suspicion or probable cause) and exercises authority to effect a detention or arrest, the deputy must document the stop.
- Deputies are not required to complete a data stop entry for incidents that occur with a subject who is currently in custody within a custodial facility.

STOP OF STUDENTS K-12 (Different reporting requirements).

Only the following interactions with students are subject to stop data reporting requirements:

- An interaction resulting in temporary custody, citation, arrest, permanent seizure of property as evidence of a criminal offense, or referral to a school administrator because of suspected criminal activity.
- An interaction in which a student is questioned to investigate whether they committed any violation of law, including offenses listed under Education Code section 48900 and including truancy.
- Any interaction in which a deputy takes any of the actions provided under the categories of information entitled “Non-Force-Related Actions taken by deputy during stop” and “Force-Related Actions taken by deputy during stop” excluding “none” and excluding searches applied using a neutral formula.

SUPERVISOR AND REPORTING REQUIREMENTS

Supervisors will regularly review (once a week) and evaluate stops ensuring investigatory stops and pat-down searches are supported by reasonable suspicion, arrests are supported by probable cause, and in compliance with Kern County Sheriff’s Office policies. Additionally, supervisors shall review and evaluate whether investigatory stops, searches, and arrests even if comporting with law and policy, indicate a need for corrective action or review of agency policy, strategy, tactics, or training.

Sergeants shall randomly audit/verify a stop data report from every deputy assigned to their station, squad, or unit once a week. Sergeants’ audit/verification shall review the stop for accuracy and completion of information and will do so by comparing a stop data report to body-worn camera

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footage, Computer Aided Dispatch (CAD) notes, or the associated crime report. In addition to ensuring that RIPA entries are accurate, supervisor shall monitor for evidence of inappropriate entries or attempts to thwart proper reporting of stops (e.g., consistently entering all races on every stop, entering identifying information, or listing vague justifications.)

When verifying the stop data report information, Sergeants shall enter their last name, the word “verified,” and how the information was verified (i.e., BWC, CAD, CODE 8) in the “Audit” field in a stop data report.

EXAMPLE: “DOE, VERIFIED, BWC.”

Sheriff’s Office personnel are responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. All supervisors and managers are obligated to thoroughly investigate all allegations of violation of this policy and to take appropriate action, as outlined in DPPM D-200 and DPPM D-300.

If the stop data report indicates a need for corrective action or a review of agency policy, tactics or training, the Sergeant shall select the appropriate selection under the “actions taken” drop down box. If a Sergeant or higher-ranking official determines the stop data report is to be sent to the Professional Standards Unit or Internal Affairs, it shall be sealed.

The affected section Lieutenant shall run a monthly report showing the audits/verifications conducted and ensure there are enough audits to ensure deputies are conducting stops in accordance with the law and Kern County Sheriff’s Office policies. The Lieutenant will review the report and provide it to their divisional commander to archive.

DATA ANALYSIS:

The Kern County Sheriff’s Office Professional Standards Unit shall annually analyze RIPA and other data to assist in identifying practices that may have a disparate impact on any group relative to the public. If disparate impacts are identified and verified, the Sheriff’s Office will evaluate if any alternative enforcement practices exist that would eliminate or lessen the disproportionate impact. The Sheriff’s Office will consult with affected stakeholders, including, but not limited to neighborhoods, businesses, community groups, other County Departments, and/or the Sheriff’s Community Advisory Council (CAC) to explore solutions. Solutions may include addressing the targeted behavior in a different way, de-emphasizing the practice in question, or other measures. The findings will be published in an annual report and available online, for a period of at least five (5) years, on KCSO’s website.

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