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Racial and Identity Profiling Act (RIPA)

This training bulletin is intended to clarify what the 2024 changes to RIPA have been, and to outline what law enforcement actions require a RIPA to be completed.

DEFINITIONS

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.**

SEARCH: 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 consensual search.

CONSENSUAL SEARCH: A search that occurs when a person gives a peace officer consent or permission to search the person or the person's property. Consent can be given in writing or verbally or may be implied by conduct.

STOP: Any detention, as defined above, by a peace officer of a person, or any peace officer interaction with a person in which the officer conducts a search.

WHAT REQUIRES A RIPA?

- Reasonable suspicion or probable cause where a person was **searched, detained/stopped, or arrested.**
- Consensual encounter resulting in a **search.**
- PRCS/PAROLE/PROBATION **search conducted away** from the subject's residence.
- Welfare and Institutions 5150 holds.
- Subject(s) arrested for an **arrest warrant away** from their residence.
- Subject(s) **detained** during the service of a search warrant, at the target residence, who are **not named in the search warrant.**
- Subject(s) named in a **search warrant but detained away** from their place of residence.
- Any use of force on a person.
- Juveniles fall under the same criteria, whether in school or not.

- All Traffic stops where the driver of a vehicle was pulled over for a traffic violation.
- Passengers in a vehicle **may require** a RIPA when the following occurs:
 - A person was removed from the vehicle by order.
 - Field sobriety test conducted.
 - Curbside detention- any time an officer directs the person to sit on the sidewalk, curb, or ground.
 - Patrol car detention.
 - Peace officer's canine used to search for, locate, and/or detect contraband.
 - A person was photographed.
 - Asked whether the person is on parole, probation, PRCS, or some other form of mandatory supervision.
 - Asked for consent to search person.
 - Consent given.
 - Consent not given.
 - Terry v. Ohio - pat-down search of outer clothing for weapons only.

VIRTUAL CUSTODY (EMP)

Interactions that take place with a person in their residence who is the subject of home detention or house arrest while an officer is on home detention or house arrest assignment are not subject to RIPA.

- A RIPA shall be completed for any interaction with a person who is the subject of an arrest or search warrant or search condition **that takes place anywhere other than the person's residence**.
- A peace officer shall also report any interactions with persons in the home who are not the subject of the home detention or house arrest, **if the officer takes any of the following actions**: handcuffs the person, arrests the person, points a firearm, or uses force against that person.
 - **Example**: Officer B goes to a residence to conduct a compliance check on a person on home detention. At the residence, Officer B encounters two other people and asks them to step outside the house. **Officer B takes no other action** towards the two other people. Officer B does not need to complete a RIPA for this interaction.

STOPS THAT DO NOT REQUIRE A RIPA:

- Stops or detentions that occur during public safety mass evacuations (bomb threat, gas leaks, flooding, active shooter, other critical incidents).
- Stops of detentions that occur during a routine security screening required of all persons entering a building (school, special event, court).
- 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 certain characteristics.
- Consensual encounters, that do not result in a search.

WHAT OFFICER IS RESPONSIBLE FOR COMPLETING THE RIPA: The officers with the highest level of engagement with the person stopped shall submit the full report for all data elements, regardless of whether that officer performed the specific actions reported.

WHEN TWO OR MORE AGENCIES ARE INVOLVED: Only the primary agency shall submit a report. The primary agency is the agency with investigative jurisdiction based on the 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.

Reference material can be found on the following websites:

<https://oag.ca.gov/system/files/media/ripa-final-text-of-proposed-regulations.pdf>

<https://oag.ca.gov/ab953/regulations#amend>
