

## Racial & Identity Profile Act (2015) Procedure

### 402.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish uniform reporting procedures for all detentions/stops pursuant to the Racial and Identify Profiling Act of 2015 (AB 953). This data will be used to fulfill annual reporting requirements to the California Department of Justice (DOJ) and will serve as a tool to evaluate the needs for improved bias-based policing training.

The data to be collected includes, among other things, the perceived race or ethnicity, gender, approximate age of the person stopped, as well as other data such as the reason for the stop, whether a search was conducted, and the result of any search.

### 402.2 POLICY

It is the policy of the Union City Police Department to always enforce the law equally, fairly, objectively, and without bias or discrimination toward any individual or group. Members of UCPD shall comply with the mandatory reporting provisions set forth in this order and as outlined in UCPD Policy 402 – Bias-Based Policing.

### 402.3 AB 953 DEFINITIONS

- (a) **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.
- (b) **DETENTION:** A seizure of a person by a peace officer that results from physical restraint, unequivocal verbal commands or words, or conduct by a peace officer that would result in a reasonable person believing he/she is not free to leave or otherwise disregard the officer.
- (c) **PERSONAL IDENTIFIABLE INFORMATION (PII):** Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. This includes but is not limited to the subject's name, address, social security number, date of birth, or Personal File Number (PFN).
- (d) **SEARCH:** A search of a person's body, or property in the person's possession or under his or her control. A search also includes a pat-down search of a person's outer clothing as well as a consensual search.
- (e) **STOP:** A 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. In addition to vehicle and pedestrian stops, this includes all calls for service resulting in a detention.
- (f) **STOP DATA:** Refers collectively to the data elements and data values that must be reported to the California Department of Justice.
- (g) **STUDENT:** Any person who is enrolled in a K-12 Public School, or any person who is subject to California's compulsory education law as provided in Education Code

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section 48200. A “student” includes any persons between 6 and 18 years of age who are not otherwise exempt from the compulsory education laws as provided in Education Code section 48200. “Student” also refers to persons up to 22 years of age who are being provided special education and services, as provided under Education Code section 56026. The reporting requirements of this chapter regarding “students” apply only to interactions between officers and students that take place in a K-12 Public School.

#### **402.4 ORDER**

All sworn agency personnel who conduct a “stop” as defined in this procedure shall input the required data into the Stop Data Reporting System. The information entered will identify specific information regarding the circumstances surrounding the encounter and allow for later data retrieval. Data required to be collected on each encounter includes information about the stop itself, the person stopped, and the employee making the stop. No PII for any party, including staff, or outside law enforcement officers’ information shall be entered into Stop Data fields.

##### **402.4.1 INFORMATION REGARDING THE STOP**

Sworn personnel who make a stop must report the following details of the stop:

- (a) Whether the stop was in response to a call for service.
- (b) Date, time, and duration of the stop. The duration of the stop is the approximate length of the stop (in minutes) measured from the time the reporting peace officer first detains or, if no initial detention, first searches the stopped person until the time when the person is free to leave or is taken into custody.
- (c) Location of stop. A physical address should not be provided. The street name and nearest cross street or closest highway exit should be provided. If neither of these options are applicable, a road mile marker or physical landmark may be provided.
- (d) Reason for stop. When reporting this data element, peace officers shall identify only the primary reason for stopping the person. In addition to selecting one of the below listed categories, peace officers must provide a brief explanation (250-character max) outlining the reason for the stop. This explanation should include additional details beyond the general data values selected for the “Reason for Stop.”
  1. Traffic violation.
  2. Reasonable suspicion that the person was engaged in criminal activity.
  3. Known to be on parole/probation/PRCS/mandatory supervision prior to the time of the stop.
  4. Knowledge of outstanding arrest warrant/wanted person prior to the time of the stop.
  5. Investigation to determine if a person was truant.
  6. Consensual encounter resulting in a search.
- (e) Actions taken by the peace officer during the stop.
  1. Person removed from the vehicle by order or physical contact.

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2. Field sobriety test was conducted.
  3. Curbside or patrol car detention.
  4. Handcuffed or flex cuffed.
  5. A patrol canine was removed from a vehicle or used for a search.
  6. Canine bite or held the person.
  7. Firearm was pointed at a person, discharged, or used. h. Impact projectile was discharged or used.
  8. Taser or chemical agent was used.
  9. Other physical or vehicle contact.
  10. Person was photographed (Personal Video Recording System [PVRS] video does not constitute a photograph).
  11. Asked for consent to search a person or property.
  12. Search of the person or person's property was conducted.
  13. Property was seized.
  14. Vehicle impounded.
- (f) If the subject was searched, the basis for the search must be provided along with a brief explanation (250-character max). The explanation should include additional detail beyond the general data values selected for "Basis for Search."
- (g) Contraband or evidence discovered, if any.
- (h) Property seized, if any.
- (i) Result of the stop (e.g. warning, citation, arrest, psychiatric hold, etc.).

#### 402.4.2 INFORMATION REGARDING THE PERSON STOPPED

Sworn personnel who make a stop must report their own perceptions of the subject based on personal observation only, and not through any other means, such as asking the person or referring to their identification.

- (a) Perceived race or ethnicity – Multiple may apply.
- (b) Perceived age.
- (c) Perceived gender/sexual orientation.
- (d) Perceived or known disability.
- (e) Perceived to have limited or no English fluency.

#### 402.4.3 PASSENGERS DURING VEHICLE STOPS

- (a) Data elements shall not be submitted for passengers in vehicles subject to a stop unless either of the following applies:

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1. The passenger is observed or suspected of violating the Vehicle Code or any other applicable law or ordinance.
2. The passenger was subjected to any of the actions outlined in section A, Subsection 5 of this procedure, except for Vehicle Impounded.

#### 402.4.4 INFORMATION REGARDING THE PEACE OFFICER

- (a) Years of experience. This should only include years worked as a peace officer. If the peace officer served intermittently or part time, they shall only count the time actual worked as a peace officer.
- (b) Type of assignment during stop.
- (c) An officer identification number enables the State to analyze the stops made by the peace officer while protecting his/her identity. UCPD is required to maintain a log of each peace officer and their identification number.

#### 402.4.5 COMPLETING THE STOP DATA COLLECTION ENTRY

- (a) To ensure reporting accuracy, all DOJ stop data should be completed at the conclusion of each stop. If circumstances arise that would prevent this from occurring (e.g. priority call for service or motor unit's lack of MDC availability), the stop data shall be completed as soon as practical, but no later than the end of each shift. Only under exigent circumstances may supervisors approve delayed reporting until the peace officer's next shift.
- (b) 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 applicable interagency agreement or memorandum of understanding.
- (c) If more than one peace officer conducts a stop, only the peace officer with the highest level of engagement shall submit the data regardless of whether that officer performed specific action(s).
- (d) If multiple people are stopped during one incident, then applicable stop data shall be submitted for each person within a single CAD incident.

#### 402.4.6 SPECIAL CIRCUMSTANCES FOR NON-REPORTING

- (a) Stops during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes, and other similar critical incidents.
- (b) Stops during an active shooter, meaning an individual is actively engaged in killing or attempting to kill people in a populated area.
- (c) Stops that occur during or as a result of routine security screenings required of all persons to enter a building or special event, including metal detector screening and any secondary searched that result from the screening.

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#### 402.4.7 SPECIAL CIRCUMSTANCES FOR LIMITED REPORTING

- (a) Interactions that take place during the following circumstances shall only be reported if the person is detained based upon individualized suspicion or personal characteristics and/or the peace officer engages in any action listed in Section A, Subsection 5 of this procedure.
  - 1. Traffic control of vehicles due to traffic accident or emergency situation that required that vehicles are stopped for public safety purposes.
  - 2. Any type of crowd control in which pedestrians are made to remain in a location or are routed to a different location for public safety purposes.
  - 3. Interactions during which persons are detained at a residence only so peace officers can check for proof of age for purposes of investigating underage drinking.
  - 4. Checkpoints or road-closures in which a peace officer detains a person as a result of a blanket regulatory activity of neutral formula that is not based on individual suspicion or person characteristics.
- (b) Search Warrant / Search Conditions. Interactions that take place with a person in their residence who is the subject of a warrant or search condition are not subject to the reporting requirements. Peace officers shall, however, report any interaction with a person in the home/search warrant location who is not the subject of the warrant/search condition, if the peace officer takes any of the following actions: handcuff or arrest the person, points a firearm at a person, discharge/use a firearm, use a Conducted Energy Weapon (e.g. Taser), use an impact projectile, baton, other impact weapon, or chemical spray, or if a canine bit/held the person.

#### 402.4.8 STOPS AT K-12 PUBLIC SCHOOLS

- (a) Stops of persons who are not K-12 Public School students are subject to the reporting requirements outlined in this procedure.
- (b) In a K-12 Public School, a peace officer shall report on the following interactions with students as stops:
  - 1. Any interaction where detention or search occurs including consensual.
  - 2. Interactions that result in temporary custody pursuant to 625 W&I.
  - 3. Citation or arrest.
  - 4. Permanent seizure of property as evidence of a criminal offense.
  - 5. Referral to a school administrator because of suspected criminal activity.
  - 6. If the student is questioned for the purposes of investigating whether the student committed a violation of the law. This includes violations of Education Code Sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7.
  - 7. To determine whether the student is truant.
- (c) "Suspected violation of school policy" may be applicable as a basis for a search or property seizure.

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#### **402.5 REVIEW**

- (a) Patrol sergeants must review RIPA entries on a daily basis to verify PII information is not included in the RIPA transmission. Stop Data entries requiring correction will be returned to the originating officer for edits and resubmitted before the supervisor transmits the final report to DOJ. Sergeants must also ensure the number of reportable contacts match shift activity before transmitting RIPA data. This can be done by completing the following steps:
- - Complete a CAD inquiry for the date of the RIPA transmission.
    - Using the CAD results, count the number of incidents which resulted in a detention (e.g. traffic stops, pedestrian stops or other calls for service where a suspect was contacted.) .
    - Make sure the number of RIPA entries received at the end of the shift match the results of the CAD inquiry.
- (b) The PSU Lieutenant, or his/her designee, will conduct quarterly, random audits to ensure information is being completed and submitted correctly to DOJ. This should include randomly selecting dates and running a CAD inquiry in search of RIPA reportable contacts. The CAD data should then be cross checked with the same dates in DOJ's database to ensure the number of RIPA reportable contacts match those found in CAD. These audits should be stored on the [REDACTED].

#### **402.6 REVISIONS**

Adopted Procedure: September 21, 2021

Revised: December 6, 2021