

CARLSBAD POLICE DEPARTMENT

AB 953: Racial and Identity Profiling Act
(RIPA) Report

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EXECUTIVE SUMMARY

In 2015, the State of California passed Assembly Bill No. 953 (AB 953), otherwise known as the Racial and Identity Profiling Act (RIPA). AB 953, hereafter referred to simply as RIPA, requires that law enforcement agencies in the state of California collect perceived demographic data from specified police contacts.

Beginning July 1, 2018, law enforcement agencies began collecting stop data and reporting the information to the DOJ. The first annual report was due April 2018, for data collection from the previous year. However, not all agencies were required to begin reporting the first year. Reporting requirements are as follows:

- An agency that employs 1,000 or more peace officers to issue its first annual report by April 1, 2019.
- An agency that employs 667 or more but less than 1,000 peace officers to issue its first annual report by April 1, 2020.
- An agency that employs 334 or more but less than 667 peace officers to issue its first annual report by April 1, 2022.
- An agency that employs one or more but less than 334 peace officers to issue its first annual report by April 1, 2023.

Therefore, the Carlsbad Police Department was required to start collecting RIPA stop data on January 1, 2022 and was required to produce our first annual report by April 1, 2023.

As outlined by the California Code of Regulations (11 CCR § 999.224), RIPA stop data must be collected during police contacts matching either of the following criteria: *"(1) Any detention, as defined above 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."* It should be noted that, although titled "stop," the RIPA data stop requirement does not only apply to officer-initiated activity such as a traffic stop and can be triggered at any point during any police contact such as calls for service. Further explanation of legal standards concerning a temporary "detention" or "stop" is provided below:

Per Cal. Code Regs. tit. 11 § 999.224, "**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.

A valid "detention" is when an officer has "reasonable suspicion" that: (1) something relating to criminal activity has just happened, is happening, or is about to happen; and (2) the vehicle and/or the person to be detain relates to that activity. "Reasonable suspicion" means articulable facts, together with rational inferences from those facts, warranting an objective suspicion. A temporary "detention" or "stop" is an exertion of authority that is something less than an arrest but more substantial than a simple "contact" or "consensual encounter." A "consensual encounter" is a contact between an officer and an individual that is strictly voluntary.

RIPA requires that specified data fields for each RIPA stop must be completed at the end of every qualifying contact and certain data collected is based solely on the officer's perception. Consequently, it is important to note that the way an officer perceives any given individual might differ from the way that individual identifies themselves.

As outlined in Penal Code Section 13519.4, this Act also established the Racial and Identity Profiling Advisory Board for the purpose of eliminating racial and identity profiling, and improving diversity and racial and identity sensitivity in law enforcement.

The Carlsbad Police Department is firmly committed to providing police services in a Constitutional and transparent manner. Additionally, the Police Department has created policies and provides training to department members in furtherance of this commitment. Lastly, the Police Department looks forward to providing the people of Carlsbad with a transparent overview of each year's RIPA data and utilizing that data to continuously foster strong community relations.

The following report has been compiled using Carlsbad Police Department's RIPA stop data gathered between January 1, 2022, and December 31, 2022.

OVERALL STATISTICAL REVIEW

The information presented in this report is representative of the 2022 statistical data gathered from all RIPA stops conducted by members of the Carlsbad Police Department. This report also presents population information gathered by the San Diego Association of Governments (SANDAG) for reference.

As outlined by the California Code of Regulations (11 CCR § 999.224), RIPA stop data is based on the perceptions of the officer most involved in the RIPA stop. The data collected is hereinafter referred to as “perceived” data.

Some of these perceived data elements include:

- Perceived Race or Ethnicity of Person Stopped
- Perceived Gender of Person Stopped
- Person Stopped Perceived to be LGBT
- Perceived Age of Person Stopped
- Person Stopped Has Limited or No English Fluency
- Perceived or Known Disability of Person Stopped

Once the conditions of RIPA are triggered, specific officer actions have been designated as being required data elements and must be submitted by the officer most involved at the conclusion of each RIPA stop. Some of these actions include:

- Reason for stop
- Result of the stop
- Actions taken during the stop

RIPA stop data does not require consideration factors including but not limited to:

- Intelligence-led policing
 - Examples: Crime trend analysis, license plate reader hits, crime intelligence bulletins with vehicle or suspect descriptions, or other investigative information known by the officer prior to the stop.
- Commuter traffic
 - Example: The City of Carlsbad alone employs approximately 1,250 people. Of 774 full-time employees, 77% do not reside in Carlsbad. Of 476 part-time employees, 63% do not reside in Carlsbad.
- Tourism
 - In May of 2022, the Carlsbad Tourism Business Improvement District reported Carlsbad has 3.5 million visitors annually.

The SANDAG 2020 RACIAL DEMOGRAPHICS for the City of Carlsbad were used as the basis for comparison in this report for the following sections:

- STOPS BY CATEGORY - statistics related to perception data and the associated demographic breakdowns.
- REASON FOR STOP - statistics related to stop reason data and the associated demographic breakdowns.
- RESULT OF STOP - statistics related to stop result data and the associated demographic breakdowns.
- ACTIONS TAKEN DURING THE STOP - statistics related to actions taken by officers.
- We have also provided sections for data comparing CALLS FOR SERVICE VS. OFFICER INITIATED ACTIVITY.

Refer to the Appendix for Carlsbad Police Policy 402 concerning RIPA compliance.

Police Department

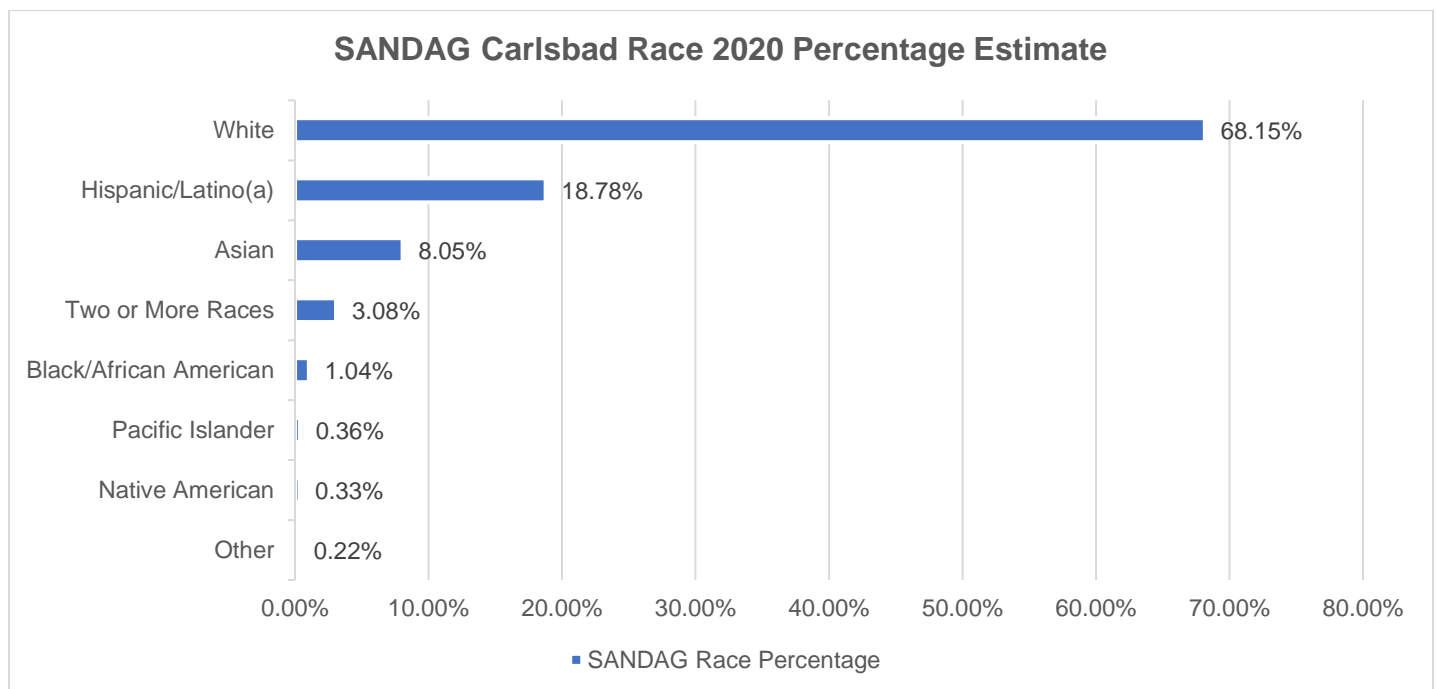
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SANDAG 2020 RACIAL DEMOGRAPHICS

CARLSBAD, CALIFORNIA

The chart below depicts the SANDAG race percentage estimates for the City of Carlsbad.

For context, the total population estimate for Carlsbad provided by SANDAG was 114,463. SANDAG population estimates for the City of Carlsbad by race were reported as follows: White (78,002), Hispanic/Latino(a) (21,499), Black/African American (1,188), Asian (9,212), Other (249), Two or More Races (3,525), Pacific Islander (408), and Native American (308).

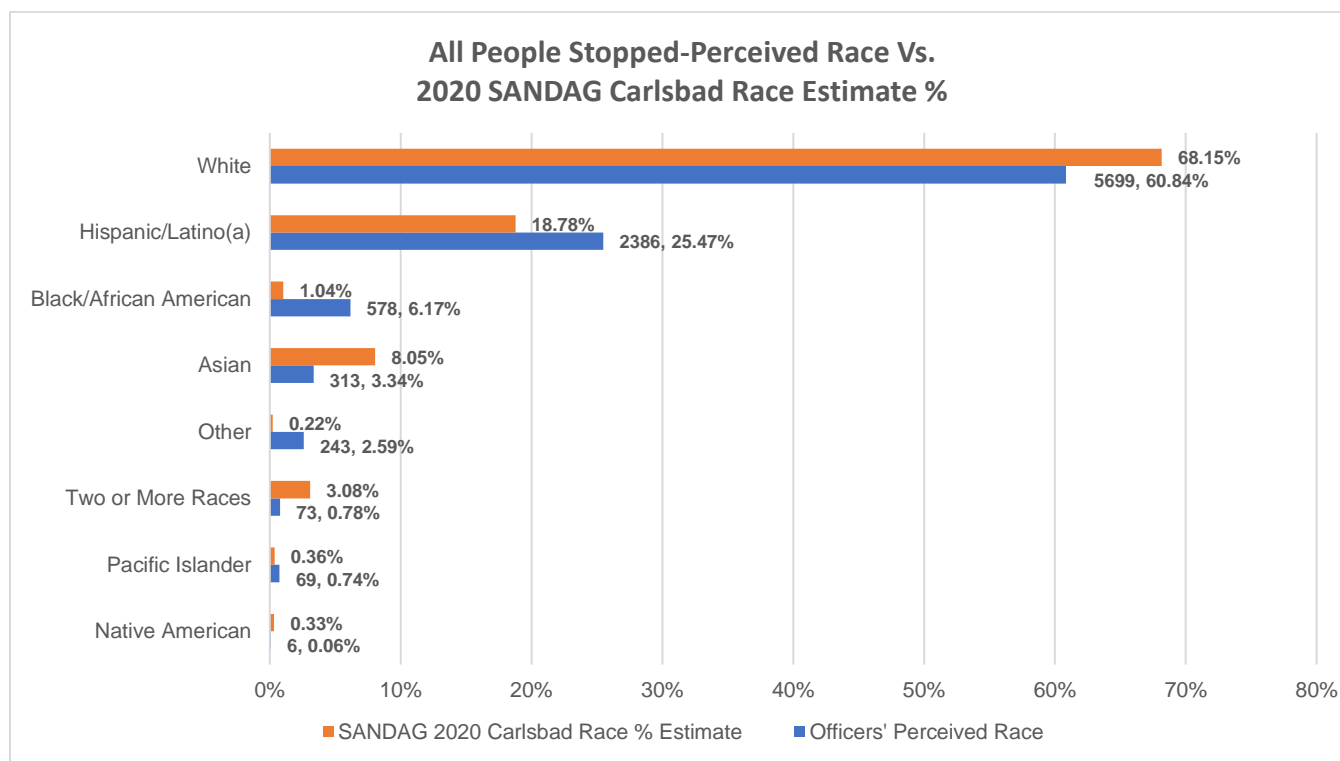


STOPS BY CATEGORY

PERCEIVED RACE

The chart below depicts stop data collected by the Carlsbad Police Department during 2022. The chart represents the perceived race percentage of all people reported to be involved in a stop compared with the SANDAG race percentage estimates for the City of Carlsbad.

For context, 9,367 people were reported to be involved in 8,729 stops. The total population estimate for Carlsbad provided by SANDAG was 114,463 with the following race estimates: White (78,002), Hispanic/Latino(a) (21,499), Black/African American (1,188), Asian (9,212), Other (249), Two or More Races (3,525), Pacific Islander (408), and Native American (308).



Source: SANDAG

Note: The Stop Data race categories were converted to match the SANDAG race categories for comparison purposes. In the RIPA requirements, multiple races could be selected for each person stopped, these individuals are counted in the two or more races category. Also, Middle Eastern or South Asian perceptions were counted in the "Other" category to match the SANDAG estimates. The 2020 SANDAG census is scheduled to be published in August of 2023.

For additional information see Government Code Section 12525.5; 11 CCR §999.226(a)(4)

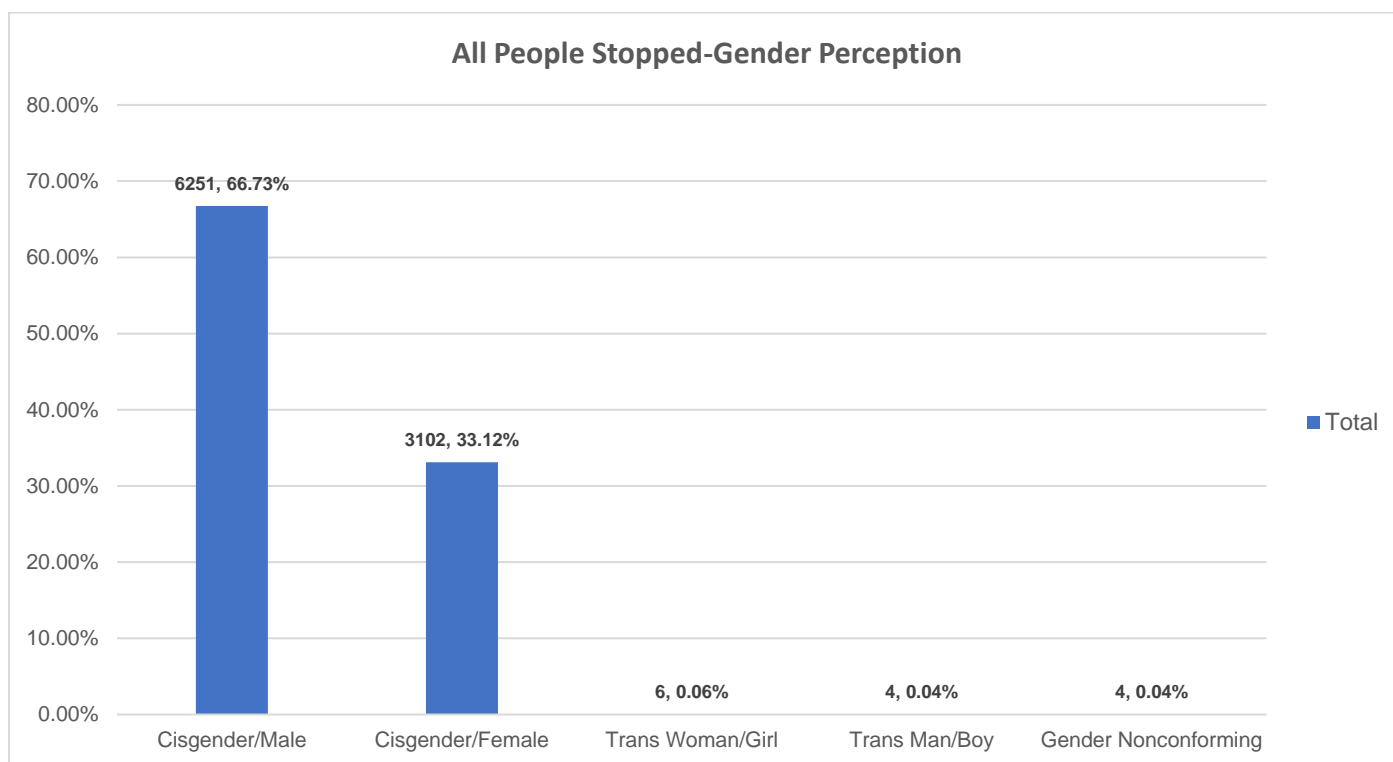
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PERCEIVED GENDER

According to the SANDAG data, (cisgender) females account for 50.45% of the Carlsbad population. Of all the people stopped, officers perceived the gender of the person stopped to be (cisgender) male 66.73% of the time.

Note: Cisgender is listed in parenthesis because the term is not used in the SANDAG 2020 gender estimates.



PERCEIVED LGBT

Per RIPA requirements, one gender element must be selected; however, one gender along with gender non-conforming can both be selected in a single entry.¹ When either transgender or gender non-conforming is selected, LGBT is automatically selected for PERCEIVED LGBT.²

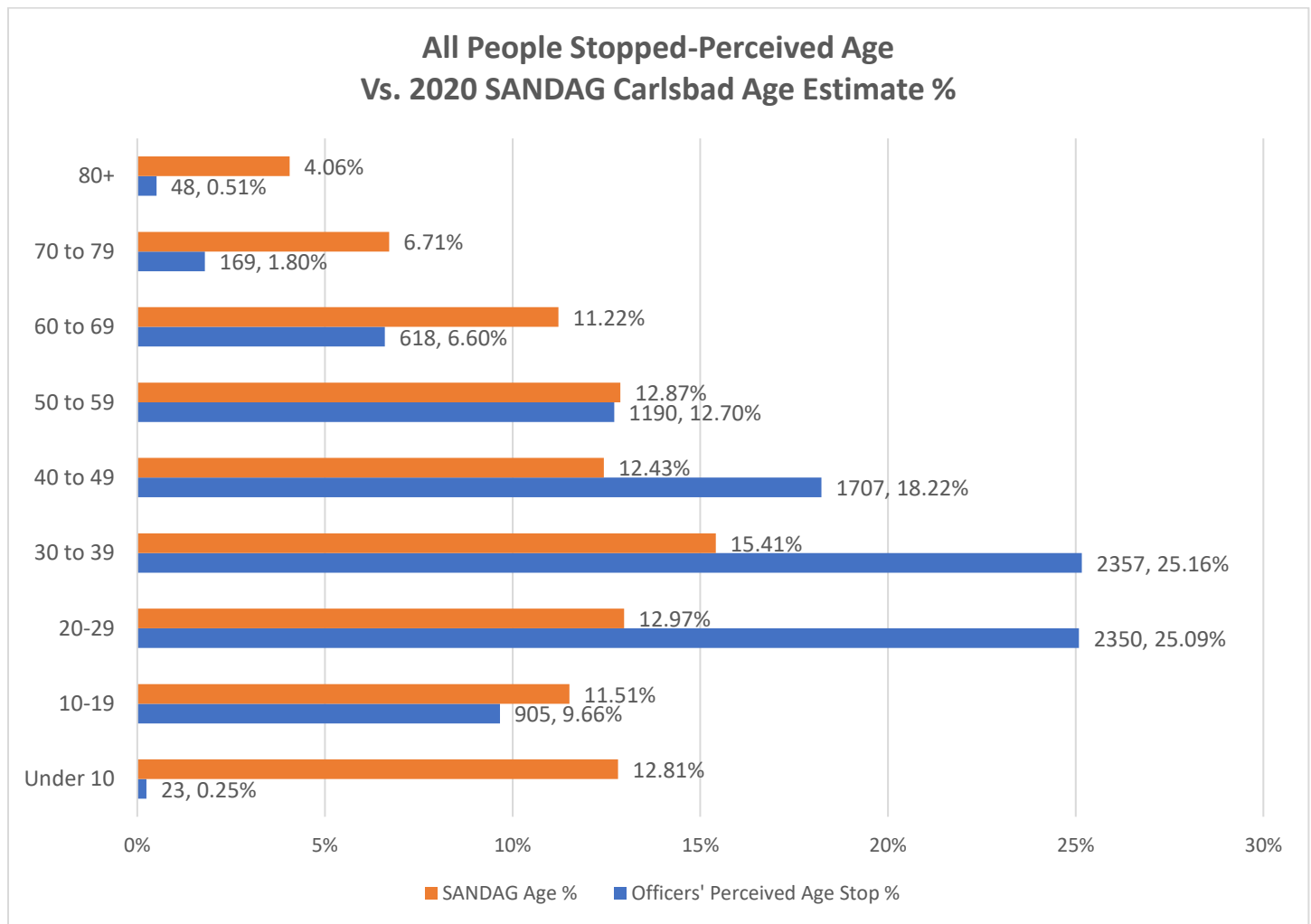
According to the data, 0.14%, or less than 1% of total stopped persons were perceived as LGBT.

¹ For additional information see Government Code Section 12525.5; 11 CCR §999.226(a)(5)

² For additional information see Government Code Section 12525.5; 11 CCR §999.226(a)(6)

PERCEIVED AGE

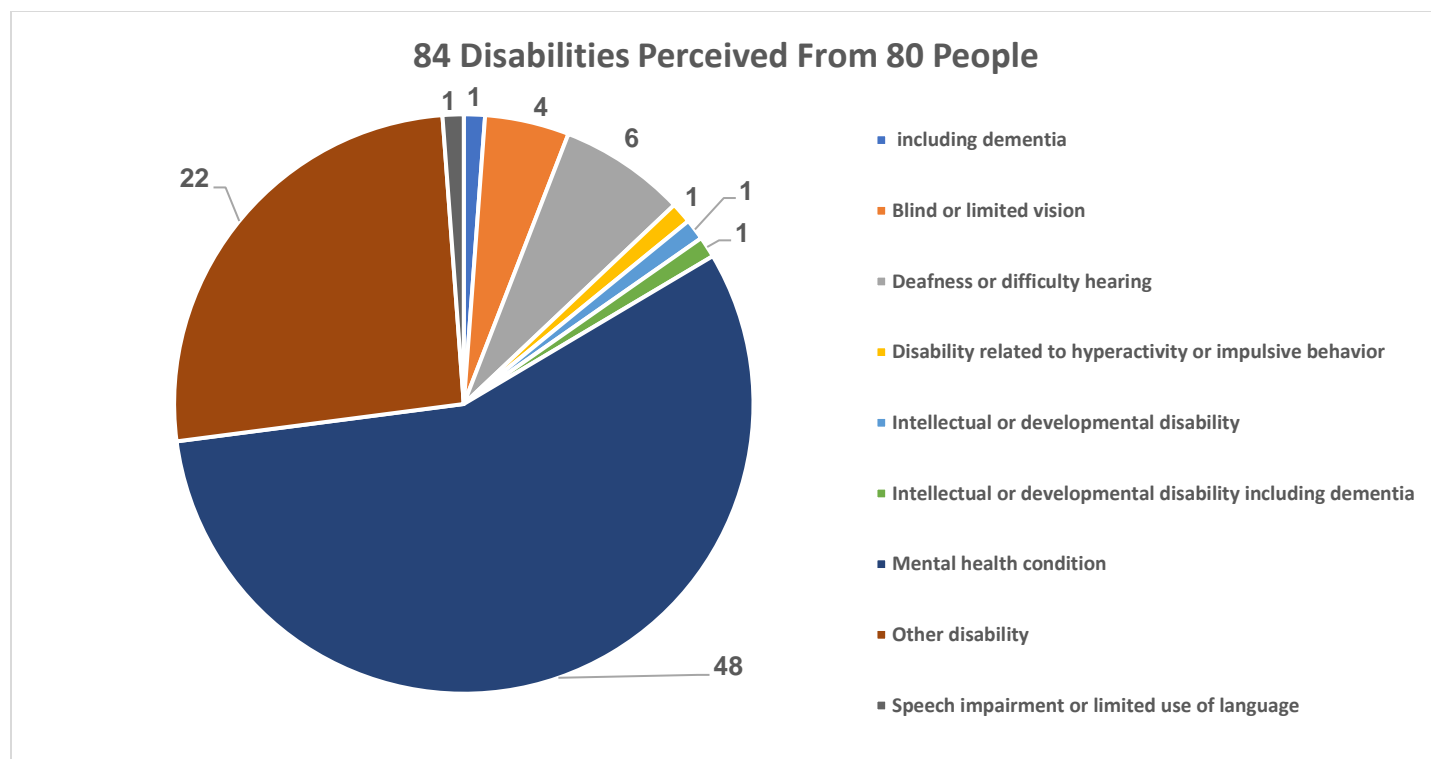
People perceived to be in the age ranges of 20-29, 20-29, and 40-49 had the highest variance between the SANDAG population estimates and the percentage of people stopped. This accounted for 68.47% of the people stopped.



KNOWN OR PERCEIVED DISABILITY

Approximately 0.85% (Less than 1 percent) of total stopped persons were perceived or known to have at least one disability.

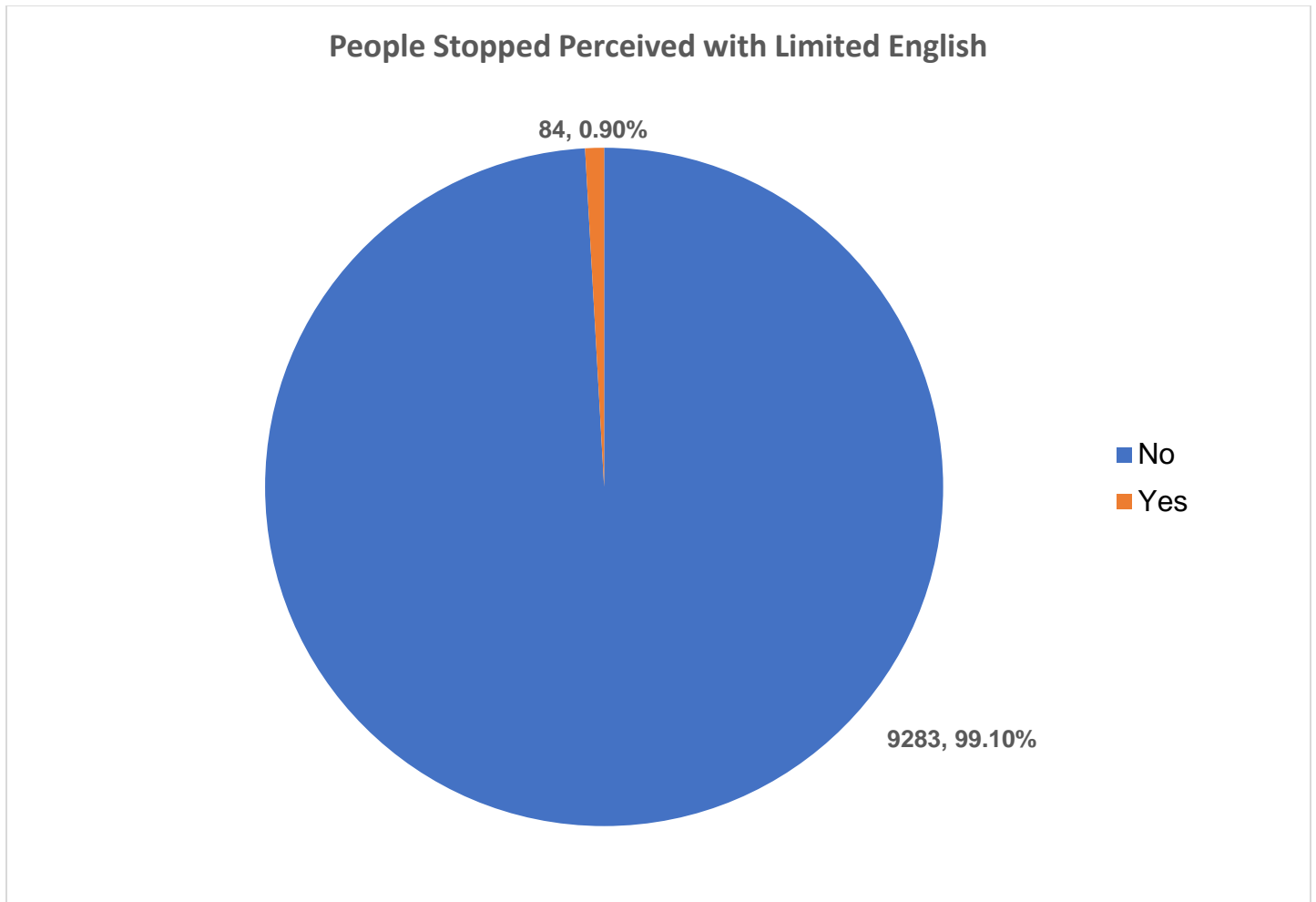
Per RIPA requirements, multiple perceived disabilities could be selected for each stopped person. These perceived disabilities can include but are not limited to vision impairments, hearing impairments, mental health conditions, speech issues, and intellectual or developmental disabilities, etc.³



³ For additional information see Government Code Section 12525.5; 11 CCR §999.226(a)(9)

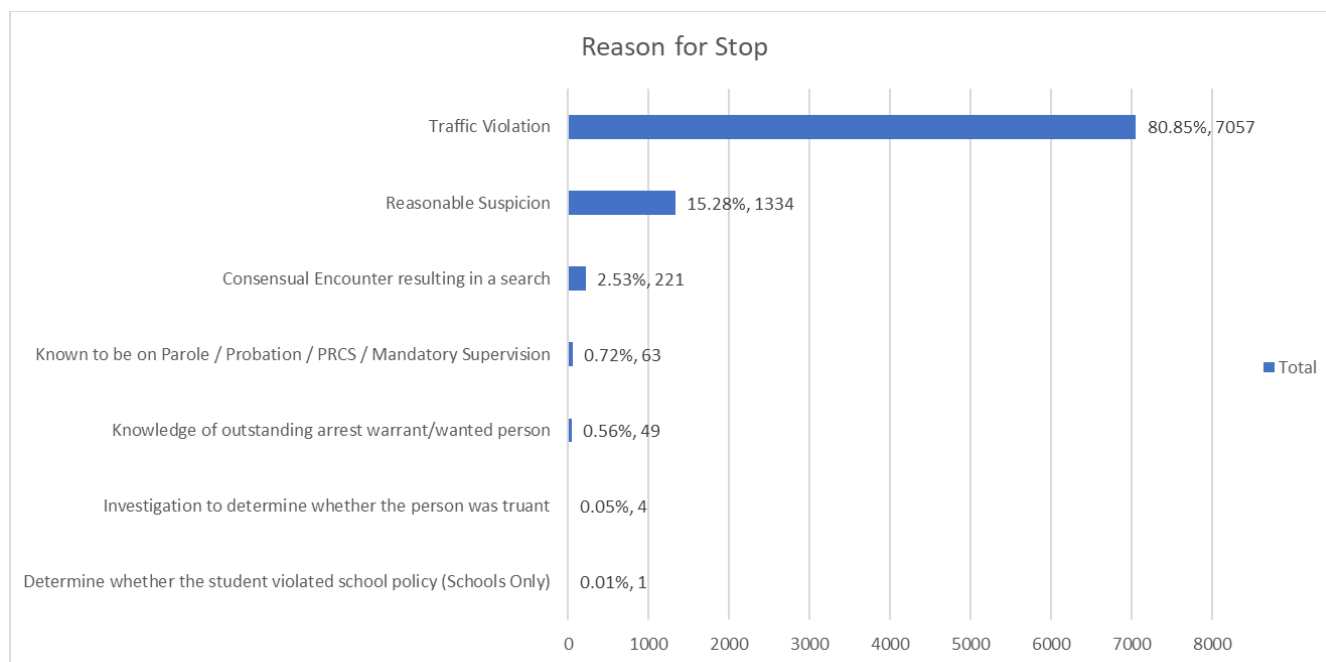
PERCEIVED LIMITED ENGLISH SPEAKING

84 individuals, which is about 0.9% (Less than 1 Percent) of the total stopped persons were perceived to have limited or no fluency in English.



REASON FOR STOP

Of the 8729 stops made, the most frequently reported reason for a stop was, in descending order, **Traffic Violations** 80.85% (7,057), followed by **Reasonable Suspicion** 15.28% (1,334), **Consensual Encounter with Search** 2.53% (221), and **Parole/Probation/PCRS** .72% (63).

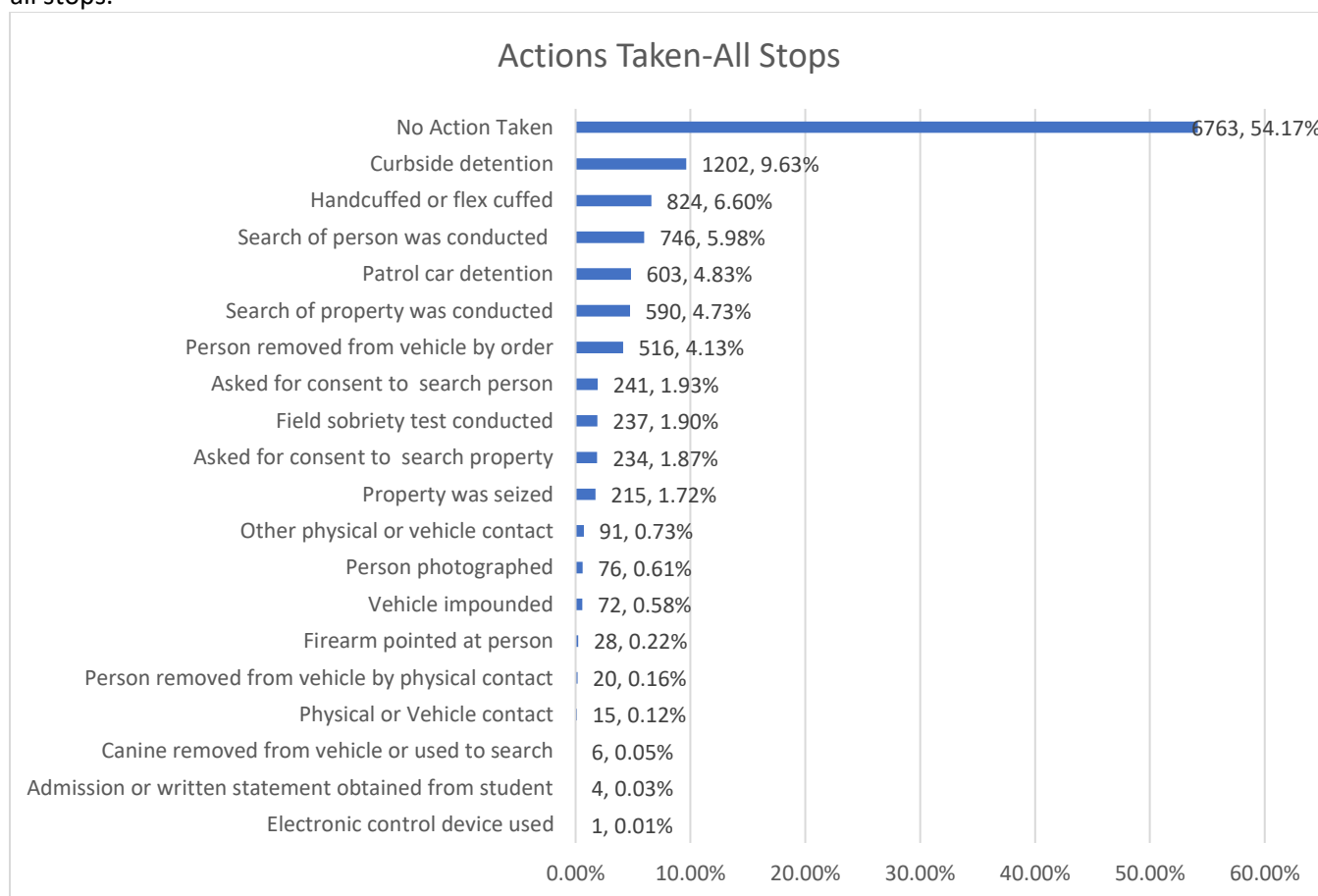


ACTIONS TAKEN DURING THE STOP

ACTIONS TAKEN – ALL STOPS

Per RIPA requirements, multiple actions can be selected for each stopped person.

A total of 12,484 actions were taken during all 8,729 stops involving 9,367 people. Officers reported no action was taken 54.17% (**6,763**) of the time. The chart below depicts the actions taken as a percentage of all **12,484** actions taken during all stops.



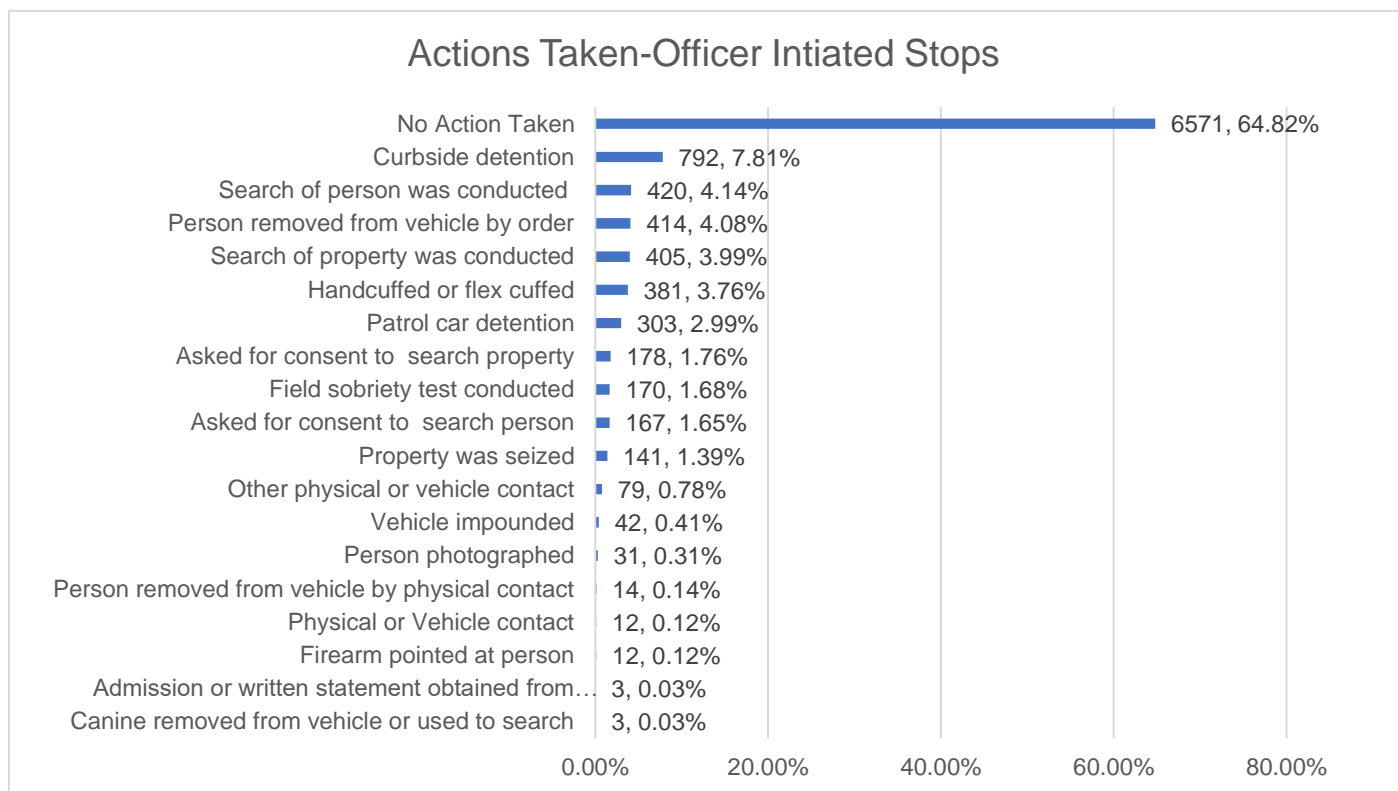
For additional information see Government Code Section 12525.5; 11 CCR §999.226(a)(12)

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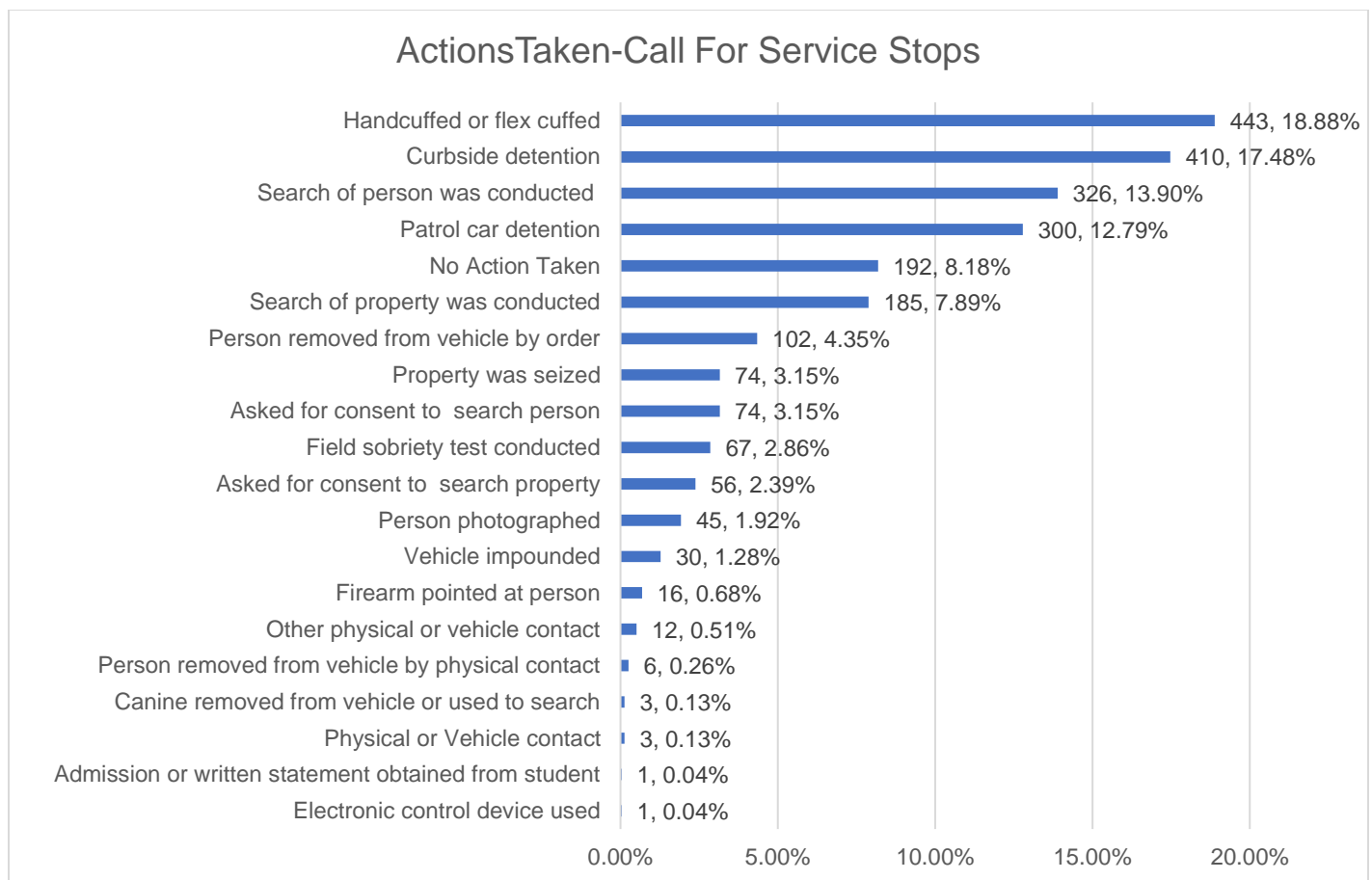
ACTIONS TAKEN – OFFICER-INITIATED STOPS

Officer-initiated stops occur when an officer makes a stop based on their own observations. Examples would be an officer stopping a vehicle after the officer observes the vehicle commit a traffic violation, or an officer stopping a person after the officer observes the person commit a violation of law. A total of **10,138** actions were taken during **officer-initiated** stops. Multiple actions could be selected per person stopped.



ACTIONS TAKEN – CALLS FOR SERVICE

A call for service occurs when a member of the public contacts the police department to report an emergency, an incident, or other issue of concern that they believe is a matter for the police to address. Examples would be a citizen calling the police to report a crime in progress, reporting a traffic collision, or to report suspicious activity. A total of **2,346** actions were taken when officers responded to **calls for service**. Multiple actions could be selected per person stopped.



RESULT OF STOP

OVERALL RESULT OF THE STOP

Multiple outcomes could be selected for each person stopped. Overall, approximately 56% (5,232) of total stopped persons were met with a **Warning or No Action**. Multiple outcomes could be selected for each person stopped.



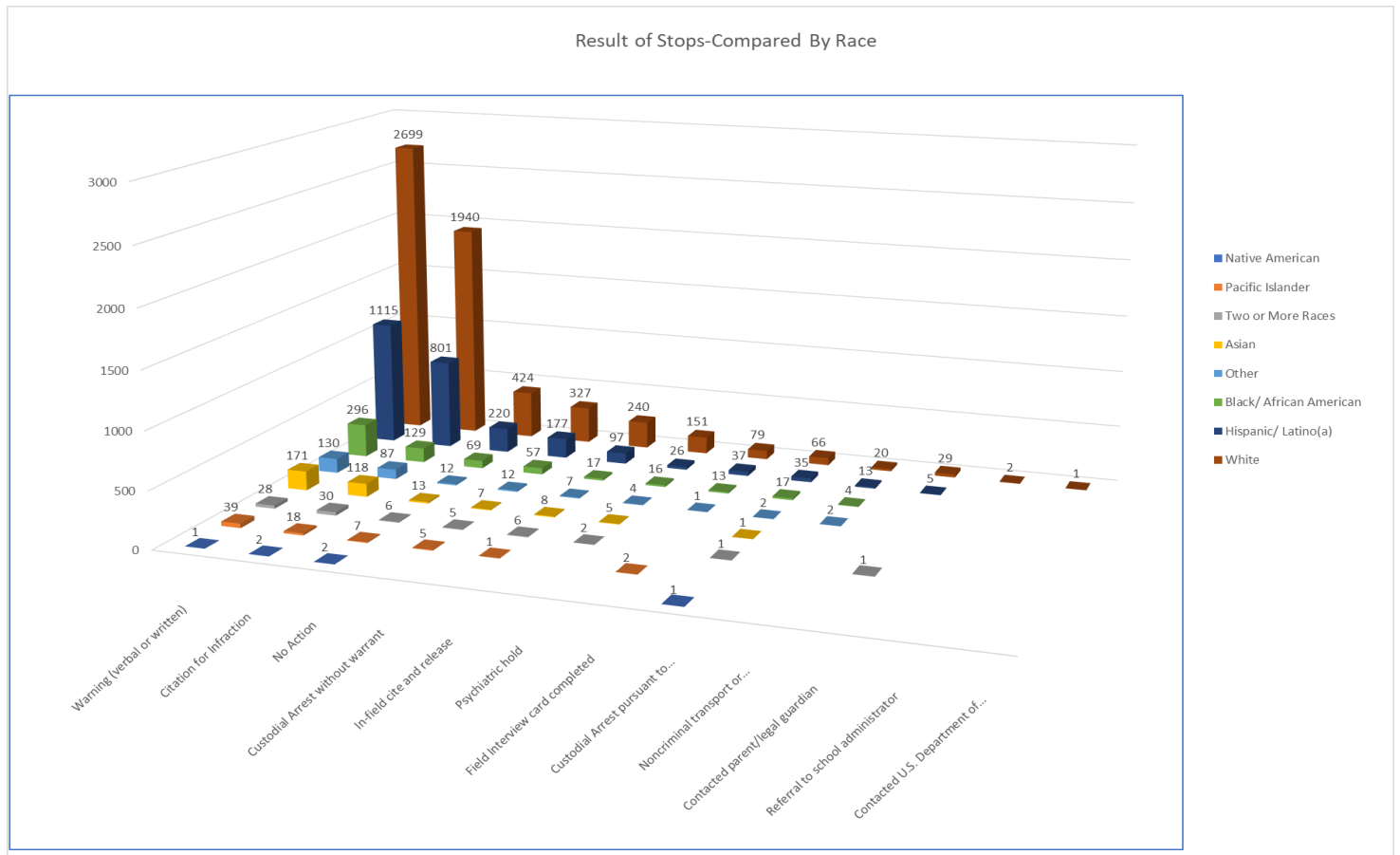
Note: There was one (1) record submitted to DOJ indicating that the U.S. Department of Homeland Security was contacted. This record was researched and found to be an error made by the officer entering the RIPA data. The U.S. Department of Homeland Security was not contacted.

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RESULT OF THE STOP BY RACE

There can be multiple results for each person stopped.



For additional information see Government Code Section 12525.5; 11 CCR §999.226(a)(13)

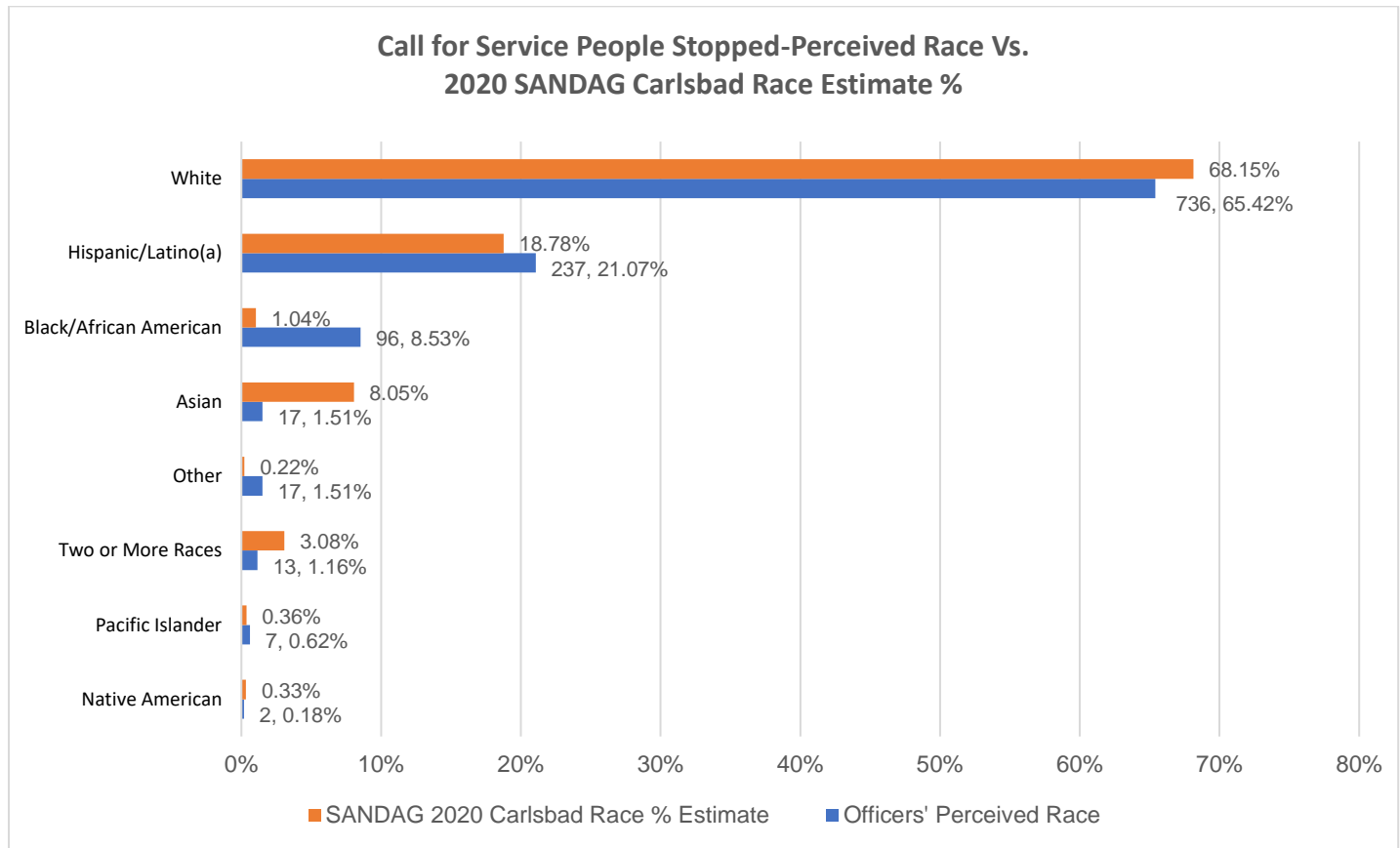
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CALL-FOR-SERVICE VS. OFFICER INITIATED

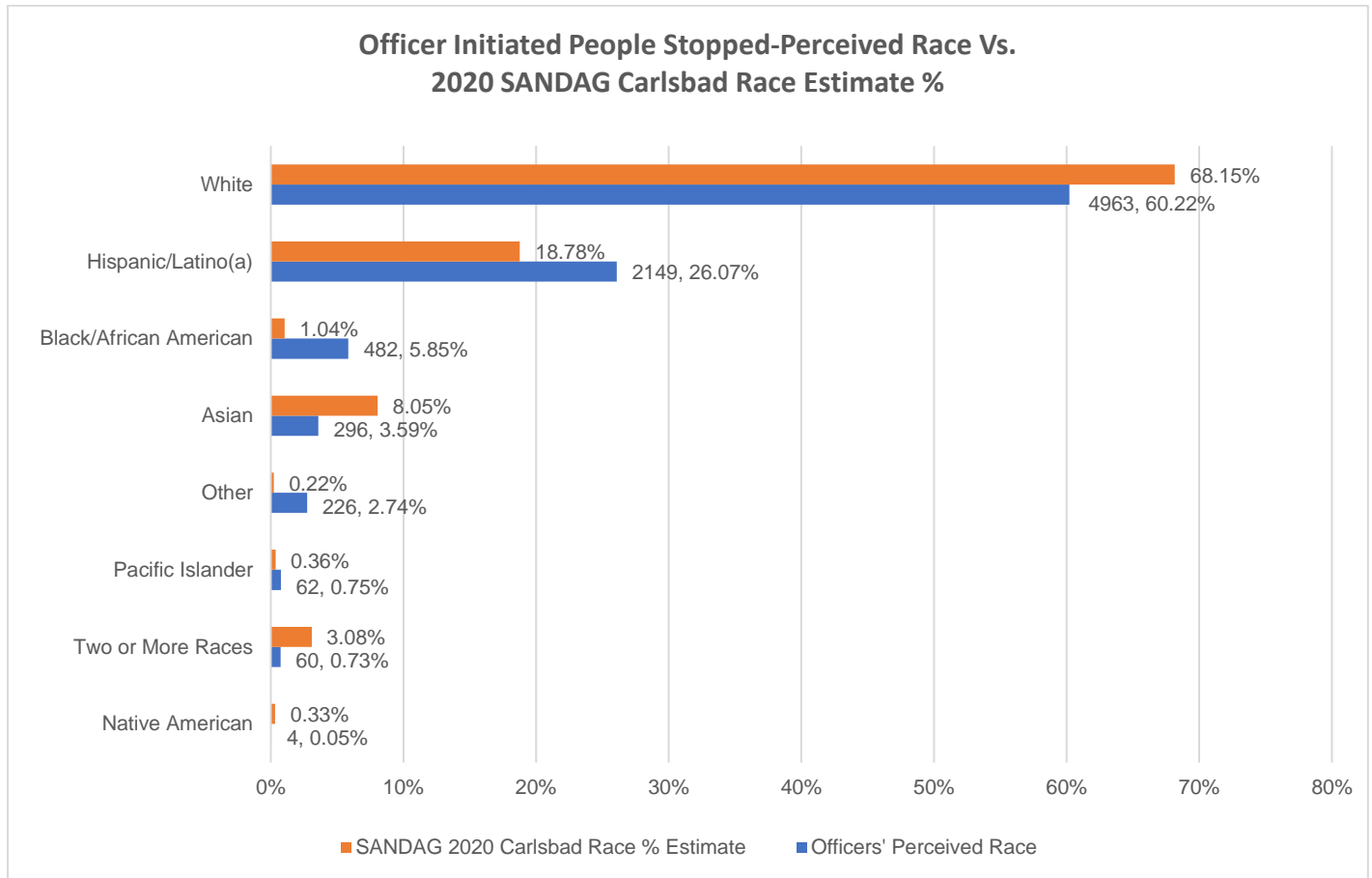
PERCEIVED RACE – CALLS FOR SERVICE

The following chart shows the officer's perception of race for people stopped when officers responded to **calls for service** compared against the 2020 SANDAG race estimate for **Carlsbad**.



PERCEIVED RACE – OFFICER-INITIATED

The following chart shows the officer’s perception of race for people stopped when stops were officer-initiated compared against the 2020 SANDAG race estimate for **Carlsbad**.

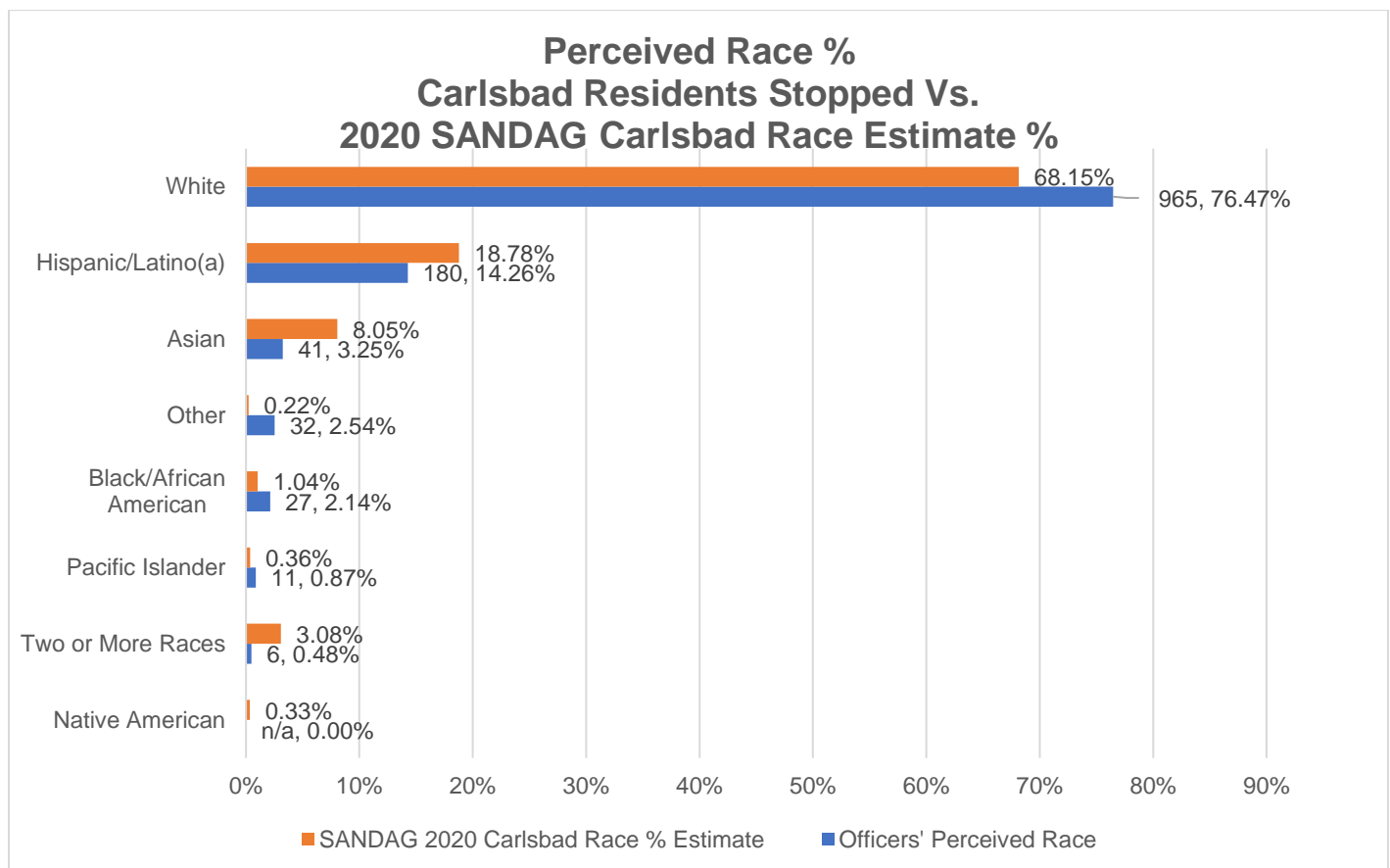


CARLSBAD RESIDENT VS. NON-RESIDENT

PERCEIVED RACE- CARLSBAD RESIDENTS VS CARLSBAD DEMOGRAPHICS

On 4/1/2023, a **custom question** was added to our data collection to determine if the person stopped was a Carlsbad resident. RIPA requires using Carlsbad demographics as the basis for comparison to an officer's perception of race for stops made by the Carlsbad Police Department. Officers chose one of three options during data collection: Carlsbad Resident, Non-Carlsbad Resident, or Unknown. The data collected only includes stops made between 4/1/2023 and 12/31/2023.

The below graph indicates the officer's perception of race as a percentage of people stopped and marked as a **Carlsbad Resident** compared to the 2020 SANDAG race estimate for the **Carlsbad** population:

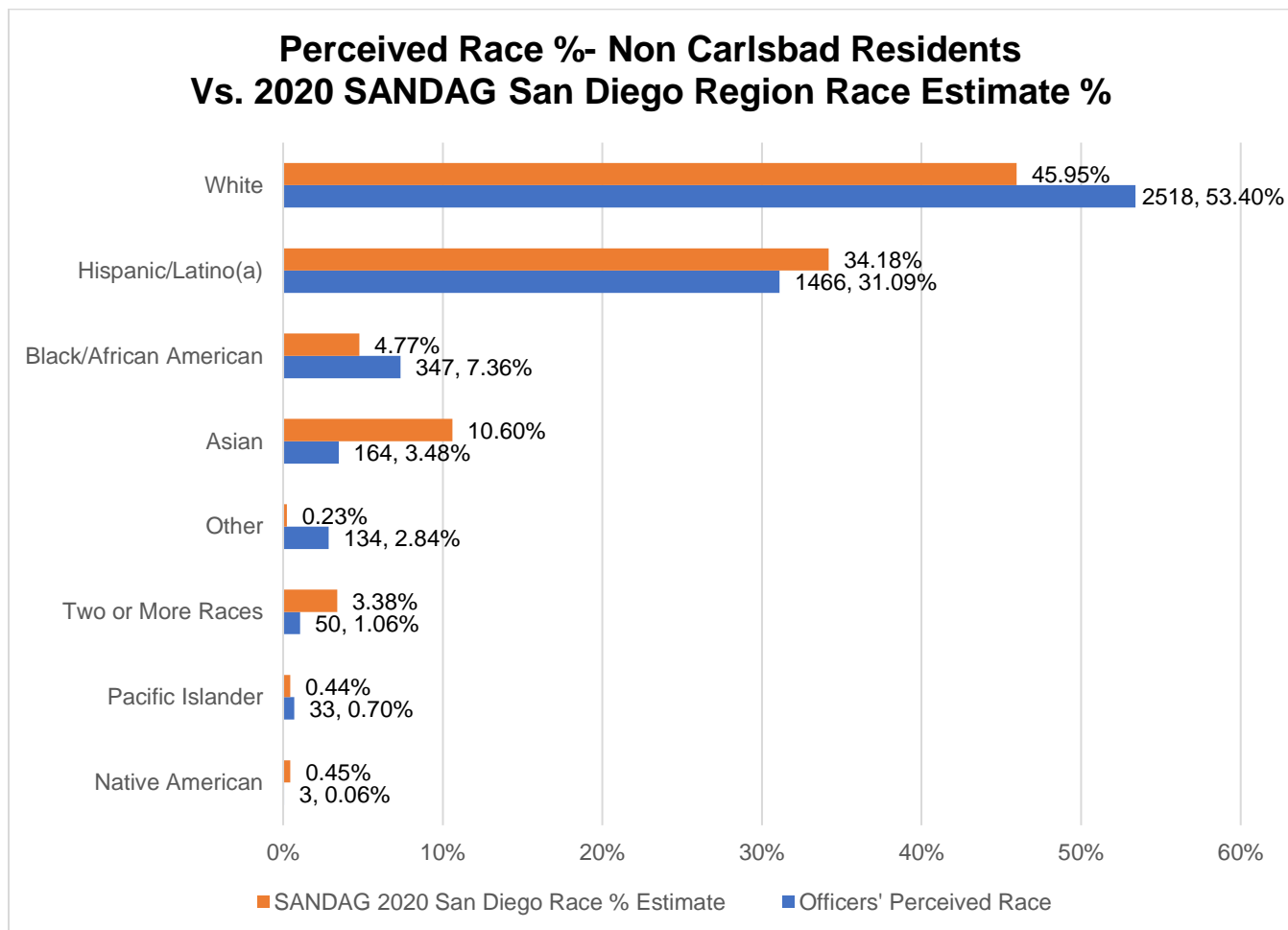


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PERCEIVED RACE – NON-CARLSBAD RESIDENTS VS SAN DIEGO DEMOGRAPHICS

The following chart indicates the officer's perception of race for people listed as **unknown or non-resident** of Carlsbad compared to the SANDAG race estimates for **San Diego County**:

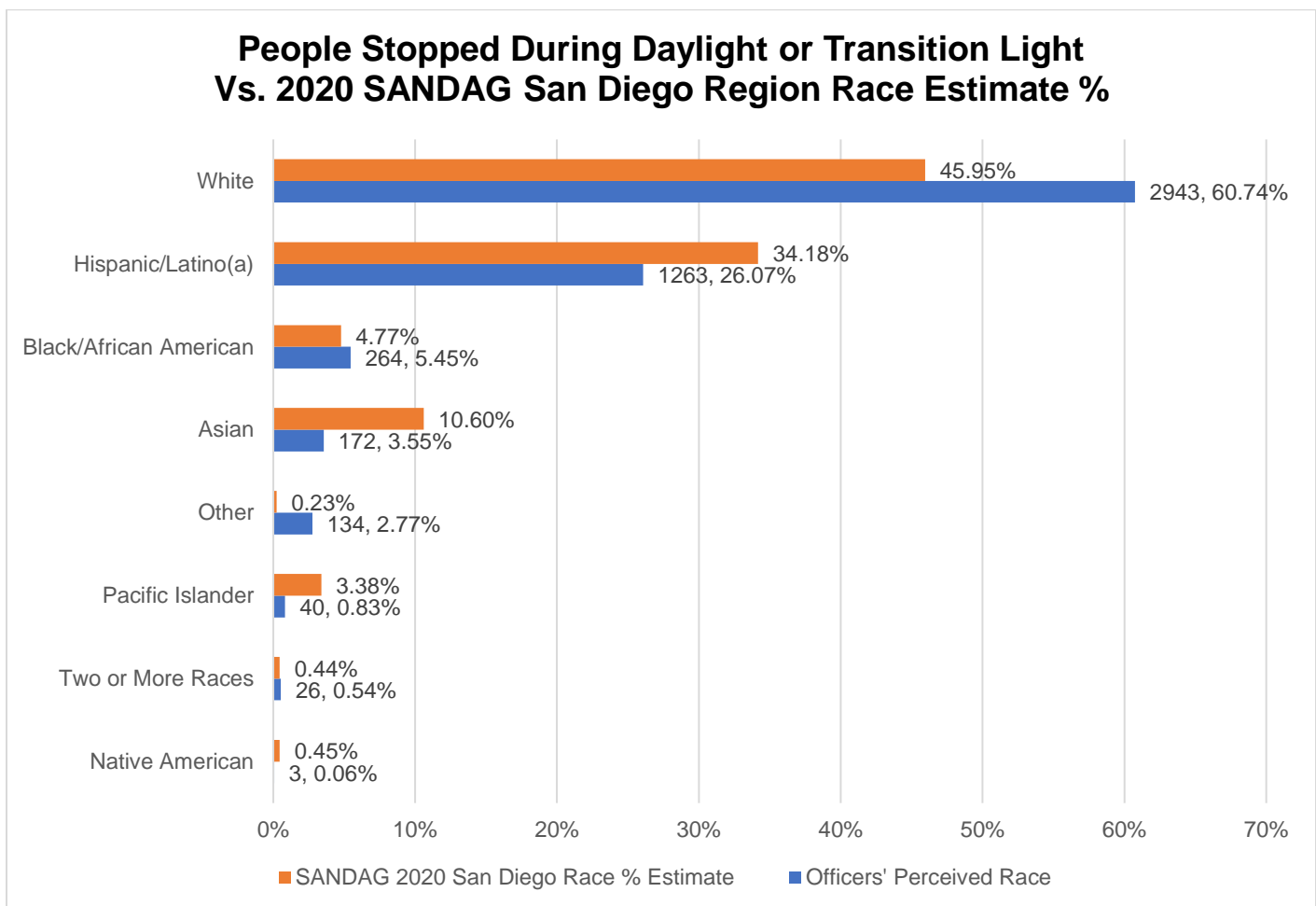


LIGHTING CONDITIONS

Additional analysis was done to determine if there was any difference in the perceived race of individuals stopped based on lighting conditions. Using published sunrise and sunset charts and the date and time of the stops, the lighting conditions of dark, light, or transition light were obtained.

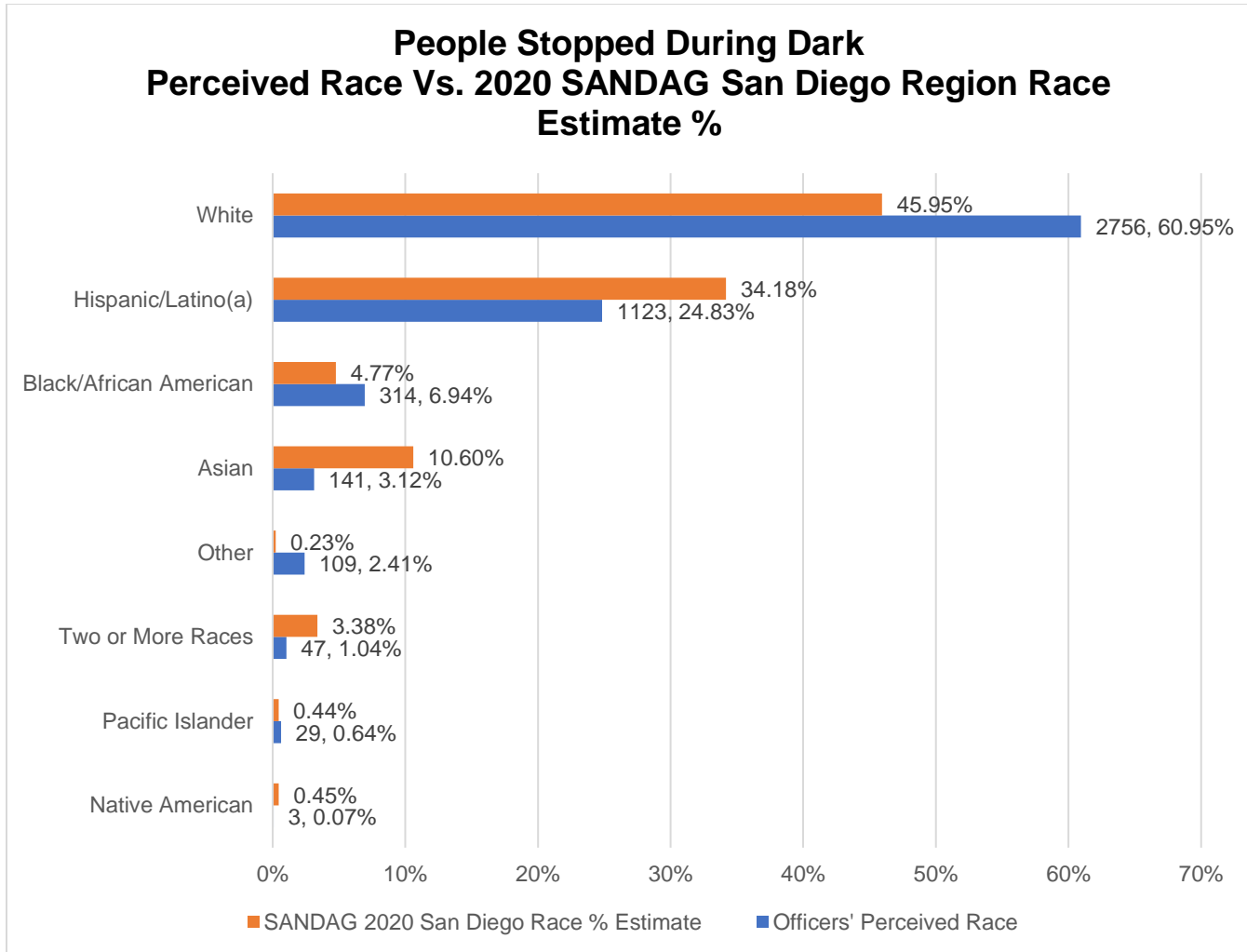
PERCEIVED RACE –ALL DAYLIGHT STOPS

The following reflects **all stops** (resident and non-resident) that occurred during the **daylight** or **transition** light, by perceived race as a percentage, compared to the SANDAG race estimates for the County of San Diego:



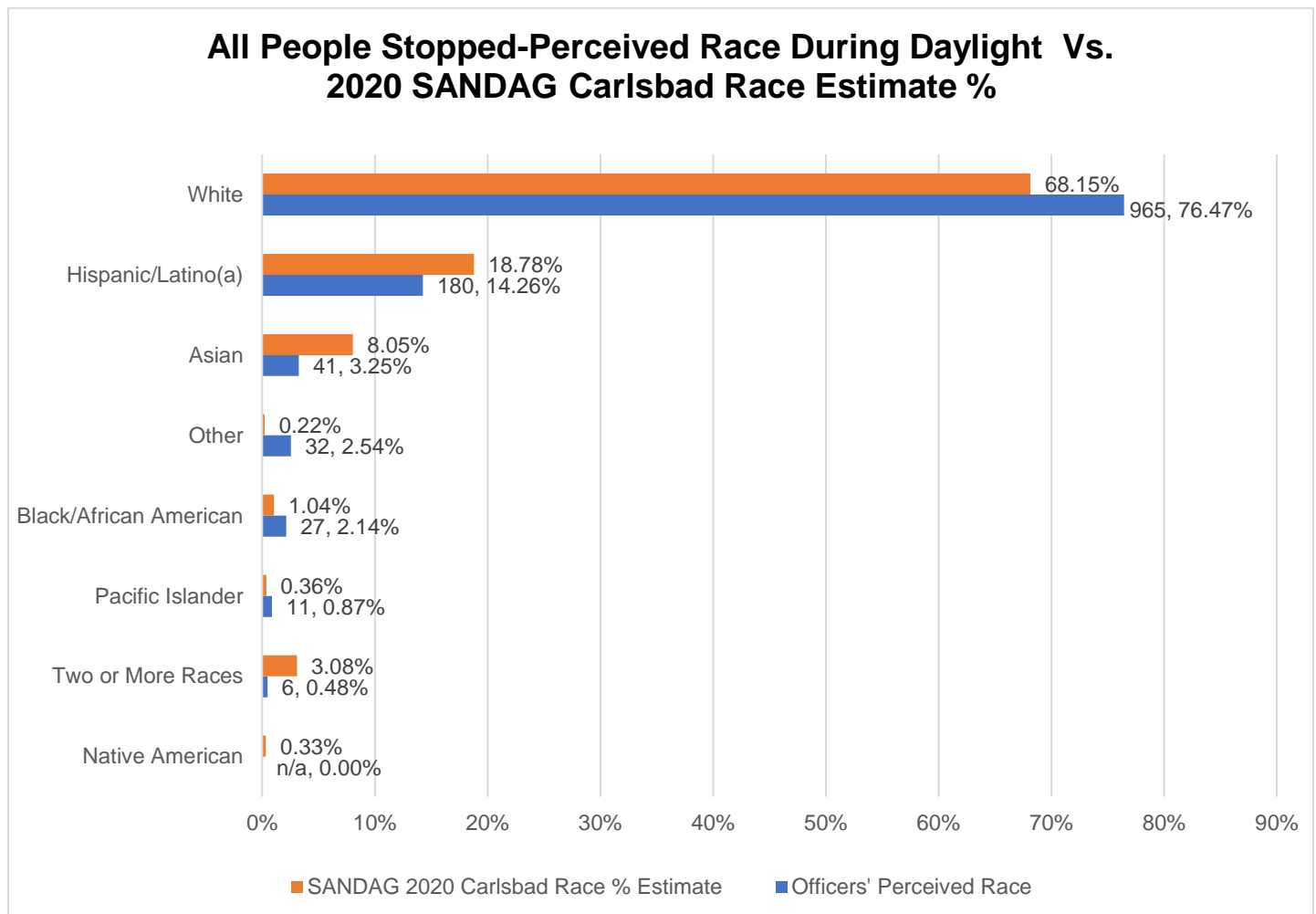
PERCEIVED RACE –ALL NIGHTTIME STOPS

The following reflects **all stops** (resident and non-resident) that occurred during dark light, by perceived race as a percentage, compared to the SANDAG race estimates for the County of San Diego:



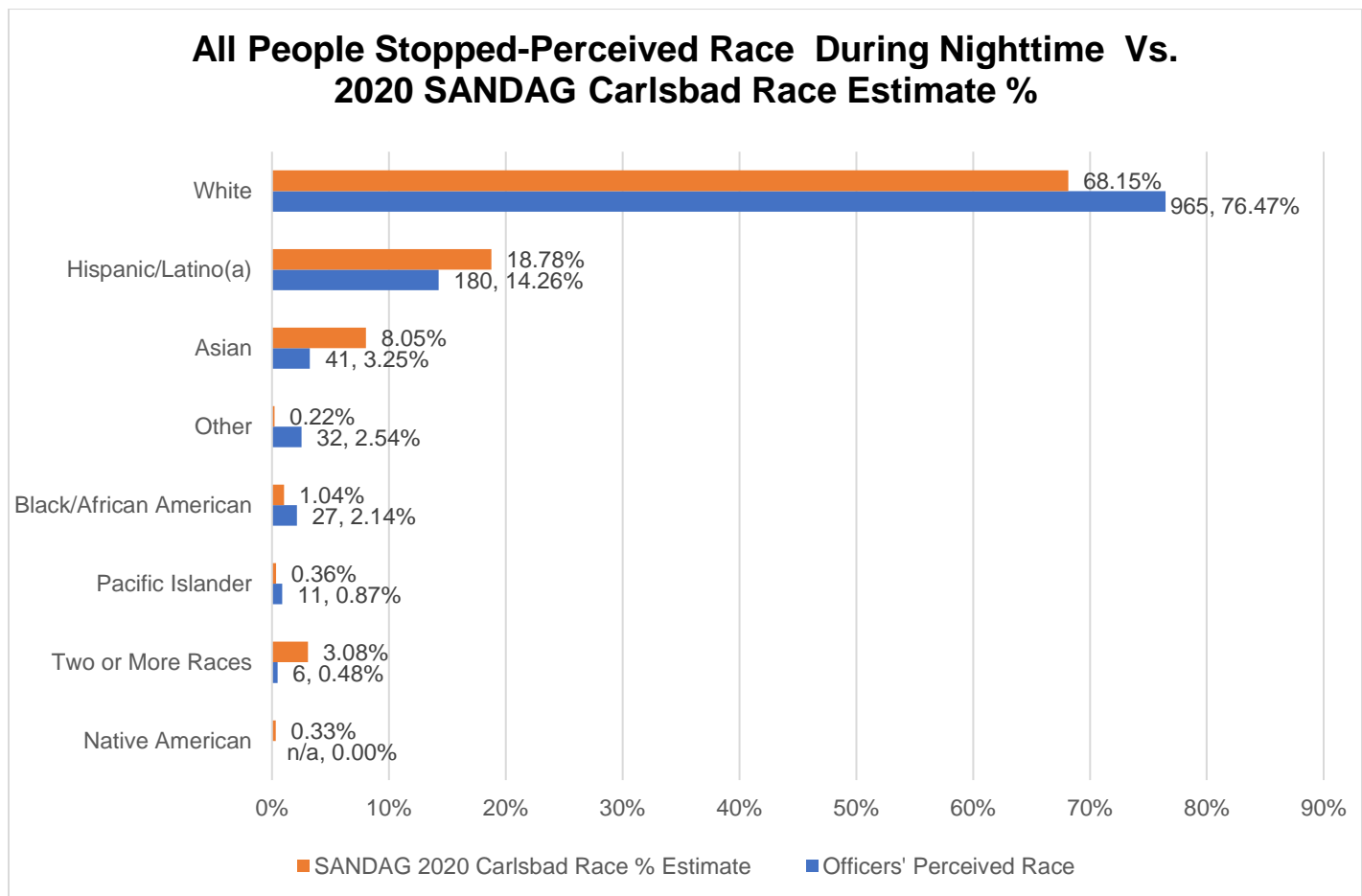
PERCEIVED RACE – CARLSBAD RESIDENTS DAYLIGHT STOPS

The following reflects stops of **Carlsbad residents** during **daylight** or **transition** light, by perceived race as a percentage, compared to the SANDAG race estimates for the **Carlsbad** population:



PERCEIVED RACE – CARLSBAD RESIDENTS NIGHTTIME STOPS

The following reflects all stops of **Carlsbad residents** during the **dark** hours of night, by perceived race as a percentage, compared to the SANDAG race estimates for the **Carlsbad** population:



CONCLUSION

From January 1, 2022, to December 31, 2022, Carlsbad Police Officers made 8,729 total RIPA stops involving 9,367 people.

The data collected for each RIPA stop is recorded *as perceived* by Carlsbad Police Officers and may not reflect the actual race, age, or disability status of the person stopped. Officers are not permitted to ask individuals to self-identify for data collection purposes.

Of these stops, approximately 80.85% were made for traffic violations, 15.28% for reasonable suspicion, 2.53% for consensual encounters with a search, 0.72% for parole/probation/PCRS, and 0.56% or less for wanted/arrest warrants or school related violations, e.g., truancy or education code/policy concerns.

The demographics reported by the SANDAG estimates used for comparison are not necessarily a direct reflection of the demographics of Carlsbad on any given day. Some factors which account for this may include:

- 1) The data only accounts for actual residents and not tourists or visitors to the city.
- 2) Carlsbad borders several other cities and the populations of these locations are known to traverse Carlsbad for work, entertainment, shopping, dining, and/or various other activities.
- 3) Carlsbad contains a freeway, highway, NCTD railways, and the McClellan-Palomar Airport, all of which provide access to and from the city for both local and long-distance visitors.

RIPA stop data does not account for intelligence-led policing in the process of an officer's decision to make a stop. Intelligence-led policing involves analysis of crime trend information, partnership with the community, and collaboration among various law enforcement agencies with a focus of preventing victimization. It is designed to guide policing activities toward high-frequency offenders, locations, or crimes to impact resource allocation decisions.

In closing, the Carlsbad Police Department is committed to adhering to the stipulations set forth by the RIPA statute. The Department recognizes the importance of collecting and analyzing stop data and then using that data to make any applicable proactive changes and improvements to maintain and advance community relations and trust. The Police Department will continue to provide policing services to the community consistent with Constitutional policing best practices.

CARLSBAD POLICY 402

402.1 PURPOSE AND SCOPE

The Racial and Identity Profiling Act of 2015 (hereinafter referred to as RIPA), requires local law enforcement agencies to collect perceived demographic and other detailed data regarding individuals detained or searched by peace officers. For the purposes of this law, “peace officer” is as defined by Penal Code § 830 and 832. RIPA was passed into law and codified in Government Code section 12525.5, Penal Code sections 13012 and 13519.4, and as part of Title 11, Division 1, Chapter 19, of the California Code of Regulations. This collected data is required to be submitted to the California Department of Justice on a periodic basis.

It is the intent of the Department to gather and report the required data and no part of this policy should be interpreted in a way to conflict with any currently existing law. The Department’s RIPA Stop Data Collection Application may be modified as needed to maintain compliance with required data reporting.

Bias-based policing undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. Bias-based policing alienates the community, fosters community distrust of law enforcement, and invites media scrutiny, legislative action, and judicial intervention. The Department neither condones nor tolerates the use of bias-based policing.

Discriminatory conduct based on race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, or disability while performing any law enforcement activity is prohibited. All law enforcement contacts and activities, including, but not limited to, calls for service, investigations, 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.

Failure to comply with this policy is counterproductive to professional law enforcement and is an act of misconduct, which is subject to discipline. Any employee who becomes aware of biased policing or any other violation of this policy shall report it in accordance with established policy and procedure.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-Based Policing means conduct by peace officers motivated, implicitly or explicitly, by the officer’s beliefs about someone based on the person’s actual or perceived personal characteristics, i.e., race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability.

Consensual search means any search that occurs when a person gives an 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. (11 CCR § 999.224).

Designee a person who has been designated or selected by the primary officer.

Detention means a seizure of a person's body 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. (11 CCR § 999.224)

Encounter means a detention or traffic stop where the officer initiates activity based solely on the officer's own observations or the observations and direction of another officer, rather than on information provided by dispatch or reported by a member of the public.

Gender Identity means an individual's actual or perceived gender identity, or gender-related characteristics intrinsically related to an individual's gender or gender-identity, regardless of the individual's assigned sex at birth.

Location means the hundred block where the encounter occurred, or the closest intersection thereto.

Officer means a peace officer as defined by Penal Code § 830 and 832, employed by the Carlsbad Police Department.

Primary Officer means the principal officer when one or more officers are assisting on the detention and/or search.

Search means a search of a person's body or property in the person's possession or control and includes a pat-down search of a person's outer clothing as well as a consensual search. (11 CCR § 999.224)

Stop means any detention by an officer of a person or any officer interaction with a person in which the officer conducts a search, including a consensual search of the person's body or property in the person's possession or control, and includes a pat-down search of a person's outer clothing. (Govt. Code § 12525.5(g)(2); 11 CCR § 999.224).

Traffic Stop means an interaction between an officer and an individual driving a vehicle, in which the officer orders the individual to stop the vehicle.

Use of Force means an officer's use of force on an individual that is required to be reported by Department Policy § 300.

402.2 DATA COLLECTION REQUIREMENT

Every officer is required to complete a RIPA report following interactions described in section 402.4 of this order. Officers must report their perceptions of specified characteristics when an individual is detained, searched, or has their property searched. An officer's perception shall be based on their personal observations and interactions with the individual detained. The officer shall not ask the individual any additional identifying questions, refer to their driver's license or identification card, or ask another individual for information which would verify the identity of the individual detained.

402.3 PERSONAL IDENTIFYING INFORMATION

In no circumstance shall an officer include any individual's personal identifying information or Unique Identifying Information of any officer into a RIPA report. "Unique Identifying Information" means personally identifying information, the release of which, either alone or in combination with other data reported, is reasonably likely to reveal the identity of the individual officer who collected the stop data information. It does not include the minimum information that is specified in Government Code section 12525.5, subdivision (b).

402.4 REPORTABLE INTERACTIONS AND ENCOUNTERS WITH THE PUBLIC

The Primary Officer or his/her designee shall complete a RIPA report for every person detained or searched or when property in their possession is searched regardless of the initial reason for the encounter, unless it falls under an exception listed in this order. Officers shall complete all stop reports for stops made during his or her shift by the end of that shift, unless exigent circumstances preclude doing so, and with a supervisor's permission. In such circumstances, the data shall be completed as soon as practicable.

402.4.1 DATA COLLECTION AND REPORTING

The following information will be collected for each stop:

- Date/Time/Duration
- Location
- Reason
- A response to or while conducting an investigation as a result of a call for service? Yes/No
- Actions taken during stop, including, but not limited to:
 - Whether asked for consent search / Whether consent was provided
 - Whether search took place / Basis for search / Result of search
 - Whether property was seized / Type of property / Basis for seizure
 - Curbside detention, handcuffed/flex-cuffed, firearm pointed at person, firearm discharged or used.
 - Includes: Action taken based on individual suspicion or personal characteristics during traffic control, crowd control, underage drinking detentions, DUI checkpoints.
- Result or Disposition (e.g., warning, citation, arrest)
 - This includes the language of the warning or offense cited/charged.
- Perceived race/ethnicity, gender and age
 - This information shall be based on the officer's personal observation only. This information shall not be requested and shall not be based on the information in the person's driver's license or other identification.
 - Vehicle Stops: Only applies to driver unless actions above are taken for passenger.
- Perceived LGBT
 - This information shall be based on the officer's personal observation only. This information shall not be requested.
- Limited to no English Fluency, if applicable
- Perceived or Known Disability
 - This information shall be based on the officer's perception or knowledge that the person stopped has a disability.
- Officer Information
 - Years of Experience
 - Type of Assignment: Patrol, Traffic, Narcotics, Investigations, etc.(11 CCR 999.226)

402.5 REPORTING WHEN THERE ARE MULTIPLE OFFICERS OR MULTIPLE AGENCIES

- 1) When there are multiple officers interacting with the detained or searched individual(s):
- 2) Only one RIPA report shall be submitted for each individual searched or detained, regardless of the number of officers involved in each interaction.
- 3) The officer with the highest level of engagement with the person stopped is responsible for completing the RIPA report.
- 4) All reportable actions taken by any officer during the detention or search shall be included in the RIPA report.
- 5) When there are multiple agencies at the scene and interacting with the detained or searched person(s):
- 6) Only the primary agency with investigative jurisdiction for the incident shall complete the RIPA report through their reporting system.
- 7) In no case should duplicate reports be submitted for the same individual by multiple officers or multiple agencies.
- 8) The RIPA report should be completed by the end of the officer's shift unless exigent circumstances preclude doing so, and with a supervisor's permission.

In such circumstances, the data shall be completed as soon as practicable. (11 CCR 999.227).

402.6 INTERACTIONS WITH STUDENTS IN A K-12 PUBLIC SCHOOL

- 1) Peace officers shall complete a RIPA report only if the following interactions occur with students on the grounds of a K-12 public school:
- 2) Any interaction that results in a temporary custody under Welfare and Institutions Code section 625, citation, arrest, permanent seizure of property as evidence of a criminal offense, or referral to a school administrator because of suspected criminal activity.
- 3) Any interaction in which the student is questioned for the purpose of investigating whether the student committed a violation of law, including violations of Education Code sections 48900, 48900.2, 48900.4, and 48900.7, or to determine whether the student is truant.
- 4) Any interaction in which an officer engages in one or more of the actions as described in section 402.4 of this order.
- 5) Peace officers shall not complete a RIPA report in the following interactions with students on the grounds of a K-12 public school.
- 6) Any detention or search of all persons as part of a neutrally applied formula that is not based upon personal characteristics. Such as a security checkpoint.
- 7) The interaction only includes searches conducted at the entries or exits of school facilities by screening devices, and secondary screenings that result from that initial screening.
- 8) Example 1: All students entering a school are required to pass through a metal detector. A school police officer searches a student's person or belongings because a metal detector is activated. The interaction shall not be reported.
- 9) Example 2: An officer searches a student's backpack because he or she suspects the backpack contains narcotics. The interaction is reportable.

402.7 GENERAL EXPECTATIONS TO RIPA REPORTING REQUIREMENTS

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- 1) Peace officers are not required to complete a RIPA report in the following circumstances:
- 2) Any stop or search that occurs in a custodial setting or on custodial grounds. However, peace officers who work in a custodial setting must report detentions or searches which occur in non-custodial settings (an example would be a deputy who is assigned to the jail but detains an individual while working an off-duty job at a football game).
- 3) Stops that occur during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes, and other similar critical incidents.
 - a) For the purposes of this section, the incident commander (or designee) shall make the determination if an incident meets the criteria for a critical incident.
- 4) Stops that occur during an active shooter incident, meaning an individual is actively engaged in killing or attempting to kill people in a populated area.
- 5) 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 screenings, including any secondary searches that result from that screening.
- 6) Any type of crowd control in which persons are directed to remain at a location or routed to a different location for public safety purposes.
- 7) Interactions during which persons are detained at a residence so that officers may check for proof of age, solely for the purpose of investigating possible underage drinking.
 - a) Example 1: An officer is dispatched to a residence to investigate a noise complaint. Upon arrival, the officer suspects that some of the persons at the house party are engaged in underage drinking, and he or she detains the persons to request identification to verify proof of age. Because the only action the officer takes is to detain the persons for the sole purpose of verifying proof of age, these interactions do not require a RIPA report.
 - b) Example 2: At that same party, the officer, in addition to detaining a person to question him/her, also asks to search the person. Regardless of whether the person consents to the search or is actually searched, that interaction will require a RIPA report.
- 8) Checkpoints or roadblocks in which an officer detains a person as the result of a blanket regulatory activity that is not based on an individualized suspicion or personal characteristic.
 - a) Example: A checkpoint or roadblock, including a DUI checkpoint, that stops all vehicles or stops randomly selected vehicles using a neutral formula, not based on individualized suspicion or personal characteristics, does not require a RIPA report.
- 9) Diversion of traffic or individuals as a result of any routine traffic control not based upon individualized suspicion personal characteristics.
- 10) Interactions with passenger(s) of traffic stops who are not the subject of an investigation or enforcement action and who are not searched.
 - a) Example: Any individual(s) being asked to exit the vehicle simply because it is being towed.
- 11) Interactions with the targeted subject(s) of a warrant, search condition, home detention, or house arrest while inside of their residence. However, a RIPA report is required for any interactions with persons in the home who are not the subject of the warrant or search condition if the officer takes any of the actions listed in section 402.4 of this order.
- 12) Consensual encounters that do not result in a search.

The data collected for each stop is the responsibility of a single officer on scene. The data will be reported and submitted for supervisorial approval. The Department will maintain all “Stop Data” and prepare an annual report to the California Department of Justice in compliance with RIPA. In addition, the Department’s Senior Management Analyst will be responsible for producing an annual report for the Department regarding our STOP DATA.

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402.7.1 SUPERVISOR'S RESPONSIBILITIES

Supervisors should log in to the RIPA report system to review and approve or reject officer's RIPA reports by the end of the supervisor's shift unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable after the RIPA report was received. The primary purpose of the supervisor review is to ensure no personal identifying information has been included in the report. If any personal identifying information is found in the report, the supervisor shall reject the report.

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report for correction. It shall be the responsibility of the originating supervisor to ensure that any report returned for correction is processed in a timely manner.

Reports that have been approved by a supervisor and are either waiting in the queue for download or have been submitted to the DOJ shall not be modified or altered except by way of a supplemental report.

402.8 DETENTIONS

All investigative detentions, temporary detentions, vehicle stops, arrests, searches and seizures of persons or property by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution, statutory authority, and prevailing case law. Officers must be able to articulate specific facts, circumstances and conclusions which support reasonable suspicion or probable cause for an arrest, vehicle stop or investigative detention.

Officers may take into account as part of a description the race, ethnic background, gender, sexual orientation, religion, economic status, age and/or culture of a specific suspect(s) based on what reasonably appears to be credible, reliable, relevant information that links a person to a particular criminal incident or links a specific series of crimes in an area to a group of individuals.

Except as provided above, no person shall be singled out or otherwise treated differently on account of his/her race, ethnic background, gender, sexual orientation, religion, economic status, age and/or culture.

402.9 POLICE CONTACTS WITH MEMBERS OF THE PUBLIC

This policy allows consensual encounters, but officers should apply the principles outlined below.

In an effort to prevent inappropriate perceptions of biased based law enforcement, officers shall utilize the following strategies when involved in any pedestrian contact or vehicle stop:

- Be courteous, polite, and professional.
- Introduce yourself by providing your name and agency affiliation. As soon as practical, explain the reason(s) for the stop, i.e., in vehicle stops, provide this information before asking the driver for their license, registration and proof of insurance.
- Answer any questions the member of the public may have, including explaining options for the disposition of a traffic citation, if relevant.

- Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
- During a consensual contact to include a traffic stop or a contact at a home or business, officers shall ensure that all persons contacted are aware of the officer's affiliation with the police department, except in situations that may jeopardize an investigation.

402.10 TRAINING

Training on fair and objective policing and review of this policy shall be conducted as directed by the professional standards and support bureau.

- All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- Each sworn member of this department who received initial bias-based policing training will thereafter be required to attend or complete on going training as deemed necessary by the Carlsbad Police Department to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4[i]).