



CITY COUNCIL AGENDA REPORT

Meeting Date: October 7, 2021

From: Elizabeth Macias, Chief of Police

Subject: Grand Jury Report – Building Greater Trust between the Community & Law Enforcement via the Racial and Identity Profiling Act.

Community Goal/Result:

Safe Community

Purpose:

For the City Council to review the City's of Brisbane's responses to the findings and recommendations made by the SMC Civil Grand Jury of their report of July 27, 2021, "Building Greater Trust between the Community & Law Enforcement via Racial and Identity Profiling Act"

Background:

The 2020-2021 San Mateo County Civil Grand Jury filed a report on July 27, 2021, which contains findings and recommendations that pertain to whether or not the Brisbane Police Department has begun and will be able to comply with the data reporting deadline required by the California Department of Justice stated within Assembly Bill 953.

Discussion:

Staff has reviewed the Civil Grand Jury's findings and recommendations and believe they are in line with actions and recommendations already being addressed by the City. The City's responses follow each finding and recommendation from the Civil Grand Jury.

Fiscal Impact:

None

Measure of Success:

Submission of a timely response to the SMC Civil Grand Jury's report.

Attachments:

- A. Letter to Honorable Amarra A. Lee, on the City of Brisbane's response to the SMC Civil Grand Jury's findings and recommendations.
- B. SMC Civil Grand Jury Report of July 27, 2021 on "Building Greater Trust between the Community & Law Enforcement via Racial and Identity Profiling Act."

Elizabeth Macias

Elizabeth Macias, Chief of Police

Clayton Holstine

Clayton Holstine, City Manager



City of Brisbane

50 Park Place

Brisbane, CA 94005-1310

(415) 508-2100

(415) 467-4989 Fax

October 7, 2021

Honorable Amarra A. Lee
Judge of the Superior Court
c/o Jenarda Dubois
Hall of Justice
400 Old County Road, 2nd
Redwood City, CA 94063-1655

Building Greater Trust between the Community & Law Enforcement via the Racial and Identity Profiling Act

Dear Honorable Amarra A. Lee:

This letter is in response to the 2020/2021 San Mateo County Civil Grand Jury report of July 27, 2021, which contain findings and recommendations that pertain to the City of Brisbane. Listed below are the Jury's findings and recommendations followed by the City of Brisbane's response. The Brisbane City Council reviewed and approved the below recommendations at a public hearing on October 7, 2021.

The San Mateo County 2020-2021 Grand Jury makes the following findings to the City Councils of the cities of San Mateo County:

F1: Law Enforcement Agencies (LEA's) in SMC are aware of RIPA data requirements, including the requirement that data collection starts on January 1, 2022

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F2: County LEA's vary in their degree of understanding of: RIPA data collection requirements, technological options for collecting data, and the need for procedures and training to collect and report the DATA. The LEA's RIPA-preparedness correlates to their understanding of RIPA requirements.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F3: Burlingame and Menlo Park are to be commended for publicly announcing their plans for early implementation of RIPA data collection and reporting to the CA DOJ. The other fifteen LEA's were in various stages of planning and acquiring their RIPA data collection system.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report. The Brisbane Police department has begun to send test transmission of early RIPA data collected to the Department of Justice to ensure a smooth transition for the January 1, 2022 implementation.*

F4: The San Mateo County Police Chiefs & Sheriff Association RIPA Subcommittee provides a convenient forum for LEAs to benefit from peer learning and collaboration for RIPA planning, testing, deployment, and best practice.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F5: Some LEAs mistakenly believe the County Dispatch System will handle their RIPA data collection.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report. The Brisbane Police Department does not utilize San Mateo County Dispatch.*

F6: LEAs vary in their understanding that implementing RIPA Board recommendations would build a greater trust with their communities.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report. The Brisbane Police Department believes the need for sharing RIPA Data with the community is important in building trust and transparency within the law enforcement profession.*

F7: Some contracting entities were unaware of the RIPA requirements, and the RIPA data breakdown for their respective cities could be requested from the Sheriff's Office beginning in Spring of 2023.

RESPONSE: *This finding does not apply to the Brisbane Police Department.*

F8: Between now and 2022, sixteen county LEAs have plans for "regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population."

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report. The Brisbane Police Department will be reviewing and discussing the annual reports released by the California Department Justice with the City of Brisbane Inclusion, Diversity, Equity and Accountability Committee as a means of identifying any racial biases that need to be addressed.*

The San Mateo County 2020-2021 Grand Jury made a number of recommendations to the cities of San Mateo County, the San Mateo Sheriff, and the San Mateo County Coroner.

R1: Each LEA must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies, and procedures, roll-out plans, personnel allocation, systems testing and data auditing. The plan should be reviewed and approved by October 20, 2021.

RESPONSE: *The recommendation has been implemented. The Brisbane Police Department has and continues to attend roll out meetings hosted by the DOJ which has addressed all the items mentioned in R1. The Brisbane Police Department is ahead of the DOJ suggested timelines. The Brisbane Police Department will be in full compliance with AB 953 come January 1, 2022.*

R2: Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 3, 2021, in order to complete testing within 30 days and to go live by January 1, 2022.

RESPONSE: *The recommendation has been implemented; the Brisbane Police Department is using our current Records Management System, SunRidge Systems, as they have a platform which has a built-in feature to comply with all the mandates of DOJ. The Brisbane Police Department has already been testing since August 2021 and is now testing data live with DOJ.*

R3: Each LEA must test and confirm their readiness for RIPA data collection by November 30, 2021.

RESPONSE: *The recommendation has been implemented. The Brisbane Police Department has been ready and testing since September 1, 2021.*

R4: Each LEA should provide regular updates to their governing entities, on their progress toward preparing for the required RIPA data collection starting on October 15, 2021.

RESPONSE: *The recommendation has been implemented. The Brisbane Police Department plans to update our City Council before the recommended deadline.*

R5: Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA Board). The report should be posted and easily viewable on the entity's website.

RESPONSE: *The recommendation has not yet been implemented. The Brisbane Police Department is working on posting a link on the police department website to the RIPA program so that the reports are readily available to the public, along with the listing of all the racial bias trainings attended by the Brisbane Police Officers.*

R6: By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from RIPA data to improve the operation of its department by combating implicit bias in policing and pursuing greater community trust by implementing the RIPA Board's growing list of policing best practice.

RESPONSE: *The recommendation has not yet been implemented but the Brisbane Police Department plans to implement this recommendation within the listed deadline by having an internal management team review the RIPA data within the reports as a means of identifying any implicit biases in policing within our organization and need of future training.*

R7: By February 1, 2022, each LEA should consider community engagement and transparency, including the possible use of “academics, police commissions, civilian review bodies, or advisory boards”

RESPONSE: *The Brisbane Police Department plans to implement this recommendation within the listed deadline by reviewing the annual RIPA reports with the City of Brisbane Inclusion, Diversity, Equity and Accountability Committee to identify any implicit bias policing and discuss any recommendations.*

R8: In the second quarter of 2022, each of the contracting entities should begin to request RIPA stop data for its jurisdiction, separate from the rest of the Sheriff’s stop data.

RESPONSE: *This does not apply to the Brisbane Police Department.*

The Brisbane Police Department has been planning for the implementation of RIPA since its inception and has been well ahead of DOJ’s timeline.

On behalf of the City of Brisbane, I would like to thank the members of the Grand Jury for their efforts.

Sincerely,

Karen Cunningham

Mayor, City of Brisbane

CC: San Mateo County Civil Grand Jury
City Clerk



Superior Court of California, County of San Mateo
Hall of Justice and Records 400 County Center
Redwood City, CA 94063-1655

NEAL TANIGUCHI
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER
July 27, 2021

(650) 261-5066
FAX (650) 261-5147
www.sanmateocourt.org

City Council
City of Brisbane
50 Park Place
Brisbane, CA 94005

Re: Grand Jury Report: "Building Greater Trust between the Community & Law Enforcement via the Racial and Identity Profiling Act"

Dear Councilmembers:

The 2020-2021 Grand Jury filed a report on July 27, 2021 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Amarra A. Lee. Your agency's response is due no later than October 27, 2021. Please note that the response should indicate that it was approved by your governing body at a public meeting.

For all findings, your responding agency shall indicate one of the following:

3. The respondent agrees with the finding.
4. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

5. The recommendation has been implemented, with a summary regarding the implemented action.
6. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
7. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
8. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Kindly submit your responses in ALL of the following formats:

4. Responses to be placed on file with the Clerk of the Court by the Court Executive Office.

- Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to:

Hon. Amarra A. Lee
Judge of the Superior Court
c/o Jenarda Dubois
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655.

5. Responses to be placed at the Grand Jury website.

- Scan response and send by e-mail to: grandjury@sanmateocourt.org. (Insert agency name if it is not indicated at the top of your response.)

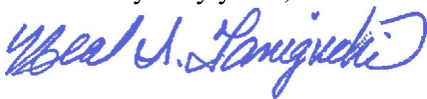
6. Responses to be placed with the clerk of your agency.

- File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 261-5066.

If you have any questions regarding these procedures, please do not hesitate to contact David Silberman, Chief Deputy County Counsel, at (650) 363-4749.

Very truly yours,



Neal Taniguchi
Court Executive Officer

Enclosure

cc: Hon. Amarra A. Lee
David Silberman



BUILDING GREATER TRUST BETWEEN THE COMMUNITY & LAW ENFORCEMENT VIA THE RACIAL AND IDENTITY PROFILING ACT

ISSUE

California enacted the Racial and Identity Profiling Act in 2015 (RIPA, Assembly Bill 953), to highlight one of the more serious problems that can obstruct effective and fair law enforcement: implicit bias and racial and identity profiling. By requiring "stop data," be documented and reported, law enforcement agencies will gain a tool to improve racial and identity awareness in law enforcement.

Are San Mateo County Law Enforcement Agencies (LEAs) ready to collect and report the RIPA stop data? Will the LEAs use the data to build trust within the community and improve their departments?

SUMMARY

Professor Paul Butler of Georgetown University Law Center in an NPR interview shared:

In my class at Georgetown, I have a real-life police officer come and talk to my students about what it's like to be a cop in D.C. And to demonstrate how much power he has, he plays a game with the students where he invites them to come on a ride-along, sit in the back seat of his car for a night, and the game is called "Pick That Car." And he tells the student, pick any car you want on the street, and I'll stop it. He's a good cop. He waits until he finds a legal reason. But he says that he can follow any car for four or five minutes, and he'll find a reason. There are so many traffic infractions that any time you drive, you commit one. And that gives police an extraordinary amount of power, and we know that they selectively use this power against Black and brown people. ¹

Peace officers have a great deal of individual discretion on who they stop. And, as is true of all humans, they have implicit biases. Addressing implicit bias is key to addressing racism, reducing inequities in policing, and helping to eliminate needless or unwarranted peace officer-initiated

NPR Interview with Paul Butler, April 16, 2021, <https://www.npr.org/transcripts/987956420> (emphasis added)

The terms peace officer and police officer are used interchangeably in this report. The RIPA Board prefers "peace officer."

shootings. ¹ The connection between racism and implicit bias is well documented,² as is the fact that racism is present at individual and institutional levels.³

California's 2015 Racial and Identity Profiling Act, AB 953, seeks to address potential racial and identity profiling by peace officers. ⁴ RIPA requires law enforcement agencies (LEAs) to collect data on every stop ⁷ and capture the officer's initial perception of the people stopped. This data can help identify whether one demographic group is being stopped and searched more frequently than others due to implicit biases. The data collection requirement began in 2018 for the State's largest LEAs and expanded each year to the next largest LEAs. Every LEA in the County must collect stop data starting January 1, 2022 and submit stop data to the California Department of Justice (CA DOJ) annually, starting April 1, 2023.

The Advisory Board (RIPA Board) publishes an annual report examining the stop data and complaint data collected in the prior year. The report notes problems, shares successes, and offers informed recommendations on preventing and addressing racial and identity profiling. The report is released to the public at the end of the year or start of the next year. Thus, there is a significant lag time between the data collection and the RIPA Board report. Accordingly, the 2021 report, issued in January of this year, covers the stop data from 2019. If an LEA submits data identifying a potential problem but takes no action until the Board report is issued, it will be a reaction to the data versus a proactive response by the LEA in a timelier fashion.

For this Grand Jury report, all seventeen of the County's LEAs were surveyed and subsequently interviewed to ascertain their progress and plans for:

¹ Racial Equity Tools, Act, Communicating, Implicit Bias
<https://www.racialequitytools.org/resources/act/communicating/implicit-bias>

² Gaertner S, Dovidio JF. "The aversive form of racism." In: Dovidio JF, Gaertner S, editors. Prejudice, discrimination, and racism. Orlando: Academic Press; 1986. pp. 61–89

³ Jones CP. "Levels of racism: a theoretic framework and a gardener's tale." *Am J Public Health*. 2000;90(8):1212-1215. doi:10.2105/ajph.90.8.1212

⁴ RIPA definition: "' [P]eace officer,' . . . 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." (Gov. Code, 12525.5 (g)(1).) ⁷RIPA definition: "' [S]top' 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." (Gov. Code, 12525.5 (g)(2).)

- RIPA data collection and reporting;
- using insights gained from the RIPA data to improve the operation of their departments by combating implicit bias in policing; and
- pursuing greater community trust by implementing the RIPA Board's growing list of policing best practices.

Those best practices include "community-based accountability." ⁸

The Board encourages law enforcement agencies to partner with local communitybased organizations or colleges or universities to help with analyzing the data that drives the implementation of these best practices. ⁹

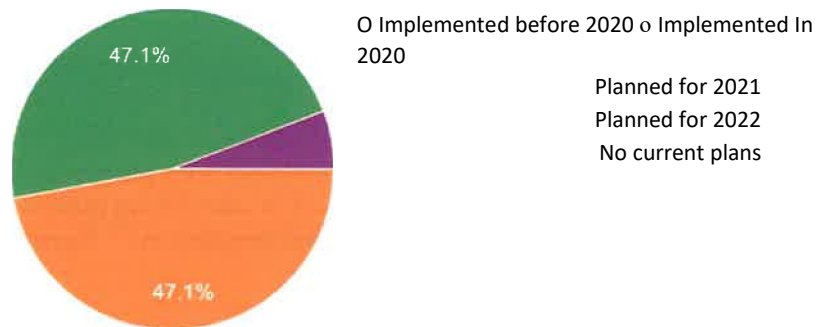
The Grand Jury found, as of the first quarter of 2021, two of the County's LEAs are ahead in preparing for RIPA data collection, others are on track and should be able to comply, and a few are lagging in implementation. The Grand Jury survey asked each LEA their "plans for RIPA recommendation: 'regularly analyze data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population.'" Their responses are summarized in the chart below:

⁸ Racial & Identity Profiling Advisory Board, 2021, "Annual Report 2021," at p. 91, <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2021.pdf>

⁹ 2021 RIPA Report Best Practices (ca.gov) <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices2021.pdf>

What are your plans for RIPA recommendation: "regularly analyze data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population."

17 responses



The Grand Jury recommends that all LEAs, in collaboration with their governing bodies:

1. finalize, implement, and test departmental systems and processes to collect and analyze RIPA stop data;
2. start collecting RIPA stop data as soon as possible, including earlier than the mandatory data collection date, to gain time to test, validate, and improve processes, and begin evaluating the collected data to identify possible signs of biased-policing;
3. plan how to analyze the RIPA stop data to improve local policing activities by "regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population;" and

4. evaluate and consider RIPA Board recommendations and peer-LEA examples of community engagement and transparency to build community trust and provide bias-free policing, sought by all stakeholders.⁵

GLOSSARY

Bias — prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.¹¹

Bias by proxy — "when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against."¹² The bias starts outside the agency.

BOS — Board of Supervisors, San Mateo County.

CAD — Computer Aided Dispatch; used by public safety agencies to dispatch public safety personnel and to respond to calls.

CA DOJ — California Department of Justice.

Contracting Entities — The Sheriff's Office "provides contract law enforcement services for the cities of Half Moon Bay, Millbrae, San Carlos . . . the towns of Portola Valley and Woodside, as well as for the Peninsula Corridor Joint Powers Board and the San Mateo County Transit District."¹³ This report restricted itself to the contracting entities that are towns and cities.

County — San Mateo County.

Implicit Bias — The RIPA Board defines implicit bias as "the attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner."

LEA — Law Enforcement Agency — a police department or the County Sheriff's Office.

POST — The California Commission on Peace Officer Standards and Training (POST), established by the Legislature in 1959.

RIPA — The Racial and Identity Profiling Act of 2015, California Assembly Bill 953.¹⁴

⁵ Stakeholders include local governance leaders (city/town councils, Boards of Supervisors), residents, local community leaders and organizers, to name a few.

RIPA Advisory Board — Racial and Identity Profiling Advisory Board, created by AB 953.

¹¹Unconscious Bias | diversity.ucsf.edu <https://diversity.ucsf.edu/resources/unconscious-bias> ¹²Racial & Identity Profiling Advisory Board, "2021 Best Practices," p. 3, available at Racial and Identity Profiling Advisory Board | State of California - Department of Justice - Office of the Attorney General <https://oae.ca.gov/ab953/board>

¹³San Mateo County Sheriffs Office. "Patrol Services." Undated. <https://www.smcsheriff.com/patrol-services>

¹⁴An act to add Section 12525.5 to the Government Code, and to amend Sections 13012 and 13519.4 of the Penal Code, relating to racial profiling.

SDCS - stop Data Collection System, the CA DOJ RIPA data input portal.

SMC — San Mateo County.

Stop — "means (1) any detention by a peace officer of a person; or (2) 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.

"15 Stop data — the specific racial and identity data required to be collected under RIPA.

BACKGROUND

RIPA: The Racial and Identity Profiling Act (AB 953) & the RIPA Advisory Board

The 2015 Racial and Identity Profiling Act (AB 953) is designed to address potential racial and identity profiling by peace officers. Key provisions of RIPA:

1. required all LEAs in the State to collect peace officer perceived demographic and relevant data on all pedestrian and traffic stops and provide that data to the CA DOJ for public reporting and analysis purposes;
2. created the Racial and Identity Profiling Advisory Board (RIPA Board) to oversee RIPA implementation and guide LEAs on appropriate procedures, training and best practices; and
3. changed existing laws on the reporting of civilian complaints (Pen. Code, 13012) and updated POST training guidelines. ⁶

This report focuses on the first two provisions. The annual data collection requirement began with the State's largest LEAs, which submitted their initial data, covering the last half of

⁶ California DOJ webinar presentation "Reporting Stop Data for the Racial & Identity Profiling Act" for the California Police Chiefs Association. October 21, 2020.

2018, to the CA DOJ in 2019. RIPA expanded each year to smaller LEAs each year. All County LEAs are required to start collecting RIPA data on January 1, 2022 and to submit the data to CA DOJ by April 1, 2023. The data collection focuses on implicit bias by capturing the officer's initial perception of the person's race, sex, gender identity, sexual preference, age, physical or mental handicap, and English fluency.

Unlike existing data on traffic citations, arrests, and other interactions, the focus of the RIPA data is on the officer's observation and perception of the stopped person's race and identity.
AB

¹⁵ Cal. Govt. Code § 12525.5(e)(2)

953⁷ also expanded and clarified the definition of racial and identity profiling as "the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities", following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description.

The law specifically requires 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. RIPA also requires that any detention of a person by a peace officer, or any peace officer interaction with a person in which the officer conducts a search, including a consensual search, is recorded."⁸ Thus, a traffic stop that only resulted in a warning also generates a RIPA data record, unlike previous practice where citations resulted in a record, but warnings did not.

In California there are two main types of local law enforcement agencies: first, police departments, which operate in cities and towns (or special districts) and are headed by a police chief. The police chief is hired by and reports to a city or town manager, who in turn are governed by a city or town council. The other LEA in a county is the county sheriff. A sheriff is elected by the county residents. The Sheriff does not report to the county board of supervisors. And a county board of supervisors is specifically barred from obstructing the

⁷ <https://oag.ca.gov/ab953> The entirety of the new definition can be found in Penal Code section 13519.4, subdivision (e).¹⁸ Govt. code 12525.5

⁸ California DOJ webinar presentation "Reporting Stop Data for the Racial & Identity Profiling Act" for the California Police Chiefs Association. October 21, 2020.

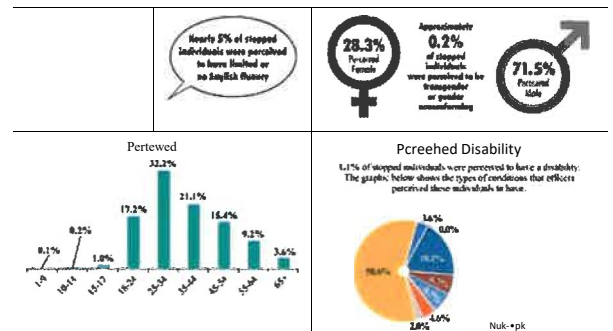
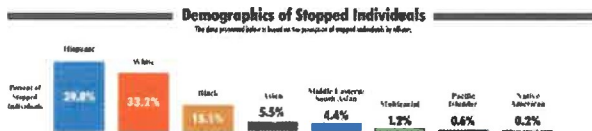
"constitutionally and statutorily designated investigative . . . functions of the sheriff of the county...⁹

The 19-member RIPA Board includes a wide range of stakeholders, representing law enforcement, academia, religious clergy, and the community.¹⁰ Annually, the RIPA Board:

- analyzes the stop data information, by LEA;
- analyzes current law enforcement training;
- works in partnership with State and local law enforcement agencies to review and analyze racial/identity profiling policies/practices across geographic areas in California;
- makes policy recommendations for eliminating racial and identity profiling,¹¹ and
 - publishes the following three reports:

RIPAI a n C I A ' 2020 REPORT QUICKFACTS

Between July 1, 2018 to December 31, 2019 the eight largest agencies in California collected data on vehicle and pedestrian stops. RIPA defines a stop as a detour or search.



o An Annual Report detailing the past and current status of racial and identity profiling,

o A Quick Facts document showing a statewide summary of the stop data (see Appendices F and G), and

o A Best Practices document¹²This Grand Jury report

⁹ California Government Code Section 25303

¹⁰ California Penal Code Section 1

¹¹ California DOJ webinar presentation "Reporting Stop Data for the Racial & Identity Profiling Act"

¹² [RIPA Board Reports and Videos State of California - Department of Justice - Office of the Attorney General](#)²⁴ As previously mentioned, the Grand Jury is not allowed to reveal information it obtained during interviews, or via the survey, in ways that might identify the source.

examines: 1) the status of local LEA preparation for compliance with the RIPA data collection and submission requirements, 2) LEA plans to use the data to improve their agency, and 3) LEA willingness to adopt RIPA

Board recommendations and peerLEA examples to build trust between their departments and the community.

To investigate their readiness to implement and utilize RIPA to identify and/or address bias and improve relationships between law enforcement and the communities it serves, the Grand Jury surveyed and

followed-up with interviews of all seventeen LEAs in SMC. The aggregate results are available in the Discussion section.²⁴

Implicit ¹³Bias

The RIPA Board defines implicit bias as "the attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner."²⁵ These biases could be favorable or unfavorable assessments, and they are activated involuntarily and without an individual's awareness or intention. Implicit biases differ from explicit biases, which are known to the individual and include biases that the individual may not be comfortable revealing.¹⁴

All humans have biases. Explicit bias is easier to identify and address, if people are willing to speak up and have a growth mindset.¹⁵ Overt racism and racist comments are examples of explicit biases.¹⁶

Implicit bias affects our decision making, even when we are unaware of it. Multiple academic studies, dating back into the 1990s and repeated many times since, show that when an identical resume is sent to a large and diverse set of evaluators for a clearly defined job, a majority of evaluators — regardless of their own race, age, sex, etc. — offer the job to white males more often, and at a higher salary. The only difference is the candidate names on the resume. The researchers intentionally used names that are historically connected to a particular sex/gender, or race/ethnicity.¹⁷

¹³ RIPA Board 2021 Report, p. 23.

¹⁴ RIPA Board 2020 Report – Best Practices; see also Eberhardt 2020 Ted Talk.

¹⁵ Great Schools Partnership, "Glossary of Education Reform, Growth Mindset" August 29, 2013, <https://www.edg.org/growth-mindset/>

¹⁶ Lorie Fridell, "This Is Not Your Grandparents' Prejudice: The Implications of the Modern Science of Bias for Police Training," *Translational Criminology*, Fall 2013: 10-11, <http://cebcp.org/wp-content/TCmagazine/TC5Fa112013>

¹⁷ Steinpreis, R.E., Anders, K.A. & Ritzke, D. The Impact of Gender on the Review of the Curricula Vitae of Job Applicants and Tenure Candidates: A National Empirical Study. *Sex Roles* 41, 509–528 (1999). <https://doi.org/10.1023/A:1018839203698>

Similarly, orchestras that recognize the problem of implicit bias switched to curtained live auditions, thus blinding the evaluator's view of the auditioning musician's visible race or gender. The result: more women and people of color were hired into nationally renowned orchestras.¹⁸ A pop-culture acknowledgement of the role of implicit bias is seen in the TV show "The Voice," where the coaches conduct blind auditions of contestants.¹⁹

Although we generally associate implicit bias in policing with racial biases, implicit bias can also be expressed in relation to non-racial factors such as gender, age, religion, or sexual orientation. As with all types of bias, implicit bias can distort one's perception and subsequent treatment either in favor of or against a given person or group. Although most police officers do not intentionally discriminate, we as a nation have been confronted with multiple episodes of officers relying on racial stereotypes in judging who to stop and search. Last year's heavily reported incidents of police violence show that implicit biases may unconsciously link African American motorists and pedestrians with crime or with a propensity towards violence or hostility. The result could explain a tendency for police to shoot unarmed black people at a higher rate than white people (per capita).²⁰

What is Bias-Free Policing?

LEAs committed to bias-free policing provide services and enforce laws in a professional, nondiscriminatory, fair, and equitable manner. This keeps the community and officers safe and protected. It requires LEAs to recognize explicit and implicit biases can occur at individual and institutional levels, and a focused commitment to examining and eradicating both. This results in greater effectiveness of the LEA and builds mutual trust and respect with the diverse communities the LEAs serve.²¹

Why Stops Matter

¹⁸ Orchestrating Impartiality: The Impact of "Blind" Auditions on Female Musicians, Claudia Goldin and Cecilia Rouse AMERICAN ECONOMIC REVIEW VOL. 90, NO. 4, SEPTEMBER 2000 (pp. 715-741)

¹⁹ [https://en.wikipedia.org/wiki/The_Voice_\(American_TV_series\)](https://en.wikipedia.org/wiki/The_Voice_(American_TV_series))

²⁰ The Stanford Open Policing Project, <https://openpolicing.stanford.edu>

²¹ RIPA Board 2020 Report – Best Practices, p.2

A 2020 guidebook²²²³²⁴ for LEAs and stakeholders on RIPA data collection, analysis and response, prepared by New York University researchers, notes: "Despite the prominence of stops, there is much we still do not know about them, including their efficacy in achieving public safety and their impact on the public. These questions, asked by law enforcement executives and communities alike, go largely unanswered because the data needed to answer them are lacking." ³⁵ This research indicates that vehicle stops and pedestrian stops disproportionately burden non-white communities and the operational realities of stops—particularly vehicle stops—pose dangers both to those stopped and to law enforcement officers. ³⁶ This research concludes that collecting and analyzing stop data can shed light on all of these issues." By embracing stop data collection and analysis in a transparent way, law enforcement can realize a range of benefits, such as:

- obtaining concrete evidence about whether stops are achieving law enforcement and public safety objectives;
- providing a better understanding of how stops impact the community and whether certain groups bear a disproportionate burden from those stops; ● permitting agencies to better assess the conduct of individual officers; and
- building community trust through improved transparency and dialogue about policing practices.

Again, the only way to answer these questions is to collect and analyze data.

RIPA data: What is collected? And why perceived identity information?

For each stop the officer will collect RIPA Data regarding the stop, the officer's perception of the person(s) stopped, and information about the officer. The 2021 RIPA Board report groups the information as shown in the table.³⁹

²² Pryor, Marie, Phillip Atiba Goff, Farhang Heydari, and Barry Friedman. 2020. "Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities." New York. https://policingequity.org/images/pdfs-doc/COPS-Guidebook_Final_Release_Version_2-compressed.pdf ³⁵ Pryor, Guidebook for LEAS, *ibid.*, at 7.

²³ Pryor, Guidebook for LEAS, *ibid.*

²⁴ Pryor, Guidebook for LEAS, *ibid.*

Officer Reporting Requirements
Information Regarding Stop
<ol style="list-style-type: none"> 1. Date, Time, and Duration 2. Location 3. Reason for Stop 4. Was Stop in Response to Call for Service? 5. Actions Taken During Stop 6. Contraband or Evidence Discovered 7. Property Seized 8. Result of Stop
Information Regarding Officer's Perception of Person Stopped

38 Ibid.

39 2021 RIPA Board Annual Report, p. 21

Officer Reporting Requirements
<ol style="list-style-type: none"> 1. Perceived Race or Ethnicity 2. Perceived Age 3. Perceived Gender 4. Perceived to be LGBT 5. Limited or No English Fluency 6. Perceived or Known Disability
Information Regarding Officer
<ol style="list-style-type: none"> 1. Officer's Identification Number 2. Years of Experience 3. Type of Assignment

A full list of the fields for which data is collected is available in Appendix A.

The RIPA-recorded perception is intended to be the first one the officer has of the stopped person. For example, in a traffic stop of a car with tinted windows, or at night, the officer may not see the driver until they roll down the window. The perception is the one at that moment, when the officer

first sees the driver.²⁵ Capturing perception allows implicit biases to be examined. It does not matter if the actual identity information differs; what counts is how the officer perceives the person and deals with them.

Data Integrity & Is Data Collection a Burden?

Any set of data is only as useful as the quality of its components. Incomplete and contradictory data must be minimized to make the data useful. Recognizing the importance of RIPA data integrity, the CADOJ produced a five-minute video on the subject in May 2019. - Data Integrity, available on YouTube.⁴¹ A LEA that collects data without following the CA DOJ requirements will have its data rejected, requiring reexamination of the data and resubmission.⁴²

How much time does it take to gather this valuable data? Experienced LEAs elsewhere in California have found that data collection, on average, only took three- to -five minutes per

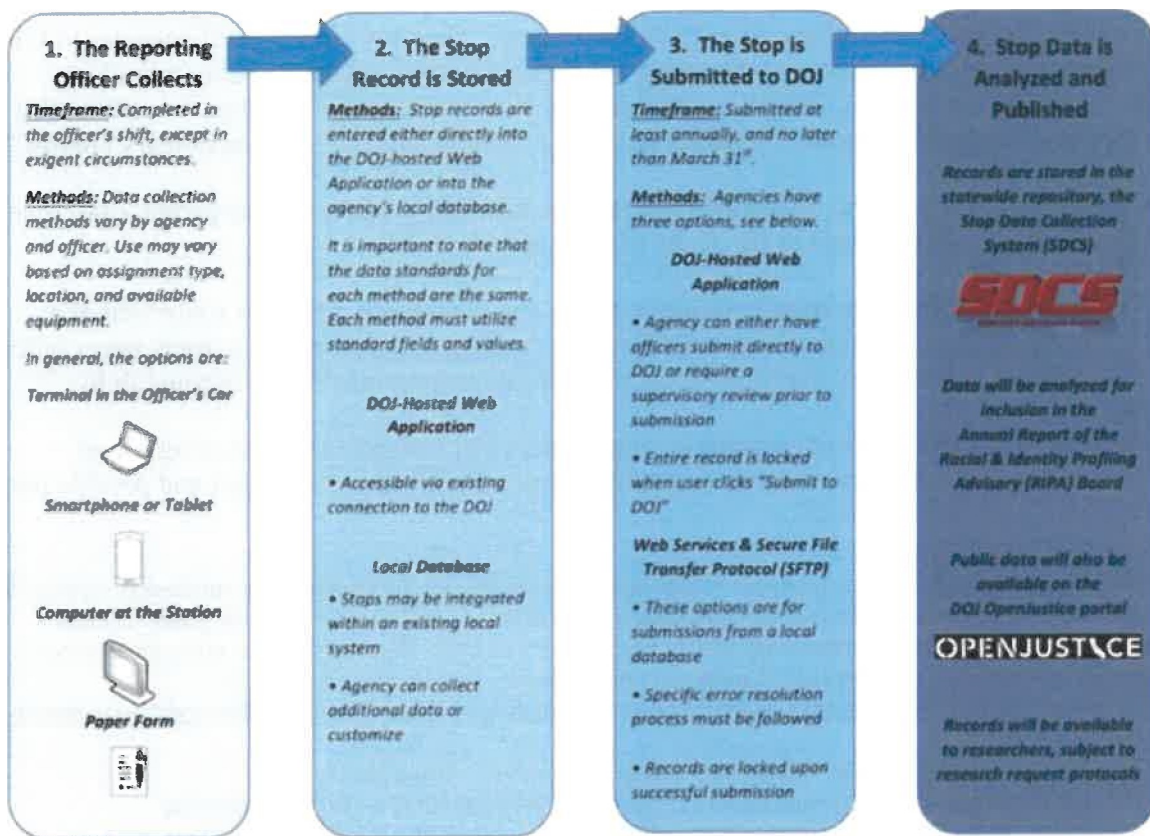
person stopped.²⁶ Private software vendors have created RIPA solutions for LEAs. See Appendix B for screenshots of one vendor's RIPA application.

The illustration below, from the 2019 RIPA Board report, illustrates the collection, submission, and analysis process:

²⁵ DOJ webinar, "Reporting Stop Data for the Racial & Identity Profiling Act (RIPA / AB 953)", slide 42 of 111.

⁴¹ RIPA Data Integrity, California Department of Justice, May 2, 2019, available at <https://youtu.be/F2evSciOFo>⁴²
RIPA Stop Data Collection Stop Presentation, 2018, Slide 14 of 16

²⁶ Grand Jury Interviews.



RIPA Board Best Practices and Learning from Peer LEAs

The RIPA Board offers "policy recommendations for eliminating racial/identity profiling" via an annually published RWX Board Best Practices Report. An outline of the 2020 and 2021 Best Practices Report is available in Appendix C.

The RIPA Board Best Practices Report includes recommendations for policies, training, and interactions with the community to eliminate "racial and identity profiling and improving diversity and racial and identity sensitivity in law enforcement. 44

Many peer LEAs have begun implementing community advisory boards for community-based accountability and trust building, unrelated to RIPA. These include, but are not limited to, the University of California, Berkeley⁴⁵, Chula Vista⁴⁶, Davis⁴⁷, Walnut Creek⁴⁸, Fremont⁴⁹, Hayward⁵⁰, Salinas⁵¹, and others. The RIPA Board notes: "For law enforcement agencies to fully practice accountability, the community must be included in those efforts to keep

individual officers and the agency as a whole accountable. The Board will review avenues for community involvement, including community participation in oversight, advisory, or disciplinary boards. "52

The RIPA best practices and Statewide LEA actions intended to promote transparency and trust building that are most relevant to the scope of this report include:

- e Accountability practices to improve police and community relations composed of a comprehensive system which includes: data tracking and transparency, early intervention systems, supervisory oversight, clear policies, and community-based accountability.⁵³
- Peer-LEA examples of community engagement and transparency, including use of community advisory boards as a mechanism to build community trust and provide bias-

⁴⁴ Penal Code §13519.4 (j)(1)

⁴⁵ "Recommendation 15 states each campus would create independent advisory boards with representatives from the campus who can facilitate and enhance communication between the police department and the greater campus community as well as work collaboratively with the departments on issues involving campus safety and security" University of California, UC Berkeley, "Update On Campus Safety Task Force" March, 2021.

<https://www.ucop.edu/research-policy-analysis-coordination/policies-guidance/campus-safety/updates-on-campus-safety-task-forces.pdf>

⁴⁶ Chula Vista Police Department. "Community Advisor Committee" Accessed May 2021.

<https://www.chulavistacagpy@epartments/police-department/programs/chief-s-advisory-committee>

⁴⁷ Davis Police Department, "Community Advisory Board", (board formed in 2005), Accessed May 2021. <https://www.cityofdavis.org/ci.ty.hall/police-department/administration/community-advisory-board>

⁴⁸ Walnut Creek, City of. "Chiefs Community Advisory Board." Undated. Accessed May 2021. <https://www.walnut-creek.org/government/commissions-committees/chief-s-community-advisory-board>

⁴⁹ Fremont Police Department. "Community Advisory Group (CAG)." Undated.

<https://www.fremontpolice.gov/about-us/office-of-the-chief-of-police/community-advisory-group>

⁵⁰

<https://www.hayward-ca.gov/your-government/boards-commissions/hpd-community-advisory-panel>

⁵¹

<https://www.cityofsalinas.gov/government/boards-commissions/police-community-advisory-committee>

⁵² Racial & Identity Profiling Advisory Board, 2021 Annual Report, p.

91, ⁵³ Racial & Identity Profiling Advisory Board, 2021 Best Practices, p.

2, <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021.pdf>

free policing, sought by all stakeholders²⁷. The 2021 RIPA Board notes: "13 of the 25 agencies surveyed indicated that they have a civilian review board. Of those agencies, five reported discussing the RIPA Board's findings with their civilian review boards"⁵⁵

- A Stand-alone Bias-free Policing Policy which should: use clear language, including definitions of relevant terms; express the agency's responsibility to identify and eliminate racial and identity profiling; include references to relevant training that agency personnel receive on racial and identity profiling and bias; include components on encounters with the community, data analysis, accountability, and supervisory review; be easily accessible to both agency personnel and the public; and include cross references to other relevant agency policies on subjects such as civilian complaints, stops, use of force, training, and accountability.²⁸²⁹
- Processes to Address Bias by Proxy which occurs "when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against."⁵⁷ The RIPA Board recommends that all LEAs adopt a policy to prevent bias by proxy or bias-based call by filtering out the biased information.
- Civilian Complaints practices - The RIPA Board has in- depth recommendations on how a LEA should handle complaints from members of the public so that they are not all dismissed as unfounded.³⁰
- Training on Bias - The RIPA Board also makes recommendations related to Racial and Identity Profiling training. In California, the Commission on Peace Officers Standards and Training (POST) creates training programs and materials for use by LEAs Statewide. The RIPA Board specifically recommends that POST training: uses stop data findings from RIPA reports to examine the disparities between racial and identity groups to identify topic areas of concern for future course development; provides courses with deeper discussions on possible officer bias that leads to a stop, how the situation evolves during the stop, and communication skills to prevent stops from escalating; provides guidance and discussion about the legal implications and

²⁷ Stakeholders include local governance leaders (city/town councils, Boards of Supervisors), residents, local community leaders and organizers, to name a few. ⁵⁵ RIPA Board 2021 Annual Report, p. 85

²⁸ RIPA Board 2021 Best Practices, supra, at p. 2

²⁹ RIPA Board 2021 Best Practices, supra, at p. 3

³⁰ RIPA Board 2021 Best Practices, supra, at p. 5

consequences of bias; connects recruitment academy training to field officer training and determines how implicit bias

and racial and identity profiling and cultural awareness training are being applied; and, ensures that field training officers have up-to-date racial and identity profiling training.³¹

RIPA Stop Data Impact on New Legislation

RIPA data has triggered the creation of new legislation. For example, early in 2021, a California assemblyman proposed a change in the State's laws regarding jaywalking (AB-1238, 2021, Ting and Friedman).⁶⁰ The bill was prompted, in part, by RIPA data showing that African Americans were four and one-half times more likely to be ticketed for jaywalking than whites. A ticket for jaywalking can escalate into a violent confrontation with law enforcement.³² On June 2, 2021, AB-1238, passed in the Assembly, it has moved to the State Senate.

DISCUSSION

Do SMC LEAs Have a Bias Problem?

It is easy to believe that biased policing is only a problem of big cities in other counties. Los Angeles, Oakland, Sacramento, San Francisco, and San Jose have all had publicized problems with documented episodes of their respective peace officers exhibiting biases in their interactions with civilians.³³

³¹ RIPA Board 2021 Best Practices, supra, at pp. 4-5 ⁶⁰Bill Text - AB-1238 Pedestrian access. (ca.gov) https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=20210220AB_1238

³² Ting Proposes to Eliminate Jaywalking Tickets In California Official Website - Assemblymember Phil Ting Representing the 19th California Assembly District (asmdc.org) <https://a19.asmdc.org/press-releases/20210325ting-proposes-eliminate-jaywalking-tickets-california>

³³ Edwards, Ezekiel, "San Francisco Is a Hotbed of Illegal Race-Based Policing" San Francisco Is a Hotbed of Illegal Race-Based Policing American Civil Liberties Union (aclu.org) 2018, <https://www.aclu.org/blog/criminallaw-reform/reforming-police/san-francisco-hotbed-illegal-race-based-policing>; Louie, David, (April 10, 2015) "Report: SJPd has a big problem being racially biased," ABC, KGO-TV, <https://abc7news.com/san-jose-policedepartment-sjpd-report-racial-bias/649558/>; Eberhardt, Jennifer, "To end racial disparities in policing, we must look beyond the data" The Guardian, April 18, 2019, <https://www.theguardian.com/commentisfree/2019/apr/17/racypolicing-oakland-biased-jennifer-eberhardt>; Breton, Marcos, "'Implicit bias' replaces the 'R' word. This is how we explain cops killing black men." Sacramento Bee, April 8, 2018, <https://www.sacbee.com/news/local/newscolumns-blogs/marcos-breton/article208230624.html>; Times Editorial Board, "Editorial: The more LAPD changes...", Los Angeles Times, May 28, 2021, <https://www.latimes.com/pinion/story/2021-05-28/lapd-changesreform-needed>; see also FiveThirtyEight, February 4, 2021, <https://fivethirtyeight.com/features/the-bidenadministration-wants-to-address-racial-bias-in-policing-what-cities-should-it-investigate/>

When asked, SMC LEAs generally do not think they have a problem with biased policing, based in part, on how few public bias-complaints they get.³⁴ Few departments have more than a small handful of complaints annually alleging any type of bias. All have both policies and training designed to eliminate biased policing.

Analysis of data shows that speaking up or complaining to authorities such as the local police are not reliable indicators of bias-free policing. For example, in Los Angeles, from 2012 to 2014, there were 1,356 allegations of biased policing. None of the complaints were upheld.³⁵

"AB 953 expanded the type of complaints that agencies are required to report to the Department of Justice, as well as the specific data to be reported for complaints."⁶⁵ Complaint data for the County's LEAs shows that while there were a total of 43 racial or identity profiling complaints reported during 2016 to 2019, none were sustained. The complaints were examined and resolved by the LEAs. (See Appendix H).

Are the County's LEAs prepared for RIPA?

As previously mentioned, the RIPA timeline for County LEAs requires official data collection to begin on January 1, 2022, and submission to the CA DOJ by April 1, 2023. In order to comply, each individual LEA must have processes, technology, training, and system debugging completed before the end of 2021.

Are County LEAs prepared for RIPA data collection and submission? Do they have qualified personnel to analyze and use the data? How will they use the data for greater local transparency, training, and trust building? These are the questions this investigation set out to answer. The data for all local LEAs is based on the Grand Jury's survey⁶⁶ and subsequent interviews with the leadership of all seventeen LEAs that took place in January and February 2021. The LEAs will have moved ahead with specific RIPA-related plans since the interviews.

³⁴ Grand Jury Interviews.

³⁵ Mather, Kate. "LAPD found no bias in all 1,356 complaints filed against officers." Los Angeles Times, Dec. 15, 2015.

³⁶ AB 953: The Racial and Identity Profiling Act of 2015 | State of California - Department of Justice - Office of the Attorney General <https://oag.ca.gov/ab953.complaints> ⁶⁶ See Appendix D for the survey form.

The survey and interview results indicate levels of preparedness across LEAs that fall along a classic bell curve.³⁷ Some LEAs began collecting RIPA stop data in early 2021. The majority have begun looking at solutions to comply, and a few are lagging and relying on other LEAs to lead the way. As of the first quarter of 2021 :

- Burlingame announced it would begin collecting RIPA data early.³⁸
- Menlo Park indicated it purchased the necessary software.³⁹
- Most LEAs had either decided on their technology platform for RIPA data collection or had narrowed their approach to two or three alternatives.
- A few of the LEAs had barely begun their RIPA preparations.
- At least one of the contracted entities did not know about RIPA nor that it will be able to request RIPA data from the Sheriff.⁴⁰
- Some LEAs were confused and believed the County Dispatch System would collect the RIPA data. The dispatch system is part of the existing traffic citation writing procedure. The Grand Jury did not find any technology platforms that rely on County-level dispatch systems for RIPA data collection and question the efficacy of such a system.
- None of the LEAs had a firm plan for what personnel will be needed to ensure accurate data collection and analysis. Some thought they might add the task to the existing command group while others indicated a possible need for a data analyst. For the smaller departments, sharing one data analyst may make sense.

³⁷ Grand Jury Confidentiality rules dictate that the identity of individuals interviewed is kept confidential.

³⁸ Walsh, Austin. "Police address policy reforms in Burlingame Chief details variety of efforts department has adopted in the wake of George Floyd's killing." The Daily Journal. December 28, 2020. https://www.smdailyjournal.com/news/local/police-address-policy-reforms-in-burlingame/article_4ff4a732-48ca11eb-9dcf-f3b429ebbeb7.htm

³⁹ Menlo Park City Manager's Office. "Staff Report 20-150-CC: Add institutionalized bias reform as a top priority for City staff in 2020-21 and provide input to staff on how to address police" for July 16, 2020 meeting. <https://menlopark.org/DocumentCenter/View/25679/F2-20200714-CC-Institutionalized-bias-reform>

⁴⁰ Grand Jury interviews.

While each LEA is responsible for its own RIPA compliance, the LEAs in SMC can consult each other through the San Mateo Police Chiefs & Sheriff Association. The group meets monthly and has a RIPA Subcommittee.⁴¹

Costs

The range of technology solutions for RIPA compliance include using existing systems without the purchase of new software or hardware, using the CA DOJ option which requires human labor, or acquiring technology for budget and time-friendly solutions.

City and town LEAs anticipated initial direct costs to range from \$0 - \$30,000. Some had existing systems which offer RIPA add-ons as part of the annual software fee, others expected to purchase either an add-on or standalone solution. None expressed budgetary concerns.⁴²

The County's largest LEA, the Sheriffs Office, has designated patrol services for the unincorporated parts of the county. The Sheriff's Office also provides contracted law enforcement services for the cities of Half Moon Bay, Millbrae, San Carlos, for the towns of Portola Valley and Woodside, as well as for the Peninsula Corridor Joint Powers Board and the San Mateo County Transit District.⁴³ Its preliminary estimate of RIPA costs range from \$15,000 to \$250,000, depending on the technology platform.

There are also indirect costs involved in complying with RIPA. They include:

- e basic startup costs of any new program: installation of software and debugging, which may, or may not, be included in the direct costs mentioned above;
- training of officers on the use of the software, the purposes of RIPA, RIPA compliant data collection, etc.;
- e personnel costs to audit the data collection to ensure, at a minimum, accurate data collection and reporting; and
- e resources required to regularly analyze and use the data for improving bias-free policing.

Technology cost miscalculations can occur as evidenced by the experience of larger agencies. For example, a 2018 San Diego Police Department news report shared that the Peace Officers Research Association of California and the California State Sheriffs' Association had raised concerns that the RIPA requirements, which began in July 2018 for the State's

⁴¹ Grand Jury interviews.

⁴² Grand Jury interviews.

⁴³ <https://www.smcsheriff.com/index.pb2dp@!!QJ=sgyjces>

largest agencies, would be expensive. In February 2017, then-Police Chief Shelley Zimmerman mentioned potential RIPA-related expenses to the city council. Later in May, council members budgeted an additional \$200,000 to cover the cost of implementation. SDPD Lieutenant Jeff Jordon said the money was intended to pay for the development of new tools to meet the mandate, but the agency instead received a free mobile application and program from the San Diego County Sheriffs Department. Ultimately, the department spent \$6,228, Jordon said, and the remaining \$193,772 went back to the city's general fund at the end of the fiscal year in June, a mayor's office spokesman confirmed. ⁴⁴

To prevent such miscalculations and deliver on community and local-governance expectations, SMC LEAs would benefit from early planning and consultation with peer-LEAs that are leading in this effort.

RIPA's Bias Free Policing Opportunity

The RIPA Board recommendations map out a path for local LEAs to deliver on the aspirations of bias-free -policing. The 2020-Summer-of-Race-Reckoning and ongoing national coverage of the subject⁷⁵ reinforces the need for racial equity in policing everywhere, including San Mateo County.

The Annual RIPA Report summarizes and publishes stop data findings along with recommendations to improve bias-free-policing. Local LEAS, in collaboration with their city/town councils and residents, can review their local RIPA data. A quarterly review, engaging internal and external stakeholders, can identify opportunities for addressing potential biases and course-correcting before the Annual RIPA Report is published. The appended table below summarizes: 1) legislated requirement (**bold**), and 2) RIPA Board intent and recommendations (*italics*).

RIPA Components	Understanding the RIPA Opportunity for Moving Toward Bias-Free Policing	Suggestions for Implementing RIPA ⁷⁶	Delivering on RIPA goal of Bias-Free Policing
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⁴⁴ Mento, Tarryn. "SDPD Didn't Need Additional \$200K To Implement New Anti-Racial Profiling Law." KPBS.

December 20, 2018. <http://www.kpbs.org/news/2018/dec/20/sd-didnt-need-additional-200k-implement-new-anti/> ⁷⁵ Chang, Ailsa, Rachel Martin, Eric Marrapodi. "Summer of Racial Reckoning." KQED. August 16, 2020. <https://www.npr.org/2020/08/16/902179773/summer-of-racial-reckoning-the-match-lit> ⁷⁶ Grand Jury Interviews

Stop Data	Collection & Reporting to CA DOJ (legislated)	Regularly analyzing RIPA data at the LEA level	Training and mentoring officers and dispatch teams; evolving policies, etc.
RIPA Components	Understanding the RIPA Opportunity for Moving Toward Bias-Free Policing	Suggestions for Implementing RIPA ⁷⁶	Delivering on RIPA goal of Bias-Free Policing
Technology Platform	Easy plug-in for quick data collection	Ongoing and autoauditing	Sophisticated, regular reporting at LEA level for local management via neighborhoods, etc.
Training front line officers for data collection; Training Supervisors for data collection & auditing	A mindset shift whereby all LEA teams understand the need to address implicit bias aka perceptions. Noting: we're all human	Awareness via ongoing Implicit bias training and discussions. Creating safe and brave spaces for learning from human frailty of implicit bias.	Transparency with external stakeholders on the need for the journey to learn and grow in order to deliver bias-free policing
Community Engagement	Community is made aware of stop data reports via annual RIPA Reports and easily accessible online data	LEAs engage City or Town Councils and the public on local RIPA data on a regular basis. Data should be easily accessible	Engage diverse stakeholders to advise, inform, guide collaborative bias-free-public safety

Analysis of Stop Data

The RIPA stop data will require analysis using statistical or analytical tools. The RIPA Board's annual analysis compares the stop data-breakdown by race and identity against that of the community. But that comparison can be misleading when the diversity of day visitors doesn't match that of the residents. For example, populations vary in Half Moon Bay with a high beach-day-use or seasonal-agricultural workers; and Colma has day-work, transient

populations. When the day-population diversity is different from the fulltime resident population, RIPA data could either suggest or hide biases.

The mandated data collection creates an opportunity for local LEAs to use their data on a regular basis as an early alert of possible individual or unit bias. Collection and analysis could promote early addressing of potential issues via training or mentorship. Sharing the data with the local community on a regular basis, and engaging them in ascertaining possible solutions, is a RIPA Advisory Board recommendation implemented by many California LEAs.

Using RIPA to Improve Law Enforcement

A few SMC LEAs have plans to review the data monthly or quarterly, to identify patterns of bias; but a majority don't. Pryor, et al. Guidebook for LEAS, supra, recommends.⁷⁷

- Data analysis is crucial; thus LEAs should either allocate resources to hire experts or look to partner with universities or researchers;
- Analysis can be used to assess both the effectiveness of specific tactics and any disparities in how those tactics are applied in the community; and
- Three levels of explanation for police-data analysis, namely: community, department, and relationship between community and department.

What Could Governing Bodies Expect of Their LEAs Regarding RIPA?

Municipal governing bodies (city or town councils) should already be aware of RIPA, and of the plans of their respective LEAs to implement it. This is important because the LEA interviews raised the following concerns:⁷⁸

- LEA may request additional funding to implement RIPA data collection;
- LEA may need to reassign personnel to enable it to make use of RIPA data to improve its operation;
- LEA may show an initial drop in traffic citations and other interactions with the public when it starts collecting RIPA data;
- RIPA data will be analyzed by CA DOJ and department deficiencies will become public for citizens, advocacy groups, and academic researchers to view and further analyze and question; and

⁷⁷ Pryor, Marie, Phillip Atiba Goff, Farhang Heydari, and Barry Friedman. 2020. "Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities." New York. https://policingequity.org/images/pdfs-doc/COPS-Guidebook_Final_Release_Version_2-compressed.pdf ⁷⁸ Grand Jury Interviews

- RIPA data may bring to light a policing problem that is not otherwise apparent to the council.

IN SUMMARY

RIPA provides LEAs with an opportunity to improve operations. Explicit bias is readily identified in the words and actions of individuals, as well as in organizations. Implicit bias, in contrast, operates subtly, often without awareness by the person whose behavior the bias affects. Collecting and analyzing stop data can shed light on ways in which implicit biases are leading to uneven and unfair law enforcement. Once the problem is known, steps can be taken to minimize the bias and reduce its impact. It is crucial for the community to trust law enforcement.

FINDINGS

All seventeen LEAs responded to the Grand Jury survey on RIPA-readiness and participated in one or more interviews. Grand Jury confidentiality rules prevent specific identification of the responses of each LEA. The Grand Jury's aggregate relevant findings are:

RIPA Data Collection and Reporting

- F1. LEAs in SMC are aware of RIPA data requirements, including the requirement that data collection starts on January 1, 2022.
- F2. County LEAs vary in their degree of understanding of: RIPA data collection requirements, technological options for collecting the data, and the need for procedures and training to collect and report the data. The LEA's RIPA-preparedness correlates to their understanding of RIPA requirements.
- F3. Burlingame and Menlo Park are to be commended for publicly announcing their plans for early implementation of RIPA data collection and reporting to the CA DOJ. The other fifteen LEAs were in various stages of planning and acquiring their RIPA data collection system.

- F4. The San Mateo County Police Chiefs & Sheriff Association RIPA Subcommittee provides a convenient forum for LEAs to benefit from peer learning and collaboration for RIPA planning, testing, deployment and best practices.
- F5. Some LEAs mistakenly believe the County Dispatch System will handle their RIPA data collection.

Using RIPA Data for Transparent Community Trust Building

- F6. LEAs vary in their understanding that implementing RIPA Board recommendations would build yeater trust with their communities.
- F7. Some contracting entities were unaware of the RIPA requirements, and that RIPA data breakdown for their respective cities could be requested from the Sheriff's Office beginning in the spring of 2022.
- F8. Between now and 2022, sixteen county LEAs have plans for "regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population."

RECOMMENDATIONS

RIPA Data Collection and Reporting — Milestones for January 1, 2022 compliance

- RI. Each LEA must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies and procedures, roll-out plans, personnel allocation, systems testing and data auditing. The plan should be reviewed and approved by October 30, 2021.
- RI. Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 30, 2021, in order to complete testing within 30 days and to go live by January 1, 2022.
- R3. Each LEA must test and confirm their readiness for RIPA data collection by November 30, 2021.
- R4. Each LEA should provide regular updates to their governing entities, on their progress towardpreparing for the required RIPA data collection starting on October 15, 2021.

Using RIPA Data for Transparent Community Trust Building — don't wait for the annual report

R5. Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA Board). The report should be posted and easily viewable on the entity's website.

R6. By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from the RIPA data to improve the operation of its department by combating implicit bias in policing and pursuing greater community trust by implementing the RIPA Board's growing list of policing best practices.

R7. By February 1, 2022, each LEA should consider community engagement and transparency, including the possible use of "academics, police commissions, civilian review bodies, or advisory boards" as a mechanism to build community trust and provide bias-free policing.

R8. In the second quarter of 2022, each of the contracting entities should begin requesting RIPA stop data for its jurisdiction, separate from the rest of the Sheriff's stop data.

REQUEST FOR RESPONSES

Penal Code Section 933.05 (emphasis added)

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall report one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Pursuant to Gov. Code 933.05, the Grand Jury requests responses from the following entities, for the listed Findings:

Responses to FINDINGS from City/Town Councils and the Sheriff									
FINDINGS									
Atherton						X		X	
Belmont						X		X	
Responses to FINDINGS from City/Town Councils and the Sheriff									
FINDINGS									
Brisbane	X	X	X	X	X	X		X	
Burlingame	X	X	X	X	X	X		X	
Colma	X	X	X	X	X	X		X	
Daly City	X	X	X	X	X	X		X	
East Palo Alto	X	X	X	X	X	X		X	
Foster City	X	X	X	X	X	X		X	
Hillsborough	X	X	X	X	X	X		X	
Menlo Park	X	X	X	X	X	X		X	
Pacifica	X	X	X	X	X	X		X	
Redwood City	X	X	X	X	X	X		X	
San Bruno	X	X	X	X	X	X		X	
San Mateo	X	X	X	X	X	X		X	
South San Francisco	X	X	X	X	X	X		X	
Broadmoor Police District Board	X	X	X	X	X	X		X	
Millbrae	X	X	X	X	X	X	X	X	
San Carlos	X	X	X	X	X	X	X	X	
Portola Valley	X	X	X	X	X	X	X	X	

Woodside	X	X	X	X	X	X	X	X	
Half Moon Bay	X	X	X	X	X	X	X	X	
Sheriff	X	X	X	X	X	X	X	X	

Pursuant to Gov. Code 933.05, the Grand Jury requests responses from the following entities for the listed Recommendations:

Responses to RECOMMENDATIONS from Citytown Councils and the Sheriff									
RECOMMENDATIONS	RI								
Atherton	X	X	X	X	X	X	X	X	
Belmont	X	X	X	X	X	X	X	X	
Brisbane	X	X	X	X	X	X	X	X	
Burlingame	X	X	X	X	X	X	X	X	
Colma	X	X	X	X	X	X	X	X	
Daly City	X	X	X	X	X	X	X	X	
Responses to RECOMBÆNDATIONS from Cityrown Councils and the Sheriff									
RECOMMENDATIONS	RI								
East Palo Alto	X	X	X	X	X	X	X	X	
Foster City	X	X	X	X	X	X	X	X	
Hillsborough	X	X	X	X	X	X	X	X	
Menlo Park	X	X	X	X	X	X	X	X	
Pacifica	X	X	X	X	X	X	X	X	
Redwood City	X	X	X	X	X	X	X	X	
San Bruno	X	X	X	X	X	X	X	X	
San Mateo	X	X	X	X	X	X	X	X	
South San Francisco	X	X	X	X	X	X	X	X	
Board of the Broadmoor Police Protection District	X	X	X	X	X	X	X	X	
Millbrae	X	X	X	X	X	X	X	X	X
San Carlos	X	X	X	X	X	X	X	X	X
Portola Valley	X	X	X	X	X	X	X	X	X

Woodside	X	X	X	X	X	X	X	X
Half Moon Bay	X	X	X	X	X	X	X	X
Sheriff	X	X	X	X	X	X	X	X

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

METHODOLOGY

Documents

Reports, presentations, and other documents from the California RIPA Board were reviewed, along with websites for the Sheriff's Office, police departments, and city and town councils. In response to the survey (below) certain LEAs provided additional documents. The California Department of Justice also provided materials to inform the investigation. For a comprehensive list of the documents reviewed and consulted, see the Bibliography below.

Site Tour(s)

Due to the Covid-19 pandemic, no physical site tours were scheduled for this report.

Interviews & Surveys

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

All interviews were conducted by videoconference using Zoom or Google Meets. For this report the Grand Jury interviewed:

- Law enforcement personnel at the commander, captain, or chief level, or equivalent from each LEA in the County
- Current and past members of the RIPA advisory boards
- Members of law enforcement with experience outside of the County
- At least one city manager

A comprehensive survey on RIPA preparedness and bias-free policing was sent to all 17 active LEAs in the County. All 17 responded. Appendix D shows the form used in the survey. Some of the answers from that survey, anonymized, are shown in Appendix E.

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APPENDIX A: List of RIPA Data Fields and Variables

https://www.sanmateocourt.org/documents/grand_iury/2020/ripa_appendix_a.pdf

APPENDIX B: Screenshots of RIPALog Software

Demographics

Age of person stopped 36

K-12 student

LGBT* Yes No •

in English?

a disability

is non-conforming

is a gender non-conform

Male

Female

Transgender Male

Transgender Female

ton*

2:04 f

Stop Logs

16 Native American	07/03/2020	Edit
30 White	07/03/2020	
24 Asian	02/17/2020	
36 Wav	02/17/2020	
Latino	02/17/2020	
45	02/17/2020	
	02/17/2020	
	01/12/2020	
	01/12/2020	
Hispanic/Latino		
32 Middle Eastern or Sour Way		
32 Middle Eastern or Sou... at Way		
50 Middle Eastern or Sau-		
33 White		

RIPA Stop Log

To continue, you must authenticate your access

Authenticate

Create now

APPENDIX C: Outline of RIPA Board Best Practices Documents for 2020 and 2021

2020 Best Practices Document (21 pgs.) - [Best Practices - 2020 RIPA Board Report - Racial and Identity Profiling Advisory \(RIPA\) Board \(ca.gov\)](https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2020.pdf)
<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2020.pdf>

- 1) Model Bias-Free Policing Polices
 - a) Policy Language
 - b) Definitions
 - c) Exception language - when characteristics may be considered
 - d) Encounters with Community
 - e) Training
 - f) Data Collection & Analysis
 - g) Accountability & Adherence to the Policy
 - h) Supervisory Review
- 3) Bias by Proxy Recommendations
 - a) [multiple subparts]
- 4) Civilian Complaint Forms best practices
 - a) Background
 - b) General Complaint Information
 - c) Complaint Information
 - d) Incident Information
 - e) Processing of Complaints
- 5) Lack of Uniformity in what is a complaint and how to quantify
- 6) Accessibility & Knowledge of LEA's Complaint Process
- 7) Barriers to Reporting Civilian Complaints
- 8) Complaint Access for the Disabled

2021 Best Practices Document (6 pgs.) [2021 RIPA Report Best Practices \(ca.gov\) https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021 .pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021.pdf)

- 1) Explicit Bias, Implicit Bias, and Other Driving Forces for Stop Data Disparities
- 2) Racial and Identity Profiling Policies and Accountability
- 3) Calls for Service and Bias by Proxy
- 4) Civilian Complaints: Policies and Data Analysis
- 5) California Commission on Peace Officer Standards and Training (Post) Training Related to Racial and Identity Profiling

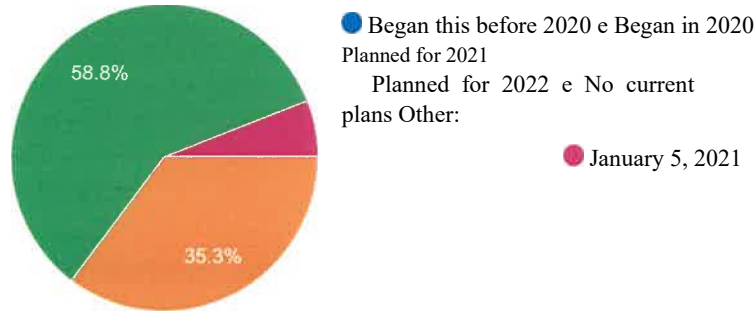
APPENDIX D: Grand Jury Survey - Delivering on DEI & Ready for RIPA

https://www.sanmateocourt.org/documents/grand_jury/2020/RIPA_appendix_d.pdf

APPENDIX E — Selected LEA Responses to GJ RIPA Survey

When did you begin collecting stop data with race and identity, as defined by RIPA demographics?

17 responses

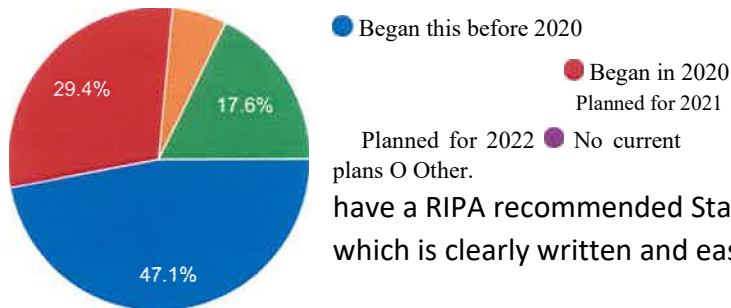


Has your LEA started preparing for compliance with Racial and Identity Profiling Act of 2015 (AB 953)? *

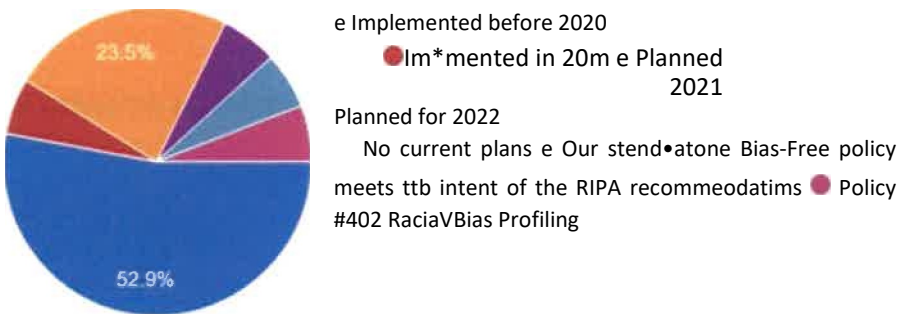
17 responses

Does your LEA Policing Policy employees?

17 responses

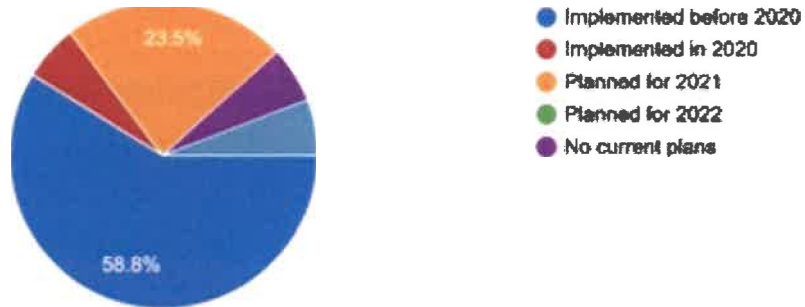


have a RIPA recommended Stand-Alone Bias-Free Policing Policy which is clearly written and easily accessible by all



Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which uses concrete definitions of BWFrac Policing and/or & Identity Profiling?

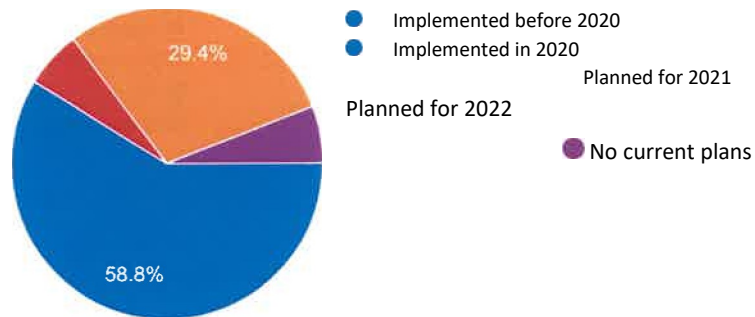
17 responses



#402 RIPA Recommended Stand-Alone Bias-Free Policing Policy which includes a component on limited circumstances in which characteristics of individual may be considered?

Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on limited circumstances in which characteristics of individual may be considered?

17 responses

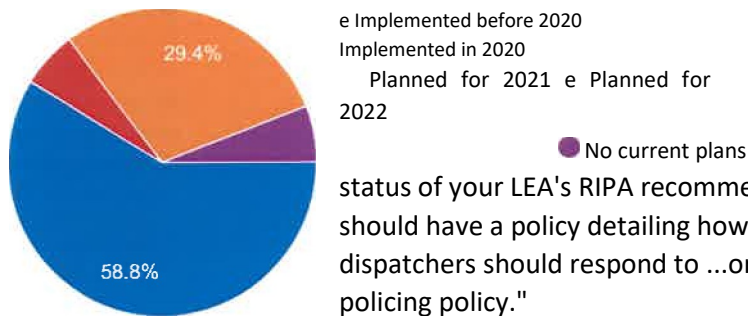


Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on encounters with community?

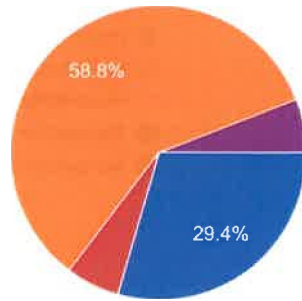
17 responses

What is the status of your LEA's RIPA recommended: "Agencies personnel and the bias-free

17 responses



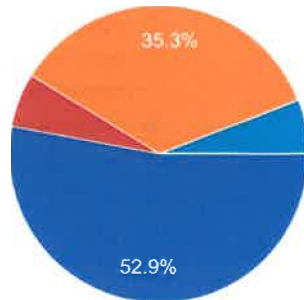
status of your LEA's RIPA recommended: should have a policy detailing how sworn dispatchers should respond to ...or integrated into policing policy."



- Implemented before 2020
- Implemented in 2020
- Planned for 2021
- Planned for 2022
- No current plans

Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on Racial and Identity Profiling Training?

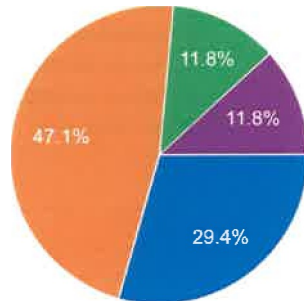
17 responses



- Implemented before 2020
- Implemented in 2020
- Planned for 2021
- Planned for 2022
- No current plans
- We do provide POST Racial Profiling, and our Bias-Based Policing policy (402) does include an expectation that officers receive training in Bias-Based Policing and on "fair and objective policing." In...

Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on Data Analysis?

17 responses

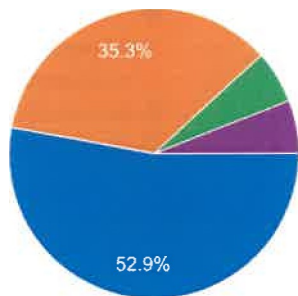


- Implemented before 2020
- Implemented in 2020
- Planned for 2021
- Planned for 2022
- No current plans

Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on requiring accountability?

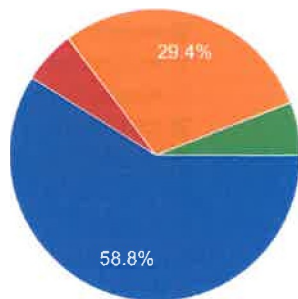
17 responses

Does your LEA Policing Policy Review?
17 responses



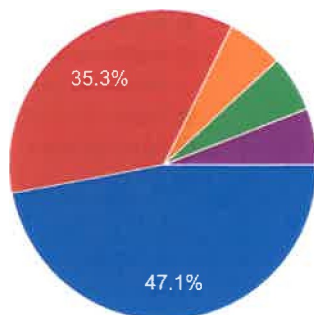
- Implemented before 2020
- Implemented in 2020 e Planned for 2021
- Planned for 2022

have a RIPA recommended Stand-Alone Bias-Free which includes a component on required Supervisory



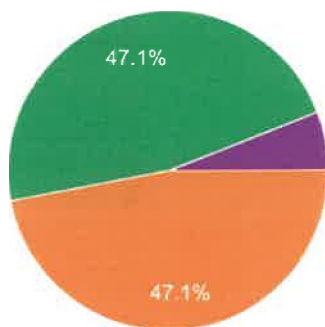
- Implemented before 2020
- Implemented in 2020
- Planned for 2021
- Planned for 2022
- No current plans

What percent of your officers have completed comprehensive training on bias free policing in the last 2 years?
17 responses



- 100%
- Between 75%-99%
- Between 50%-74%
- Between 1%-49%
- None

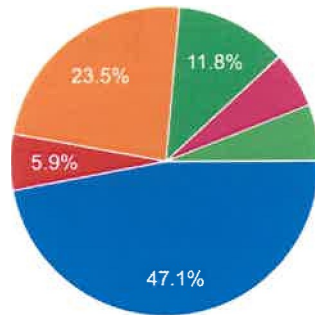
What are your plans for RIPA recommendation: "regularly analyze data, [academics, police commissions, civilian review bod... on any group relative to the general population."
17 responses



- Implemented before 2020
- Implemented in 2020
- Planned for 2021
- Planned for 2022
- No current plans

RIPA Model Policy Language for Supervisory Review: " Supervisors shall ensure that all personnel under their command, including dispatchers and no...s and procedures for review should be included."

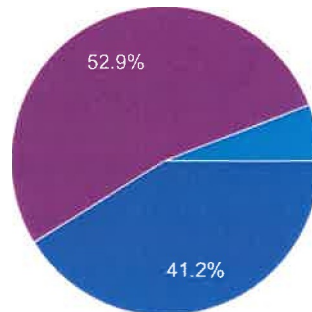
17 responses



- Began this before 2020
- Began in 2020
- Planned for 2021
- Planned for 2022
- No current plans
- Other:
- The intent of this wording is captured across address policy violations, inclu...
- Variation in Policy 402 (402.5) - Began before 2020

Do you currently proactively and formally seek community input when making decisions about hiring and resource allocation?

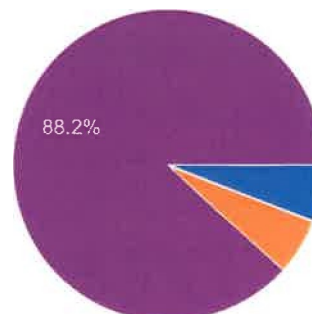
17 responses



- Been doing this since 2015 (or earlier)
- Been doing this after between 2016-2019 or Began this in 2020
- Plan to do this in 2021
- No plans for this
- Other:

Do you currently have a formal community advisory board for your LEA?

17 responses



- Began this before 2020
- Began in 2020
- Planned for 2021
- Planned for 2022
- No current plans
- Other

APPENDIX F: RIPA

Quick Facts 2020

https://www.sanmateocourt.org/documents/grand_jury/2020/RIPA_appendix_f.pdf

APPENDIX G: RIPA Quick Facts 2021

https://www.sanmateocourt.org/documents/grand_iurv/2020/RIPA_appendix_g.pdf

APPENDD(H: Summary of Profiling Complaints for San Mateo County Law Enforcement Agencies 2016-2019

AB 953 amended "Penal Code section 13012 pertaining to the collection and reporting of Citizens' Complaints Against Peace Officers (CCAPO)." To add as a separate category "complaints involving racial or identity profiling." This took effect January 1, 2016. For more information see [Information Bulletin: Citizens' Complaints Against Peace Officers \(ca.gov\)](#)⁴⁵

Total Racial or Identity Profiling Complaints SMC LEAs 2016-2019						
Reported	Exonerated	Not Sustained	Unfounded	Pending	Sustained	(missing)
43	9	9	19	4		2

Source: CA DOJ, OpenJustice Data, Citizens Complaints Against Peace Officers, file: CCAPO_2016-2019_Agency_0.xlsx from <https://openjustice.doi.ca.gov/data>

File was sorted by agency name, the SMC LEAS Identified and separately totaled, for the Racial Profiling Complaints category, which was defined in the Readme file as "The total number of complaints reported with a racial or identity profiling component." The number of complaints for any particular agency ranged from 0 to 5 per year. Some agencies had none for the four years of available data.

⁴⁵ https://oag.ca.gov/sites/all/files/agweb/pdfs/law_enforcement/dle-2015-06.pdf?