

Date of Hearing: April 29, 2025

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 284 (Alanis) – As Amended March 24, 2025

As Proposed to be Amended in Committee

SUMMARY: Adds the President of the California District Attorneys Association to the Racial and Identity Profiling Act (RIPA) Board, and authorizes a member of the RIPA Board to include a dissenting opinion in the annual RIPA Board report. Specifically, **this bill:**

- 1) Adds the President of the California District Attorneys Association, or their designee, to the RIPA Board.
- 2) Provides that irrespective of the requirement that any RIPA action be agreed to by a majority of the RIPA Board, any member of the RIPA Board may cause a dissenting opinion to be included in the annual RIPA Board report that includes conclusions or recommendations, or both, that are in addition to, or differ from, the report that is agreed to by a majority of the members.
- 3) Authorizes the annual RIPA Board report to include a response to any dissenting opinion that may be included in the report.

EXISTING LAW

- 1) Requires each state and local agency that employs peace officers to annually report to the Attorney General (AG) data on all stops conducted by that agency's peace officers. (Gov. Code, § 12525.5, subd. (a)(1).)
- 2) Sets forth a timeline for the reporting of stop data by law enforcement agencies to the AG, with larger agencies required to begin reporting by 2018, and progressively smaller agencies required to begin reporting on an annual basis until the smallest agencies are required to report by 2023. (Gov. Code, § 12525.5, subd. (a)(2).)
- 3) Requires the reporting to include the following information for each pedestrian, traffic, or any other type of stop:
 - a) The time, date, and location of the stop.
 - b) The reason for the stop.
 - c) The reason given to the person stopped at the time of the stop.
 - d) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.

- e) If a warning or citation was issued, the warning provided or violation cited.
- f) If an arrest was made, the offense charged.
- g) The perceived race or ethnicity, gender, and approximate age of the person stopped. The identification of these characteristics shall be based on the observation and perception of the peace officer making the stop. For auto stops, this paragraph only applies to the driver, unless actions taken by the officer apply in relation to a passenger, in which case their characteristics shall also be reported.
- h) Actions taken by the peace officer during the stop, including, but not limited to, the following:
 - i) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.
 - ii) Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.
 - iii) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property. (Gov. Code, § 12525.5, subd. (b).)
- 4) Provides that if more than one peace officer performs a stop, only one officer is required to collect and report the necessary information. (Gov. Code, § 12525.5, subd. (c).)
- 5) Prohibits state and local law enforcement agencies from reporting the name, address, social security number, or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, and notwithstanding any other law, the data reported shall be made available to the public to the extent that release is permissible under this provision, with the exception of badge number, or other unique identifying information of the officer involved. (Gov. Code, § 12525.5, subd. (d).)
- 6) Defines “stop” to mean 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, subd. (g)(2).)
- 7) Prohibits a peace officer from engaging in racial or identity profiling, as defined. (Pen. Code, § 13519.4, subd. (f).)
- 8) Establishes the RIPA Board, for the purpose of eliminating racial and identity profiling, and improving diversity and racial and identity sensitivity in law enforcement. (Pen. Code, § 13519.4, subd. (j)(1).)
- 9) Requires the RIPA Board to include representatives from the following persons and entities: the AG, California Public Defenders Association, California Police Chiefs Association, California State Sheriff’s Association, Peace Officers Research Association, the California Highway Patrol (CHP), a professor who specializes in policing and racial and identity equity, two representatives of human or civil rights tax-exempt organizations who specialize in civil

or human rights, two representatives of community organizations who specialize in civil or human rights and criminal justice, and work with victims of racial and identity profiling (one of which shall be between 16 and 24 years of age), two religious clergy members who specialize in addressing and reducing racial and identity bias toward individuals and groups, up to two other members that the Governor may prescribe, up to two other members that the President pro Tempore of the Senate may prescribe, up to two other members that the Speaker of the Assembly may prescribe. (Pen. Code, § 13519.4, subd. (j)(2).)

10) Requires the RIPA Board to do the following on an annual basis.

- a) Analyze specified data, including peace officer stop data, and data pertaining to civilian complaints against law enforcement agencies, as specified.
- b) Analyze the POST training on racial, identity, and cultural diversity.
- c) Work in partnership with state and local law enforcement agencies to review and analyze racial and identity profiling policies and practices across geographic areas in California.
- d) Conduct, and consult available, evidence-based research on intentional and implicit biases, and law enforcement stop, search, and seizure tactics.
- e) Issue a publicly available report containing RIPA's analysis as described above, containing detailed findings on the status of racial and identity profiling, and making policy recommendations for eliminating racial and identity profiling.
- f) Hold at least three public meetings annually to discuss racial and identity profiling, and potential reforms to prevent racial and identity profiling. (Pen. Code, § 13519.4 (j) (3).)

11) Specifies that no action of RIPA shall be valid unless agreed to by a majority of its members. (Pen. Code, § 13519.4, subd. (j)(6).)

12) Requires the AG to publish specified information on the Open Justice Web portal, including the total number of civilian complaints alleging racial or identity profiling, which shall be disaggregated by the specific type of racial or identity profiling alleged. (Pen. Code, § 13012, subd. (a)(5)(iii).)

13) Requires the RIPA Board to analyze data pertaining to civilian complaints, including complaints of racial profiling, categorized by disposition, and the Board's analysis of the complaints shall be incorporated into its annual report, and published on the Open Justice Web portal. (Pen. Code, § 13012, subd. (c).)

14) Requires the AG, in consultation with stakeholders, including the RIPA Board, federal, state and local law enforcement agencies, and community, professional, academic, research, and civil and human rights organizations, to issue regulations for the collection and reporting of the required data by January 1, 2018. The regulations shall specify all data to be reported, and provide standards, definitions, and technical specifications to ensure uniform reporting practices. To the extent possible, the regulations should also be compatible with any similar federal data collection or reporting program. (Gov. Code, § 12525.5, subd. (e).)

- 15) Defines, through AG regulations, specified RIPA stop data collection terms, such as “type of stop,” “date, time, and duration of stop,” and “location of stop,” among other terms. (Cal. Code Regs., tit. 11, § 999.226, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Confronting and eliminating bias in policing is a shared goal among communities and law enforcement agencies alike. How to achieve that is the challenge. AB 953 (Weber, 2015) set out to establish a new standard of reporting on racial bias in law enforcement through the Racial Identity Profiling Act (RIPA) with the intent of determining where police bias may exist through the collection of information and observations from police contacts with the public. While well intended, in practice, the collection and accuracy of the data has been called into question by many in the law enforcement community. AB 284 tries to address unresolved concerns around RIPA in hopes of supporting the goals of providing fair and accurate data and that lawmakers can use in furtherance of combatting racial bias in policing state-wide."
- 2) **The Racial and Identity Profiling Act:** In 2015, the Legislature passed AB 953 (Weber, Ch. 466, Stats. of 2015), also known as the Racial and Identity Profiling Act of 2015, which expressly prohibited racial and identity profiling by law enforcement and required law enforcement agencies to annually report vehicle and pedestrian stop data to the DOJ. Under AB 953, agencies were required to begin reporting on a staggered timeline, with the largest agencies required to submit their first reports to DOJ by April 1, 2019, and the smallest agencies submitting by April 1, 2023. (Gov. Code, §12525.5, subd. (a)(2).) For the latest RIPA report, published January 1, 2024 and marking the fifth year of RIPA stop data reporting, all 560 law enforcement agencies in California were required to report data. (*Ibid.*) A total of 535 law enforcement agencies in California collected data on 4,575,725 pedestrian and vehicle stops conducted from January 1 to December 31, 2022, and the remaining 25 law enforcement agencies reported zero stops for the 2022 reporting year.¹

Law enforcement agencies are required to report the following information for each pedestrian, traffic, or any other type of stop: 1) the time, date, and location of the stop; 2) reason for the stop, and reason given to the person stopped; 3) result of the stop; 4) the warning provided, violation cited, or offense charged, if any; 5) the perceived race or ethnicity, gender, and approximate age of the person stopped; and 6) actions taken by the peace officer during the stop, including whether the officer asked for consent to search the person, whether the person was searched and the basis for the search, and whether the officer seized any property, and the basis for the seizure. (Gov. Code, § 12525.5 (b).)

- 3) **Racial Profiling by Law Enforcement:** Existing law prohibits law enforcement officers from engaging in racial or identity profiling. (Pen. Code, § 13519.4, subd. (f).) “Racial or identity profiling” is 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

¹ Department of Justice, *Racial and Identity Profiling Advisory Board Annual Report 2024* (Jan 1, 2024), at p. 29, available at: <https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>

in deciding upon the scope or substance of law enforcement activities following a stop.” (Pen. Code, § 13519.4, subd. (e).)

While racial profiling is prohibited, reports have consistently shown that racial profiling by law enforcement does occur. Prior to the passage of AB 953 (Weber, Ch. 466, Stats. of 2015), 2014 data from the Oakland Police Department found that African-Americans, who compose 28 percent of Oakland's population, accounted for 62 percent of police stops from April to November of 2013.² The data also showed that stops of African-Americans were more likely to result in felony arrests.³ And, while African-Americans were more likely to be searched after being stopped, police were no more likely to find contraband from searching African-Americans than members of other racial groups.⁴

Likewise, in 2010, *The Los Angeles Times* reported that "The U.S. Department of Justice has warned the Los Angeles Police Department that its investigations into racial profiling by officers are inadequate and that some cops still tolerate the practice...."⁵ The article noted, "Profiling complaints typically occur after a traffic or pedestrian stop, when the officer is accused of targeting a person solely because of his or her race, ethnicity, religious garb or some other form of outward appearance. About 250 such cases arise each year, but more damaging is the widely held belief, especially among black and Latino men, that the practice is commonplace."⁶

Evidence of racial profiling may also present in the most recent data on law enforcement stops in California. The 2024 RIPA report analyzed the 4,575,725 stops that occurred in 2022.⁷ Notable findings from the report include:

- a) Black individuals were stopped 131.5 percent more frequently than expected, given their relative proportion of the California population.⁸
- b) Officers searched individuals perceived to be Black (+8.2%), Hispanic/Latine(x) (+2.5%), and Multiracial (+1.8%) more often than stopped individuals perceived to be White.
- c) Search discovery rates (i.e. the rate at which contraband or evidence of a crime was discovered) did not vary widely across racial or ethnic groups. However, discovery rates were lower during stops with searches of all racial or ethnic groups of color compared to individuals perceived to be White.

² Mercury News, *Report: African-Americans compose 28 percent of Oakland's population, 62 percent of police stops* (March 24, 2014), available at: <https://www.mercurynews.com/2014/03/24/report-african-americans-compose-28-percent-of-oaklands-population-62-percent-of-police-stops/>

³ *Ibid.*

⁴ *Ibid.*

⁵ Joel Rubin, *Justice Department warns LAPD to take stronger stance against racial profiling* (Nov. 14, 2010), *Los Angeles Times*, available at: <https://www.latimes.com/archives/la-xpm-2010-nov-14-la-me-lapd-bias-20101114-story.html>

⁶ *Ibid.*

⁷ Department of Justice, *Racial and Identity Profiling Advisory Board Annual Report 2024* (Jan 1, 2024), at p. 29, available at: <https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>

⁸ This is consistent with the findings from the first wave of RIPA data from 2018, which found that Black individuals were “notably overrepresented in police stops.” See PPIC, *African Americans Are Notably Overrepresented in Police Stops* (August 13, 2020), available at: <https://www.ppic.org/blog/african-americans-are-notably-overrepresented-in-police-stops/>

d) Relative to other groups, individuals perceived to be Native American had the highest rate of being handcuffed (17.8%) among all racial and ethnic groups, while individuals perceived to be Black had the highest rates of being detained curbside or in a patrol car (20.2%) and ordered to exit a vehicle (7.1%).⁹

- 4) **Effect of this Bill:** Existing law establishes the RIPA Board, for the purpose of eliminating racial and identity profiling, and improving diversity and racial and identity sensitivity in law enforcement. (Pen. Code, § 13519.4 (j) (1).) Board responsibilities including analyzing stop data and POST trainings, and issuing an annual report containing the Board’s analysis of stop data, findings on the status of racial and identity profiling, and policy recommendations for eliminating racial and identity profiling. (Pen. Code, §13519.4 (j) (3).) The Board is currently comprised of 18 members (and may include up to 19 members), which include representatives from the AG, public defenders, law enforcement, academia, community organizations, clergy members, and appointees by the Governor, Speaker of the Assembly, and the Senate Pro Tem. (Pen. Code, § 13519.4 (j) (2).) Action from the Board requires agreement from a majority of members. (Pen. Code, §13519.4 (j) (6).) This bill expands the membership of the RIPA Board to include the President of the California District Attorneys Association, or their designee.

As noted above, one of the Board’s primary responsibilities is issuing an annual report containing the Board’s analysis of stop data, findings on the status of racial and identity profiling, and policy recommendations for eliminating racial and identity profiling. (Pen. Code, §13519.4, subd. (j)(3).) Here, AB 284 authorizes a member of the RIPA Board to cause a dissenting opinion to be included in the report that includes conclusions or recommendations, or both, that are in addition to, or differ from, the report that is agreed to by a majority of the members. Similarly, it authorizes the RIPA Board to include a response to any dissenting opinion that may be included in the report.

- 5) **Argument in Support:** According to the *Peace Officer’s Research Association of California*, “Law enforcement fully supports efforts to eliminate bias in policing and has embraced training, transparency, and accountability reforms across the board. However, the current implementation of RIPA is not meeting its intended goals. Instead, the process has become burdensome, expensive, and often misleading.

“A major concern is the requirement to report non-discretionary stops—those where officers have no choice in how they respond, such as calls for service or incidents they witness in real time. Including these in the data pool distorts the findings and creates significant administrative costs without advancing our understanding of biased policing.

“In addition, the analysis and reporting process lacks the academic rigor and independent review needed to produce credible conclusions. At present, a single academic institution reviews the data, and there’s no mechanism for dissenting opinions to be included in the official report. This is particularly concerning given the flawed population comparison methods currently used. Agencies’ stop data is being compared to census populations of

⁹ Department of Justice, *Racial and Identity Profiling Advisory Board Annual Report 2024* (Jan 1, 2024), at pp. 6-20, available at: <https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>

cities or counties, even though a significant percentage of those stopped—especially in high-commuter areas—do not live in the jurisdiction being evaluated.

“The structure of the RIPA Board itself also limits meaningful dialogue, with only four of its 18 members required to represent law enforcement. As a result, frontline perspectives are often overlooked or excluded from final recommendations.

“AB 284 provides common-sense solutions. It removes the requirement to collect data for nondiscretionary stops; requires peer review by multiple academic institutions with independent analysis; ensures dissenting RIPA Board opinions can be formally included in reports; mandates better comparison methods using local census tract data; and balances the Board’s composition to include more law enforcement representation.”

- 6) **Argument in Opposition:** According to *Californians for Safety and Justice*, “Since enacted, RIPA has been a nation-leading model for states and localities seeking to address biases in law enforcement patrol activities. RIPA modernized California’s definition of profiling to include not only race, but also other identity characteristics that serve as bases for biased stops—including national origin, religion, gender identity or expression, sexual orientation, or mental or physical disability. It also created a uniform system for reporting basic information about law enforcement interactions with community members so that our state could shift from anecdotal to evidence-based assessments of profiling. Finally, it required the Attorney General to establish the RIPA Board to analyze stop data and annually publish a report with recommendations to the Legislature. Over time, RIPA has been pivotal to increasing transparency, accountability, and equity in law enforcement, and served as the centerpiece of California’s framework to combat profiling.

“AB 284 is a direct attack on RIPA. It would make police-community interactions less transparent by eliminating the collection of basic information for encounters where community safety is often most at risk—including calls for service, and when there is serious bodily injury or death. It would also exclude a broad amount, *if not all*, data collection on stops by law enforcement (i.e., stating that a “stop” would no longer include “a situation in which a peace officer is required by state or local law to respond” and “a situation in which a peace officer is directed by their employing agency to respond to a particular situation.”).

“AB 248 also aims to weaken the RIPA Board by significantly reducing representation of stakeholders closely connected to communities most impacted by racial and identity profiling while simultaneously increasing seats for law enforcement representatives. This would diminish the Board’s ability to meaningfully apply an equity-centered lens to stop data, policy issues, and recommendations for the Legislature. In addition, AB 248 attempts to shift the Board’s analysis of stop data away from standardized methods in ways that may weaken the data analysis and findings in the Board’s annual reports and negatively affect the field more generally.

“If enacted, AB 248 would undermine community safety, and threaten current and future police reform efforts. It is an attack on law enforcement transparency and accountability that California communities have spent decades fighting for.”

- 7) **Related Legislation:** None

8) Prior Legislation:

- a) AB 459 (Kalra), of the 2023-2024 Legislative Session, would have modified the timeline that law enforcement agencies must adhere to when reporting stop data to the DOJ and to specify that data reported in an open text or narrative field is only available from the reporting agency and not from DOJ, except as specified. AB 459 was held in Senate Appropriations Committee.
- b) AB 2773 (Holden), Chapter 805, Statutes of 2022, requires, beginning January 1, 2024, a peace officer making a traffic or pedestrian stop to state the reason for the stop before asking any questions related to a criminal investigation or traffic violation, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat.
- c) AB 2285 (Smith), of the 2021-2022 Legislative Session, would have clarified that a “stop” for the purposes of RIPA does not include circumstances upon which a peace officer is dispatched to a call for service or a medical emergency. AB 2285 failed passage in this Committee.
- d) AB 1775 (Jones-Sawyer), Chapter 327, Statutes of 2020, made a number of changes in criminal and civil law to discourage individuals from using 911 or other communications with law enforcement to harass a person because that person belongs to a protected class.
- e) AB 1147 (Obernolte), of the 2019-2020 Legislative Session, was substantially similar to AB 2285 (Smith). AB 1147 failed passage in this committee.
- f) AB 2918 (Holden), Chapter 723, Statutes of 2018, required the DMV to include within the Handbook a section on a person’s civil rights during a traffic stop.
- g) AB 953 (Weber), Chapter 466, Statutes of 2015, required local law enforcement agencies to report specified information on stops conducted by peace officers to the AG, and establishes the RIPA.
- h) AB 2133 (Torrico), of the 2005-2006 Legislative session, would have created a state policy of prohibiting racial profiling and provided for required information to be gathered and tracked regarding the specifics of traffic stops. AB 2133 was never heard by this Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

Association for Los Angeles Deputy Sheriffs (ALADS)
Auburn Police Department
California Association of Highway Patrolmen
California Peace Officers Association
California Police Chiefs Association
California State Sheriffs' Association

City of Roseville Police Department
Fresno Police Department
Los Banos Police Department
Madera Police Department
Peace Officers Research Association of California (PORAC)
Simi Valley Police Department
Woodlake Police Department

Oppose

ACLU California Action
All of US or None Los Angeles
Alliance San Diego
Anti Police-terror Project
California Bicycle Coalition
California Public Defenders Association (CPDA)
California Secretary of State
California Walks
Californians for Safety and Justice (CSJ)
Californians United for a Responsible Budget
Cancel the Contract
Catalyst California
Center for Policing Equity
Communities United for Restorative Youth Justice (CURYJ)
Community Coalition
Courage California
Debt Free Justice California
Ella Baker Center for Human Rights
Felony Murder Elimination Project
Fresh Lifelines for Youth
Friends Committee on Legislation of California
Glide
Initiate Justice
Initiate Justice Action
Justice2jobs Coalition
LA Defensa
Law Enforcement Action Partnership
Legal Services for Prisoners With Children
Local 148 LA County Public Defenders Union
National Police Accountability Project
Oakland Privacy
Pillars of the Community
Policing Project At Nyu Law School
Rubicon Programs
San Francisco Public Defender
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Tides Advocacy
The W. Haywood Burns Institute
Universidad Popular

University of San Francisco School of Law | Racial Justice Clinic
Vera Institute of Justice
Walk Bike Berkeley
Western Center on Law & Poverty, INC.
2 Private Individuals

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