



September 19, 2019

**RECEIVED**  
September 19, 2019  
*Commission on  
State Mandates*

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

**Response to Test Claim 18-TC-02, Racial and Identity Profiling Act of 2015**

Dear Ms. Halsey:

The Department of Finance (Finance) has reviewed the test claim submitted to the Commission on State Mandates by the City of San Diego (Claimant) for \$97,367.95 in costs allegedly incurred in 2017-18, and \$871,675.56 in costs allegedly incurred in 2018-19 by the San Diego Police Department (SDPD) in relation to Chapter 466, Statutes of 2015 (AB 953).

AB 953 requires each state and local law enforcement agency, including the SDPD, to annually report to the California Department of Justice (DOJ) on all stops conducted by the agency's peace officers for the preceding calendar year. Agencies such as SDPD, that employ more than 1,000 peace officers, were required to begin collecting data related to their stops by July 1, 2018, and to issue their first round of reports to DOJ by April 1, 2019. The DOJ adopted regulations necessary to implement AB 953, which were subsequently reviewed and approved by the Office of Administrative Law, and that became effective on November 7, 2017.

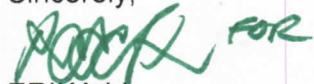
The Claimant states the SDPD's costs related to AB 953 falls into the following categories, by fiscal year:

<b>Category</b>	<b>2017-18</b>	<b>2018-19</b>
Information Technology Staff Costs	\$5,754.50	\$40,500.58
Training Costs	\$56,476.35	\$62,080.60
Data Collection Costs	\$10,048.70	\$744,005.98
Program Manager Costs	\$25,088.40	\$25,088.40
<b>Totals</b>	<b>\$97,367.95</b>	<b>\$871,675.56</b>

As regards the 2017-18 training costs, the Claimant states the SDPD required all sworn personnel to log into a computer between June 15, 2018 and June 26, 2018, to view a training PowerPoint that was 10 minutes and 52 seconds in length, and to confirm completion before logging off and resuming their duties. As regards the 2018-19 training costs, the Claimant states the SDPD provided one hour of training to all supervisors "to better mentor and assist officers under their command with understanding the legal requirements of AB 953." This training took place between July 23, 2018 and August 30, 2018.

After review of the submitted test claim, Finance has determined the training provided by the SDPD to its sworn personnel in 2017-18 and 2018-19 was not required under the relevant statutes, and the associated costs are therefore not reimbursable. The SDPD made a discretionary decision to provide its sworn personnel with this training, and should therefore absorb the associated costs.

Sincerely,



ERIKA LI

Program Budget Manager

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On September 19, 2019, I served the:

- **Finance's Comments on the Test Claim filed September 19, 2019**
- **Interested Party's (County of San Bernardino Sheriff's Department's) Comments on the Test Claim filed September 19, 2019**

*Racial and Identity Profiling, 18-TC-02*

Government Code Section 12525.5 and Penal Code Sections 13012 and 13519.4; Statutes 2015, Chapter 466 (AB 953); Statutes 2017, Chapter 328 (AB 1518); California Code of Regulations, Title 11, Sections 999.224, 999.225, 999.226, 999.227, 999.228, and 999.229, Register 2017, No. 46, effective November 7, 2017<sup>1</sup>

City of San Diego, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 19, 2019 at Sacramento, California.

  
\_\_\_\_\_  
Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
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(916) 323-3562

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<sup>1</sup> Although the claimant incorrectly pled Notice Register Number 2016, 50-2 regarding changes to California Code of Regulations, Title 11, Sections 999.224, 999.225, 999.226, 999.227, 999.228, and 999.229 with a file and effective date of November 7, 2017, the Commission can take judicial notice of Register 2017, No. 46. In this case, Westlaw incorrectly indicates in the history of each of these sections that the update appears in Register 2017, No. 45 when in fact the adoption of these changes appears in Register 2017, No. 46.

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 9/19/19

**Claim Number:** 18-TC-02

**Matter:** Racial and Identity Profiling

**Claimant:** City of San Diego

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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